

LAND SURVEYORS.

See SURVEYORS.

MACHINERY AND SCAFFOLDING.

8 EDW. VII. No. 9. **An Act to Make Better Provision for the Inspection of Boilers and other Machinery and Scaffolding.**THE
INSPECTION OF
MACHINERY
AND
SCAFFOLDING
ACT OF 1908.

[ASSENTED TO 15TH APRIL, 1908.]

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

PART I.—
PRELIMINARY.
Short title
and
commence-
ment of Act.

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Inspection of Machinery and Scaffolding Act of 1908*," and shall commence and take effect on and from the first day of September, one thousand nine hundred and eight.

Parts of Act.

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

PART I.—PRELIMINARY;

PART II.—ADMINISTRATION;

PART III.—PRECAUTIONS AGAINST ACCIDENTS;

PART IV.—INSPECTION, ETC., OF MACHINERY;

PART V.—DUTIES AND LIABILITIES OF OWNERS;

PART VI.—INQUIRIES AS TO ACCIDENTS;

PART VII.—EXAMINATION AND CERTIFICATES OF
ENGINE-DRIVERS, ETC.;

PART VIII.—MISCELLANEOUS PROVISIONS.

Repeal.

3. The Acts mentioned in the Schedule to this Act are repealed to the extent therein indicated.

Savings.

All Regulations lawfully made under the said Acts relating to matters coming within the operation of this Act and in force at the commencement of this Act shall continue in force until amended or repealed under this Act.

All officers appointed as Chief Inspector and inspectors of boilers under the said Acts and holding office at the commencement of this Act shall be deemed to have been appointed under this Act.

All boilers duly registered under the said Acts and which continue so registered at the commencement of this Act shall be deemed to be and to have been registered under this Act.

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PRELIMINARY.

Except as by this Act is otherwise expressly provided, nothing herein contained shall be deemed to prejudicially affect or detract from any of the provisions of "*The Mining Act of 1898*,"* or any amendment thereof, or any of the powers, authorities, or duties conferred or imposed upon any person by any of such provisions.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

"Boiler"—Any closed vessel in or upon any place Boiler.

which is or is intended to be used under internal pressure from steam, air, or gas greater than atmospheric pressure. The term includes digesters, pipes under steam or gas pressure, and gas cylinders for aerated water factories; also air receivers, steam jacketed pans, montyjus digesters, and retorts other than retorts used for retorting mercury from gold or silver amalgam; also all settings, fittings, and mountings, feed pumps, injectors, and all other equipment necessary for the efficiency of the boiler;

"Inspector"—The Chief Inspector and any inspector Inspector. 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;

"Machinery"—Any engine, boiler, motor, machine, Machinery. gearing, or appliance (or the parts of any of these) constructed of any material and worked or designed to be worked by any power, of such kinds as by this Act are declared to be or as may be hereafter declared to be subject to this Act;

"Minister"—The Secretary for Public Works or Minister. other Minister of the Crown for the time being charged with the administration of this Act;

"Motor car"—Any vehicle propelled by mechanical Motor car. power if it is so constructed that no smoke is emitted therefrom except from any temporary or accidental cause, whether such vehicle is used alone or in order to draw or propel not more than one other vehicle;

* 62 Vic. No. 24, *supra*, page 6609.

- Occupier. “Occupier”—The person, company, or association (corporate or unincorporate), or partnership in possession or occupation, or apparently in possession or occupation, of any place. The term includes an agent, manager, foreman, or other person acting or apparently acting in the general management or control of any place;
- Owner. “Owner”—The owner of any machinery or scaffolding 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;
- Place. “Place”—Any structure or area, enclosed or otherwise, and whether above or below ground, wherein or whereon any machinery is erected, kept, used, worked, or in operation. The term includes a mine, also any road or street, also any house or building, and also any punt or raft; but does not include any other ship or boat;
- Prescribed. “Prescribed”—Prescribed by this Act;
- Regulations. “Regulations”—Regulations made under the authority of this Act;
- Scaffolding. “Scaffolding”—Any structure built up and fixed to a height exceeding eight feet from the horizontal base on which it is built up and fixed, for erecting, demolishing, altering, repairing, cleaning, or painting buildings or structures, and shall include any swinging stage intended to be used for any of the aforesaid purposes. The term does not include mine timbering or any structure erected for carrying out that work. The term “Gear” used in connection with scaffolding means and includes any ladder, plank, chain, rope, fastening, hoist, stay, block, pulley, hanger, sling, brace, or other movable contrivance of a like kind;
- 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 Orders in Council and Regulations made thereunder.

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PRELIMINARY.**5.** This Act shall not apply to any machinery—

Limit of Act.

- (i.) Used on or employed in the working of any railway or tramway vested in or under the control of the Commissioner for Railways other than machinery used or employed in the constructional or repairing workshops of such Commissioner ;
- (ii.) Used on or employed in the working of any other railway or tramway worked by electric power, other than machinery used or employed in any power stations and in any constructional or repairing workshops thereof ;
- (iii.) Used on or employed in the working of any other railway or tramway worked by steam power, other than the locomotive engines and any machinery used or employed in any constructional or repairing workshops thereof ;
- (iv.) Forming part of the propelling machinery of any punt or raft ;
- (v.) Of any other ship or boat ;
- (vi.) Of any motor car not used at any time for carrying goods or passengers for reward ; or unless used by merchants, brewers, or warehousemen for the conveyance or traction of goods, wares, or merchandise ;
- (vii.) Used exclusively for domestic purposes in a private dwelling-house.

6. (1.) This Act shall extend and apply to the several kinds of machinery mentioned in the Second Schedule hereto.

Machinery to which Act applies. Schedule II.

(2.) The Governor in Council may, by Order in Council published in the *Gazette*, from time to time declare that this Act shall extend and apply to any other kinds of machinery mentioned in such Order ; and from and after a date to be fixed by such Order the machinery therein mentioned shall be machinery within the meaning of this Act.

(3.) He may in like manner from time to time declare that any kinds of machinery, whether mentioned in the said Second Schedule or in any Order under this section, shall cease to be machinery within the meaning of this Act.

(4.) He may in like manner from time to time exempt any boiler or class of boilers from the operation of this Act.

7. This Act shall extend and apply to the whole of the State.

Act applies to whole State.

PART II.—ADMINISTRATION.

Expenses to be paid out of moneys appropriated.

8. All expenses of carrying this Act into execution shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

Appointment of inspectors.

9. (1.) The Governor in Council may from time to time appoint a Chief Inspector, and so many inspectors and other officers as appear necessary for the purposes of this Act.

Districts.

(2.) The Governor in Council may, by Order in Council, from time to time, for the purposes of this Act, divide the State or any part thereof into districts, with such boundaries as he thinks convenient, and assign to any such district a name by which it shall be known.

The Governor in Council may at any time rescind or alter any Order in Council made under the authority of this section.

The Governor in Council may assign a district or districts to an inspector, but such assignment shall not be construed to limit the powers and authority of such inspector in respect of the whole State except to the extent by which they are expressly so limited by such assignment, or be construed in any way to limit the powers and authority of the Chief Inspector.

Certificate.

(3.) 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.

False certificate.

(4.) Any person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or who falsely pretends to be an inspector, shall be liable to imprisonment, with or without hard labour, for any period not exceeding six months.

Public inspectors of machinery.

10. The Minister may from time to time, if he thinks fit, issue certificates of approval to qualified persons to act as public inspectors of machinery in such localities as he thinks fit.

Such certificates shall only be issued upon the applicants furnishing to the Minister, by examination or otherwise, such evidence of fitness and competency as may be prescribed.

Such certificates shall authorise the persons to whom they are granted to act as inspectors of machinery under this Act, and to take for their own use such fees therefor as may be prescribed.

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ADMINISTRATION.

All holders of such certificates shall have and be subject to all such powers, authorities, duties, and obligations under this Act as may be prescribed.

11. 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. Inspector to keep minutes, and report to Chief Inspector.

12. (1.) Any inspector may at any time by day or by night enter any place where there is or he has reason to believe there is any machinery, whether the same is subject to this Act or not, and may then and there inspect and examine any machinery in order to ascertain whether this Act has been or is being complied with. Power and duties of inspectors.

(2.) In making such inspection the inspector may—

- (i.) Call to his aid any member of the police force, or any person he thinks competent to assist therein;
- (ii.) Examine the owner or any person there present as to the compliance with this Act in any particular;
- (iii.) Require the production of any certificate of registration or inspection, and of any book or writing which is prescribed to be kept or exhibited in any place, and inspect, examine, and copy the same.

(3.) Any inspector may inspect any scaffolding and gear used in connection therewith constructed or used or in course of construction, and for that purpose may during working hours enter any place. Scaffolding.

13. Every occupier of any place and every owner of machinery shall afford to the inspector all reasonable facilities and all such information as may reasonably be required by him for the exercise of his powers under this Act. Occupiers to allow entry and inspection.

14. Every person who—

- (i.) Wilfully impedes, obstructs, or delays an inspector in the exercise of any power under this Act; or Obstructing an inspector.
- (ii.) Wilfully makes any false reply to any question put to him by the inspector having reference to this Act; or
- (iii.) Fails to comply with a requisition of the inspector made under any such power; or

- (iv.) Fails to furnish any facilities or any information in his possession or power, which may be reasonably required by the inspector for the exercise of any such power; or
- (v.) Fails, without reasonable excuse the proof whereof shall lie upon him, to produce any certificate of registration or inspection, book, or writing which he is required by the inspector to produce; or
- (vi.) Conceals any person from the inspector, or prevents any person from appearing before or being examined by him, or attempts so to conceal or prevent any person; or
- (vii.) Uses any threat or abusive or insulting language to an inspector or to an employee with respect to any inspection or examination;

shall be deemed to obstruct an inspector in the execution of his duty under this Act, and shall be liable to a penalty not exceeding twenty pounds:

Provided that no person shall be required, under this or the two last preceding sections, to answer any question or give any evidence tending to criminate himself.

Owners of
boilers, &c.,
to send notice
to inspectors.

15. Every person other than a maker of or dealer in machinery who is, at the commencement of this Act, the owner of machinery other than a boiler registered under the enactments hereby repealed shall, within sixty days thereafter, and every person other than aforesaid who, after the commencement of this Act, becomes the owner of machinery shall, within fourteen days after he becomes such owner, send to the Chief Inspector a written notice containing such particulars as may be prescribed.

Every such owner who fails to give such notice shall be liable to a penalty not exceeding ten pounds.

PART III.—
PRECAUTIONS
AGAINST
ACCIDENTS.
Restrictions
on
employment
of females
and males
under certain
ages.

PART III.—PRECAUTIONS AGAINST ACCIDENTS.

16. (1.) No male person under sixteen years of age and no female shall be permitted to have the care, custody, management, or working of any elevator or lift.

(2.) No person under fourteen years of age shall be employed in working at or attending to any machinery or class of machinery operated by gas, steam, water, or other mechanical power.

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PRECAUTIONS
AGAINST
ACCIDENTS.

(3.) No male person under eighteen years of age and no female shall be permitted—

- (a) To 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) To 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) To take charge of or have the control of any steam engine.

17. No traversing carriage of any self-acting machinery erected after the commencement of this Act shall be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machinery if the space over which it so runs out is a space over which any person is likely to pass, whether in the course of his employment or otherwise.

Traversing
carriage of
self-acting
machinery.

18. (1.)—●

- (a) Every hoist and such doorways above the ground level as the inspector directs; and
- (b) Every fly wheel directly connected with the steam engine or the water wheel or other motive power, whether in the engine-house or not; and
- (c) Every moving part of a steam engine which is likely to endanger passers-by, and every water wheel and hydraulic or other lift near to which any person is likely to pass, whether in the course of his employment or otherwise;

Certain
machinery to
be fenced.

shall be securely fenced.

Every wheel race not otherwise secured shall be fenced close to the edge of the wheel race.

Such protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam engine, water wheel, or other motive power.

(2.) In case of a breach of any of the provisions of this section, the owner shall be liable to a penalty not exceeding twenty pounds, unless it appears to the justices before whom the complaint is heard that it was impossible to fence the machinery or parts thereof in question.

(3.) This section applies to all machinery, whether subject to this Act or not.

Notice of
machinery
requiring
fencing.

19. (1.) When an inspector is of opinion that any machinery is not securely fenced or otherwise sufficiently guarded, and is likely to cause bodily injury to any person, he shall give written notice in the prescribed form to the owner to fence such machinery, and specifying the part which he considers dangerous.

(2.) The owner, within seven days after the receipt of such notice, may serve on the inspector a written requisition to refer the matter to the decision of the nearest police magistrate, and thereupon the matter shall be referred to such police magistrate, who shall hear and determine the dispute in manner prescribed, and his decision shall be final.

(3.) If the owner fails to comply within a reasonable time with any such notice or with the decision of the police magistrate, or fails to keep the said machinery securely fenced in accordance therewith, or fails to constantly maintain such fencing in an efficient state while the machinery required to be fenced is in motion, the machinery shall be deemed not to be kept in conformity with this Act.

Faulty or
defective
machinery.

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

- (a) To wholly desist from working or using such machinery forthwith or after a date to be stated in such notice, until certain repairs or alterations to be stated in the notice have been effected; or
- (b) To have the arrangement of such machinery so altered, or the faulty or defective part thereof replaced or repaired within a certain time to be stated in such notice, so as not to contravene this Act.

(2.) Every person to or upon whom such notice has been served or delivered who fails to comply with the terms thereof shall be liable to a penalty not exceeding one hundred pounds.

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PRECAUTIONS
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21. 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 bodily injury, the Minister 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 Minister's satisfaction on the report of the inspector.

Dangerous
machinery.

Every owner who disobeys such order shall be liable to a penalty not exceeding ten pounds for every day on which the machine is used in contravention of the order.

22. (1.) In every place the opening of every hoist way, elevator, or lift, or well hole of the same shall at each floor be provided with and be protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safeguards as an inspector approves, which shall be kept closed at all times when they are not in actual use.

Hoists and
lifts to be
protected.

(2.) If an elevator or lift in any place, or any machinery connected with any such elevator or lift, 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 elevator or lift from using such elevator or lift until the same or such machinery has been made safe to the inspector's satisfaction.

Unsafe or
dangerous
elevator or
lift.

Every such occupier and owner who uses or permits to be used such elevator or lift contrary to the order of the inspector shall be liable to a penalty not exceeding twenty shillings for each occasion on which it is so used.

23. Any person who wilfully damages or removes any fence, guard, or other protection required to be placed, erected, or maintained in pursuance of this Act, or by an inspector, shall, in addition to the cost of repairing or replacing the same, be liable to a penalty not exceeding twenty pounds.

Damaging or
removing
fence, &c.*Scaffolding and gear.*

24. All scaffolding and engines, and all gear used in connection therewith, shall be of the description prescribed by regulations, and shall be set up, built, maintained, and used in accordance with such regulations.

Scaffolding,
&c., to be in
accordance
with
regulations.

25. (1.) Where it appears to an inspector—

(a) That the use of any scaffolding or any gear used in connection therewith would be dangerous to human life or limb; or

Inspector
may give
directions as
to scaffolding,
&c.

- (b) That with regard to any scaffolding or gear used in connection therewith erected or used in the course of erection the regulations are not being complied with,

he may, by notice in writing, give such directions to the owner thereof as he thinks necessary in order to prevent accidents or to ensure a compliance with such regulations; and such person shall, unless notice of appeal is given as hereinafter provided, forthwith carry out such directions.

May order
work to cease.

(2.) Where an inspector gives any such notice, he may at the same or at any other time order any persons forthwith to cease to use or to work in connection with the scaffolding or gear until such directions or any order on appeal therefrom shall have been complied with.

Any such order of an inspector may be rescinded by him.

Appeal from
inspector.

(3.) The person to whom such notice or order has been given, or the owner, within seven days after the receipt of such notice or order, may serve on the inspector a written requisition to refer the matter to the decision of the nearest police magistrate, and thereupon the matter shall be referred to such police magistrate, who shall hear and determine the dispute in manner prescribed, and his decision shall be final.

Penalty.

Any person who fails to comply with any notice or order given to him by an inspector in pursuance of this section or any decision on appeal therefrom shall be liable to a penalty not exceeding fifty pounds.

PART IV.—
INSPECTION,
ETC., OF
MACHINERY.

When
machinery
to be
inspected.

PART IV.—INSPECTION, ETC., OF MACHINERY.

26. (1.) All boilers shall be inspected at least once in every year, or more frequently as occasion requires :

Provided that the Governor in Council may, by Order in Council, on such conditions and restrictions as he thinks fit, from time to time direct that any class of boilers shall only be inspected once in every two years; but this provision shall not restrict or prohibit inspection if the certificate granted in respect of any boiler of such class is for a less period than two years.

(2.) All steam gauges shall be inspected, tested, and corrected at least once in every year. •

(3.) All other machinery shall be inspected at such intervals as shall be prescribed.

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INSPECTION,
ETC., OF
MACHINERY.

27. Unless there is reason to believe that the provisions of this Act are not being complied with, or that danger of accident exists, 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, but so as not unnecessarily to impede the working or use of any machinery.

May be inspected at any reasonable time.

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

Standards and appliances to be provided.

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

Inspectors' record books.

(2.) Such book shall be open to inspection, without charge, by any person at the office of the inspector or other convenient place appointed from time to time for that purpose by the Minister; but no person other than an owner of the particular machinery shall be entitled to an extract or copy of any entry affecting such machinery.

(3.) 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.

30. 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.

Monthly report of machinery.

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

Fees for inspection.

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

(3.) No inspector shall make any charge for any inspection over and above the amount prescribed for the time being in respect of the kind of machinery for the inspection of which the same respectively is payable.

Inspector receiving excessive fee.

(4.) Every inspector who knowingly accepts or charges any fee or receives any sum of money over and above the charges allowed by law shall be liable to a penalty not exceeding fifty pounds, and, in addition, to forfeit his office, and shall not be eligible for reappointment.

Notice of
inspection of
boilers.

32. (1.) An inspector who intends to inspect any boiler shall give the owner at least fourteen days' notice of the time at which such inspection will be made.

(2.) The owner shall—

(a) Previously arrange that at the time of inspection—

the boiler is empty and cool, and has been cleaned inside and outside ;

all fire flues have been swept ;

all fire bars and fire bridges have been removed ;
and

all blow-off and other cocks have been cleared for the purpose of examination ; and

all safety valves and check valves and injectors have been opened up ;

(b) If required by the inspector, cause any brickwork or masonry in contact with the boiler to be removed ;

(c) During the inspection keep the boiler effectively disconnected from any steam or hot-water communication with any other boiler : this provision as to disconnection extends to every case in which a person is sent or with the owner's consent goes into a boiler for any purpose connected therewith.

(3.) Every person who commits a breach of any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

Record of
first
inspection.

33. On the first inspection of every boiler, the inspector shall enter in a record the following particulars with respect to the same, namely :—

(i.) The name and address of the owner ;

(ii.) The form of the boiler ;

(iii.) The age, materials, dimensions, and construction of the boiler ;

(iv.) The name of the maker (if known) ;

(v.) The pressure which the boiler is calculated to sustain ;

(vi.) The working pressure allowed ;

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- (vii.) The state and condition of the boiler generally, and of all appliances used in connection therewith, and 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.

34. On each subsequent occasion on which he inspects Subsequent inspection. the boiler, the inspector shall carefully make a comparison with such particulars, and shall record any changes which have occurred since the previous inspection.

If any change has occurred, or any alteration has been made, or any repairs have been effected in 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.

35. (1.) Where an inspector has inspected any Certificate of inspection. 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
- (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;

he shall report to the Chief Inspector accordingly, who shall thereupon, and upon payment of the prescribed fee, cause to be granted and issued to the owner thereof a certificate in the prescribed form.

(2.) In the case of a boiler, the owner, after receiving Boiler to have ticket affixed. such certificate, shall cause to be affixed on some conspicuous part of such boiler as may be approved by the inspector a metal plate with the prescribed inscription thereon.

Such plate shall be supplied to the owner by the inspector on payment of the prescribed fee.

Every person who causes such plate to be affixed without having obtained the certificate, and every owner who fails to keep such plate so affixed so long as the certificate remains in force, or keeps the same so affixed after the certificate has ceased to be in force unless the particulars of the working pressure denoted thereon are defaced, shall be liable to a penalty not exceeding fifty pounds.

PART IV.—
INSPECTION,
ETC., OF
MACHINERY.

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Certificate to
be exhibited.

36. (1.) The certificate of inspection, when granted, shall be exhibited in a frame with a clear glass front in some conspicuous position, to be determined by the inspector, where it can be seen by all persons working at or with the machinery.

Every person who fails so to exhibit such certificate shall be liable to a penalty not exceeding twenty pounds.

(2.) In any proceedings under this section for failing to exhibit the certificate, it shall be a sufficient defence to prove—

- (a) That, owing to the size of the machinery, the locality where it was working, or other sufficient cause, there was no conspicuous position in which the certificate could reasonably be affixed; and also
- (b) That at all reasonable times the certificate was kept available for inspection by all persons working at or with the machinery and also by the inspector.

Duration of
certificate of
boiler.

37. (1.) The certificate granted to the owner of a boiler shall remain in force for any period the inspector thinks fit, which period shall be stated on the certificate.

Such period shall not exceed one year, except in respect of a boiler specially exempted by Order in Council as hereinbefore prescribed, in which case the certificate may be granted for any period not exceeding two years:

Provided that the Chief Inspector may at any time cancel or suspend any such certificate where he deems it necessary in the interests of the public safety so to do.

Of machinery.

(2.) The certificate granted to the owner of machinery shall remain in force for one year if during that period no material alteration or addition is made in or to the same, and the machinery is at all times kept securely fenced and guarded and in good repair, and fit to be safely used for the purpose for which it is used.

Owner not to
use machinery
without a
certificate.

38. Save as hereinafter provided, the owner of machinery shall not—

- (i.) Use the same, or permit the use thereof, unless a certificate of inspection as aforesaid has been granted as is in force; or
- (ii.) Continue to use the same or permit the use thereof after the lapse of forty-eight hours after it has been inspected unless such certificate has been granted; or
- (iii.) Continue to use the same or permit the use thereof after the expiration of the period for which such certificate has been granted; or

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- (iv.) In the case of a boiler, work the same or permit the same to be worked at a higher pressure than that allowed by the certificate

Provided that—

- (a) In the case of a boiler, the inspector may grant to the owner within forty-eight hours next after his inspection a provisional order in writing specifying the pressure at which such boiler may be worked, pending the issue or refusal of such certificate, and the owner may work the boiler in accordance with such provisional order until such certificate has been granted or refused; Provisional orders as to boilers.
- (b) The owner of machinery who holds such certificate, and who before the expiration of the period for which it was granted gives twenty-one days' written notice of his intention to continue to use the machinery after the expiration of such period, may, unless after inspection the inspector by an order in writing directs that its use be entirely discontinued, continue to use the machinery or permit the use thereof until a renewed certificate has been granted or refused, but shall not in the case of a boiler use the same or permit the use thereof at any pressure higher than that allowed by the expired certificate, or by a provisional order given in writing by the inspector after inspection. Proviso as to certificated machinery.

A provisional order granted under the provisions of this section may at any time be cancelled by the inspector by notice posted in a letter addressed to the owner, and shall thereafter on demand be forthwith returned to the inspector. Cancellation of provisional order.

Every person who commits a breach of any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which such offence is continued by him. Penalty.

- 39.** (1.) If after inspection it appears to the inspector that— Notice requiring owner to desist using boiler either wholly or partially.
- (a) A boiler is not furnished with the prescribed safety valves, appurtenances, fittings, and connections, and that such things or any of them are necessary; or

- (b) It would be dangerous to life or property to permit a boiler to be used or to continue to be used in its existing state,

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 from a date to be fixed in the notice until certain repairs, additions, or alterations to be stated in the notice have been effected; or

- (b) Not to use the boiler 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 to be stated in the notice have been effected.

Reference to
police
magistrate.

(3.) At any time within seven days after the owner of a boiler has received any such notice, unless the notice relates only to the provision of safety valves or other prescribed appurtenances, fittings, or connections, the owner may serve on the inspector a written requisition to refer the state of the boiler in respect of which such notice has been given to the decision of the nearest police magistrate; and thereupon the matter shall be referred to such police magistrate, who shall hear and determine the dispute in manner prescribed, and his decision shall be final.

(4.) If the owner uses such boiler or permits the same to be used contrary to the requirements of any such notice or contrary to the decision of such police magistrate, he shall be liable to a penalty not exceeding one hundred pounds.

Safety valves,
&c., for
boilers.

40. Within twelve months after the commencement of this Act, every boiler shall, if considered necessary by the inspector, be fitted with—

- (i.) Two safety valves of sufficient area. One of such valves shall be covered over and locked (two keys whereof shall be provided—one to be kept by the owner, and the other to be kept by the inspector)—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;

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INSPECTION,
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MACHINERY.

- (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.

41. (1.) Where the owner has effected or is about to effect any repairs to a boiler, or has added to or taken away, or is about to add to or take away, from a boiler any fittings or appliances, or in any manner has altered or is about to alter the construction of any boiler, he shall forthwith give notice thereof to the inspector, either by delivering the same at his office or by post letter.

Owner to notify inspector of repairs.

(2.) Every person who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

(3.) This section does not apply to cases where repairs have been effected in accordance with a notice to effect repairs given by any inspector under the powers hereinbefore contained.

42. Every person who by any means whatsoever knowingly does, or procures to be done, or assists or is privy to the doing of anything to increase or which tends to increase the pressure on any safety valve of any boiler beyond the pressure stated in the certificate of inspection as the pressure at which the safety valve blows off shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any period not exceeding six months.

Penalty on increasing pressure in boiler.

The person in charge of any boiler when such increased pressure is discovered, or who knowingly permits the same to continue, shall be presumed to be guilty of an offence within the meaning of this section.

Presumption.

PART V.—DUTIES AND LIABILITIES OF OWNERS.

PART V.—
DUTIES AND
LIABILITIES
OF OWNERS.

43. When the owner sells or absolutely disposes of any machinery, he shall forthwith give notice in writing of the fact to the Chief Inspector stating the name, occupation, and abode of the person to whom such sale or disposition has been made.

Notice of sale or letting of machinery.

When any machinery is let on hire, a similar notice shall be given to the inspector by the owner.

If default is made in giving such notice, the person in default shall be liable to a penalty not exceeding ten pounds.

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Penalty for
not keeping
machinery
in conformity
with Act.

44. If any machinery is not kept in conformity with this Act, or if with respect to the same there is a breach of any of the provisions of this Act, or if the owner fails to comply with an order or request duly made by the Minister or an inspector with respect to the same, the owner shall, if no other penalty is provided, be liable to a penalty not exceeding twenty pounds.

The justices, in addition to or instead of inflicting a penalty, may order certain means to be adopted by the owner within a time to be named in the order for the purpose of bringing his machinery into conformity with this Act, and may upon application enlarge the time so named; and if after the expiration of the time originally named or enlarged upon subsequent application the order is not complied with, the owner shall be liable to a penalty not exceeding one pound for every day during which such non-compliance continues.

No prosecu-
tion without
authority.

45. No prosecution for any breach or contravention of this Act shall be instituted without the authority of the Minister or the Chief Inspector.

Who may be
proceeded
against for
offences.

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

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

(2.) When an owner or occupier is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender brought before the justices at the time appointed for hearing the charge, and if after the commission of the offence has been proved the owner or occupier proves to the satisfaction of the Court that he used due diligence to enforce this Act, and that such other person committed the offence in question without his knowledge, consent, or connivance, such other person shall be convicted of the offence, and the owner or occupier shall be exempt from any penalty.

Proceedings
against actual
offender.

47. Where it appears to an inspector at the time of discovering any offence that the owner or occupier had used due diligence to enforce this Act, and also by what person the offence was committed, and that it was committed without the knowledge, consent, or connivance of the owner or occupier, and in contravention of his

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orders, then proceedings may be taken against the person who is alleged to be the actual offender in the first instance without first proceeding against the owner or occupier.

48. (1.) No person shall be liable under this Act as an owner of machinery or scaffolding, unless the same is under his immediate power or control. No mortgagee of machinery or scaffolding shall be liable under this Act, unless he is in actual possession thereof or has the same under his immediate power or control.

When owners
and
mortgagees
not liable.

(2.) For the purposes of this section the words "immediate power or control" mean where the machinery or scaffolding is worked or used by the owner or mortgagee of such machinery or scaffolding personally, or by his agents, servants, or others, under his orders or directions and for his benefit or profit.

(3.) Nothing herein shall exempt any corporate body from liability under this Act by reason only that any machinery or scaffolding is under the control of any directors, secretary, manager, or other person elected or employed by such corporate body for the benefit of or on behalf of such body.

PART VI.—INQUIRIES AS TO ACCIDENTS.

PART VI.—
INQUIRIES AS
TO ACCIDENTS.

49. The provisions of this Part of this Act shall not apply to any mine subject to "*The Mining Act of 1898*"* or any Act amending or in substitution for that Act.

Limitation of
this Part.

50. (1.) Where loss of life or serious bodily injury to any person by reason of the explosion of a boiler, or by reason of an accident caused by machinery or scaffolding, occurs at or in any place where there is machinery (whether subject to this Act or not), the owner of the machinery or scaffolding shall within twenty-four hours after the occurrence send notice to the inspector at his office or usual place of residence, specifying the cause of the accident.

Inspector to
be notified of
accident.

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

51. (1.) In the event of an accident happening to machinery or scaffolding (whether subject to this Act or not), or where any loss of life or serious bodily injury has occurred as in the last preceding section mentioned, the Minister may direct an inquiry to be held before a

Inquiry into
cause of
accident.

* 62 Vic. No. 24, *supra*, page 6609.

Court consisting of a police magistrate and, if the Minister thinks fit, a person skilled in the use and construction of such machinery or scaffolding.

(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.

(6.) The Court shall have, for the purpose of such inquiry and the summoning and examination of witnesses thereat, all the powers which are possessed by any two justices in the case of summary proceedings upon complaint.

(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 manner before any two justices as if it were a penalty imposed by them.

(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.

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*Inspection of Machinery and Scaffolding.*PART VII.—
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OF ENGINE-
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52. The Governor in Council, from time to time, may appoint such number of persons as he thinks fit to be a board of examiners to examine candidates desirous of becoming engine-drivers and boiler attendants, and shall appoint one of the members of the board to be chairman thereof.

Appointment
of examiners.

The Chief Inspector of Machinery and the Chief Inspector of Mines shall by virtue of their offices be members of such board.

Subject to this Act, such board shall have power to grant certificates of competency, as hereinafter prescribed, to all such candidates who satisfy them that they possess the necessary practical and theoretical knowledge, skill, and intelligence, and are not otherwise unfit.

53. (1.) Such board shall have power to grant the following certificates of competency, namely:—

Classes of
certificates.

1. Extra first-class engine-driver's certificate;
2. Winding engine-driver's certificate;
3. First-class engine-driver's certificate;
4. Second-class engine-driver's certificate;
5. Third-class engine-driver's certificate.

(2.) The rules set forth in the Third Schedule to this Act shall apply to the granting, suspension, and cancellation of all such certificates, and shall be observed by the board and all persons concerned. But such rules shall not be construed to prevent or limit the making of regulations (not inconsistent with such rules) for the purpose of giving full effect to this Act.

Rules relating
thereto.
Schedule III.

54. (1.) An extra first-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any engine and machinery to which this Act applies. No such certificate shall be granted to any person who has not worked as an apprentice or learner for at least five years in a workshop where engines are manufactured or repaired or where work of a similar character is performed. The holder of such certificate shall be designated therein as "an engineer."

Status of
certificates.

(2.) A winding engine-driver's certificate shall entitle the holder thereof to drive and have charge of any engine and machinery to which this Act applies, including any

winding engine or winding machinery by means whereof persons or material are drawn up, down, or along any shaft, pit, or inclined plane or level in any mine.

(3.) A first-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any engine and machinery to which this Act applies, except winding engines and winding machinery as hereinbefore defined.

(4.) A second-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any engine to which this Act applies (other than a winding engine as hereinbefore defined) the area of cylinder or combined area of cylinders of which does not exceed two hundred circular inches and of its boilers.

(5.) A third-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any engine to which this Act applies (other than a winding engine as hereinbefore defined) the area of cylinder or combined area of cylinders of which does not exceed one hundred and forty-four circular inches and of its boilers.

(6.) A certificate of any class shall entitle the holder thereof to have charge of any boiler to which no machinery is attached and also to act as a boiler attendant.

Drivers, &c.,
of engines and
boilers to hold
certificates.

55. (1.) No person shall be employed or act in the capacity of engine-driver in charge of any steam engine or steam boiler to which this Act applies, unless he is the holder of a certificate of competency under this Act of the grade prescribed for the engine or boiler in question.

Acting
without
certificate.

(2.) Any person who acts in the capacity of engine-driver in charge of any steam engine or steam boiler to which this Act applies without the proper certificate of competency, and every person who knowingly employs such person in such capacity, shall be liable to a penalty not exceeding five pounds for every day or part of a day during which he so acts.

Obtaining
certificate
improperly.

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

(2.) Every certificate improperly obtained, whether obtained 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 the board, return such certificate.

(3.) Every person who uses any such certificate, after notice by the board that the same has been cancelled, shall be liable to a penalty not exceeding twenty pounds.

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

Chief Inspector may require engine and its boilers to be in charge of separate persons.

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

PART VIII.—
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PROVISIONS.

PART VIII.—MISCELLANEOUS PROVISIONS.

58. Any portable steam engine or boiler or portable machinery which is travelled for hire shall have the name and residence of the owner legibly affixed or painted thereon; and any such owner who fails or neglects to comply with the requirements of this section shall be liable to a penalty not exceeding ten pounds.

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

59. Any person appointed by the Minister may enter any place in which machinery is working and inspect the certificate in respect of the machinery and the certificate of the person in charge of an engine or boiler.

Power to enter and inspect certificates.

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

Responsibility of owners, &c., maintained.

61. (1.) Any order, notice, or process to be served in pursuance of this Act shall be deemed to be duly served upon the occupier of any place, or upon any owner of machinery, if such order, notice, or process is sent through the post office by registered letter addressed to such occupier or owner at his last known place of abode or business, or is affixed to the door or some other conspicuous part of the place or machinery, as the case may be.

Service of order, notice, or summons.

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

General
provisions as
to penalties.

62. (1.) All penalties and fees imposed by or pursuant to this Act may be recovered summarily by complaint before any two justices of the peace.

(2.) Every person guilty of an offence against this Act for which no other penalty is provided shall for the first offence be liable to a penalty not exceeding twenty pounds.

Regulations.

63. The Governor in Council may from time to time make Regulations for all or any of the following purposes, namely:—

Officers.

(i.) Regulating the powers and duties of inspectors and other officers, and providing that such inspectors and officers in the exercise and discharge of their powers and duties shall not unreasonably or unduly interfere with the work or processes being carried on in any place:

The qualifications of inspectors, and requiring that before appointment they shall give, by examination or otherwise, satisfactory evidence of their competency;

Lifts.

(ii.) Requiring all or any particular classes of lifts to be registered;

Forms.

(iii.) Prescribing the form and manner of giving, furnishing, granting, or keeping orders, notices, applications, plans, records, certificates, registers, exemptions, and other documents in pursuance of this Act;

Fencing
machinery.

(iv.) Causing certain machinery to be fenced off or guarded securely, and so maintained;

Face guards,
&c.

(v.) Compelling the owners of certain classes of machinery to provide for the use of employees face, hand, or arm guards, and compelling such employees to use the same;

Engine-room.

(vi.) Restricting unauthorised persons from being allowed to enter any engine-room while the machinery is in motion, and prescribing penalties against such unauthorised persons, and the conditions under which entry into any such engine-room may be permitted;

Boilers.

(vii.) Prescribing the mode in which the pressure which boilers are calculated to sustain is to be ascertained, and the method of reckoning the horse power of boilers, and the appurtenances, fittings, and connections proper for boilers;

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- (viii.) Providing for and prescribing the standards for the examination of persons desirous of acting as engine-drivers and boiler attendants, and the granting of certificates of competency to them; Engine-drivers.
- (ix.) The manner in which scaffolding and gear shall be set up, built, maintained, and used; the construction and placing of swinging stages or scaffolds, gantries, and gear so as to ensure safety; requiring written notice to be given to an inspector before the erection of scaffolding; Scaffolding, &c.
- (x.) Prescribing scales of fees— Fees.
- (a) To be paid by owners for the inspection of the various kinds and classes of machinery and for the granting of certificates, provisional orders, and exemptions with respect thereto;
- (b) To be paid for the inspection of scaffolding and gear;
- (c) To be taken by legally qualified medical practitioners for examinations, certificates, and reports under this Act;
- (d) To be paid for the registration of lifts;
- (e) To be paid for the granting of certificates of approval to public inspectors of machinery, and for the examination and granting of certificates of competency to engine-drivers and boiler attendants;
- (xi.) Prescribing the conditions upon which such certificates of approval or of competency may, after due investigation, be suspended or revoked on the ground of misconduct, negligence, intemperance, unfitness, or successive breaches of this Act; Suspension, &c., of certificates.
- (xii.) Regulating the proceedings upon references to police magistrates, and upon inquiries into accidents, and the manner of defraying and the recovery of the costs and expenses thereof; References to police magistrates, &c.
- (xiii.) Prescribing abstracts of the provisions of this Act, to be affixed and maintained by owners of machinery or scaffolding; Abstracts.
- (xiv.) Generally for carrying this Act into effect. Generally.

The Regulations may provide a penalty not exceeding twenty pounds for any breach of the same.

All such Regulations shall, upon being published in the *Gazette*, be of the same effect as if enacted in this Act, and shall not be questioned in any proceedings whatsoever.

All such Regulations shall be laid before both Houses of Parliament within forty days after the publication thereof if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

No
contracting
out.

64. No owner of machinery or scaffolding shall contract with any employee against any liability under this Act.

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

65. Every owner of machinery or scaffolding shall cause to be affixed and maintained in such place or places as the inspector directs the prescribed abstracts of this Act, and in default of so doing shall be liable for a first offence to a penalty not exceeding two pounds, and for a second or subsequent offence to a penalty not exceeding five pounds.

False entries,
&c.

66. Every person who—

(i.) Makes in any prescribed book, register, notice, certificate, list, record, or document an entry which in any material particular is, to his knowledge, false; or

(ii.) Makes use of any entry or report which in any material particular is, to his knowledge, false,

shall be liable to a penalty not exceeding ten pounds or to be imprisoned for any period not exceeding three months.

Proceedings
before
justices.

67. The following provisions shall apply to legal proceedings under this Act:—

(i.) The burden of proof that the provisions of this Act with regard to the registration of machinery, and with regard to obtaining and exhibiting the certificate of inspection or plate, have been complied with as to any particular machinery shall be on the defendant;

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

(iii.) The burden of proof that any machinery or scaffolding was not on any date alleged in a complaint in the place alleged shall be on the defendant;

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- (iv.) It shall be sufficient to state the name of the ostensible owner or occupier, or the title of the firm or company or corporation by which the owner or occupier is usually known; and the burden of proof that the person, firm, company, or corporation so named is not the owner or occupier shall be on the defendant;
- (v.) The authority of any inspector or other officer of the State to take any proceeding or to do any act shall be presumed until the contrary is shown;
- (vi.) When an employee is in the opinion of the Court apparently of the age alleged by the complainant, it shall lie on the defendant to prove that such employee is not of that age;
- (vii.) It shall not be necessary to prove the constitution of any district under the Act or the boundaries thereof.

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

SCHEDULES.

SCHEDULE I.

[See s. 3.]

Year and Number of Act.	Title of Act.	Extent of Repeal.
62 Vic. No. 24	" <i>The Mining Act of 1898</i> "	SS. 222, 223, and 224.
64 Vic. No. 28	" <i>The Factories and Shops Act of 1900</i> "	In s. 2, the words "BOILER EXPLOSIONS," and the words "FENCING OF MACHINERY AND." In s. 4, the definition of "Boiler." In the definition of Inspector, for the words "factory, shop, or boiler" substitute "factory or shop." In s. 5, the last proviso to subsection (1); and subsection (3). SS. 9 and 10. In s. 11, subsection (ii.); in subsection (iii.), the words "or inspection"; in the second paragraph, the words "and every person in charge of a boiler." In subsection (v.) of s. 12, the words "or inspection." SS. 13 to 23, both inclusive. SS. 35, 36, 37, and 38.

SCHEDULE I.—*continued.*

Year and Number of Act.	Title of Act.	Extent of Repeal.
64 Vic. No. 28	<i>"The Factories and Shops Act of 1900"</i>	<p>In s. 39, subsections (1) and (2); ss. 40 and 43.</p> <p>In s. 59, the words "or owner of a boiler."</p> <p>In s. 60 in subsection (1), the words "or in connection with a boiler"; subsections (3), (4), (9), (13), (14); in subsection (17), the words "and owners of boilers" respectively.</p> <p>In s. 61, the words "and every owner of a boiler."</p> <p>In s. 67, the words "or owner of a boiler."</p> <p>In s. 68, subsections (iv.) and (v.).</p>

[See s. 6.]

SCHEDULE II.

MACHINERY SUBJECT TO THE ACT.

All Machinery for the purpose, process, preparation, or manufacture of—

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 ;
 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 ;

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But not including—

Such machinery (including oil and hot air engines) or implements as are commonly used in agricultural or dairying pursuits, or pumping plant used in agricultural or dairying or pastoral pursuits, if in every case the motive power of such machinery, implements, or plant does not exceed seven indicated horse power ;

Machinery, Tools, or Instruments which are directly worked by hand or foot power ; or

Vehicles propelled, hauled, or moved by direct hand, foot, or animal power or from a stationary electrical generating power.

SCHEDULE III.

[See s. 53.]

RULES RELATING TO ENGINE-DRIVERS' CERTIFICATES OF COMPETENCY.

1. Subject to these Rules, all certificates shall be granted after **Examinations.** examination only.

Examinations shall be held at the principal towns and mining centres in such manner and at such times as may be prescribed, and the exact date of the examinations shall be notified by advertisement beforehand.

2. Until the first day of January, one thousand nine hundred and nine, the board, with the approval of the Minister, may dispense with such of the prescribed conditions for the granting of third-class certificates of competency as to them seems just in favour of any person who has commenced his apprenticeship or has been engaged in the capacity of engine-driver or boiler attendant in Queensland or elsewhere before the commencement of this Act. Apprenticeship and service.

3. (i.) Every holder of a first-class certificate of competency as an engine-driver granted under "*The Mining Act of 1898*,"* or a certificate of competency or of service granted under "*The Mines Regulation Act of 1889*,"† shall, on making application before the first day of January, one thousand nine hundred and nine, be entitled, without payment of any fee, to a winding engine-driver's certificate under this Act. Existing certificates.

(ii.) Every holder of a second-class certificate of competency as an engine-driver or a second-class certificate of competency granted under "*The Mines Regulation Act of 1889*"† or under "*The Mining Act of 1898*"* shall, on making application before the first day of January, one thousand nine hundred and nine, be entitled, without payment of any fee, to a second-class engine-driver's certificate under this Act.

(iii.) Every holder of a first or second class engine-driver's certificate granted under "*The Factories and Shops Act of 1900*"‡ shall, on making application before the first day of January, one thousand nine hundred and nine, be entitled, without payment of any fee, to a first or second class engine-driver's certificate, as the case may be, under this Act.

(iv.) If any application under this Rule is not made within the time herein prescribed, the applicant shall before the grant of a certificate pay the prescribed fee, unless the board for any special reason think fit to remit such fee.

* 62 Vic. No. 24, *supra*, page 6609.† 53 Vic. No. 7, *supra*, page 3779.‡ 64 Vic. No. 28, *supra*, page 7216.

- Reciprocity. 4. On payment of the prescribed fee, the board may, without examination, grant any certificate to any person of good repute who satisfies the board that he is resident in Queensland, and is a person of good repute, and is the holder of a corresponding certificate of equal grade, granted after examination by any duly constituted and recognised authority within or outside the State.
- Applications for examination. Grant of certificate. 5. All applications for examination shall be forwarded to the chairman of the board, accompanied by the prescribed fee.
6. (i.) Every applicant for any certificate shall produce—
 (a) Satisfactory evidence of his respectability of character ;
 (b) Medical testimony that he is not wholly or partially deaf, nor has defective sight, nor is subject to fits, giddiness, or any other infirmity likely to interfere with the efficient discharge of his duties ;
 (c) Such documents in evidence of experience as may be prescribed.
- (ii.) On an applicant passing the prescribed examination, and upon the board being satisfied of his fitness in all other respects, the board shall grant a certificate of the appropriate grade and in the prescribed form.
- Every certificate and the registration entry relating thereto shall state upon the face thereof the class or classes of engines which the holder is entitled to drive.
- Every certificate shall bear the full christian and surname and the usual signature of the holder.
- (iii.) No extra first-class engine-driver's or winding engine-driver's or first-class engine-driver's certificate shall be granted to any person under twenty-one years of age.
- No second or third class engine-driver's certificate shall be granted to any person under eighteen years of age.
- (iv.) The board may grant or refuse a certificate upon any grounds it deems advisable.
- Extra first-class certificate. 7. A candidate for an extra first-class engine-driver's certificate shall be the holder of a winding engine-driver's certificate. He shall also have worked as an apprentice or learner for at least five years in a workshop where engines are manufactured or repaired or where work of a similar character is performed. The holder of such certificate shall be designated therein as "an engineer."
- Winding engine-driver's certificate. 8. (i.) A candidate for a winding engine-driver's certificate shall have been the holder of an engine-driver's certificate of a grade not lower than second class for a period of at least twelve months, and in addition shall furnish documentary evidence that during that period he has had at least six months' experience driving both loose eccentric and link motion winding engines under the supervision of a certificated engine-driver :
- Provided that where only one class of the abovementioned engines has been driven such certificate may be granted, but it shall be marked "link motion" or "loose eccentric," and entitle the holder to drive the class of engines named in the certificate.
- (ii.) For the purpose of obtaining experience, the holder of a first-class or second-class engine-driver's certificate may drive a winding engine under the supervision of a certificated engine-driver, except when men are being raised or lowered.
- (iii.) Steam and air winches which are not used for raising or lowering men in or in connection with mining operations shall not be deemed to be winding engines.

8 Edw. VII. No. 6, 1908. *Old-age Pensions.*

9. A candidate 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, or in the alternative shall furnish satisfactory evidence that he is an experienced engine-driver.

10. A candidate for a second-class engine-driver's certificate shall produce satisfactory evidence that he has been employed as fireman, or greaser, or in some other capacity about boilers and engines for a period of not less than twelve months.

11. Where an engine-driver uncertificated under this Act has had no opportunity of presenting himself for examination, the board, or any member thereof, or any inspector, on being satisfied as to the experience of such engine-driver, may grant him an interim certificate of the proper grade, which shall operate accordingly until the day next afterwards appointed for the examination of engine-drivers.

12. (i.) Where it appears to the board that the holder of a certificate under this Act is guilty of any offence or misconduct, 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 appear before such persons as the Minister may appoint to show cause why his certificate should not be suspended or cancelled.

(ii.) The evidence taken at such inquiry shall be on oath or affirmation, which any person appointed as aforesaid may administer.

(iii.) The persons appointed to hold such inquiry shall report thereon to the board.

(iv.) If upon such report it appears to the board that the person called upon has failed to show good cause why his certificate should not be suspended or cancelled, the board may advise the Minister accordingly.

(v.) The Minister may thereupon, by order published in the *Gazette*, suspend his certificate for such period as he thinks fit (and during the period of suspension he shall be deemed not to be the holder of a certificate), or cancel such certificate; and the order of the Minister shall be final and conclusive.

OLD-AGE PENSIONS.

See PENSIONS.

PENSIONS.

An Act to Provide for the Payment of Old-age Pensions, and for other purposes.

8 Edw. VII.
No. 6.
THE
OLD-AGE
PENSIONS ACT
OF 1908.

[ASSENTED TO 15TH APRIL, 1908.]

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

1. This Act may be cited as "*The Old-age Pensions Act of 1908*," and shall commence and take effect on and from the first day of July, one thousand nine hundred and eight.

Short title
and
commence-
ment of Act.