



# STATUTES AMENDMENT (CHIEF INSPECTOR) ACT 1993

No. 1 of 1993

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**ELIZABETHAE II REGINAE**

A.D. 1993

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**No. 1 of 1993**

**An Act to amend the Boilers and Pressure Vessels Act 1968, the Explosives Act 1936, the Lifts and Cranes Act 1985, the Noise Control Act 1976, the Occupational Health, Safety and Welfare Act 1986, and the Workers Rehabilitation and Compensation Act 1986.**

*[Assented to 25 February 1993]*

The Parliament of South Australia enacts as follows:

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Statutes Amendment (Chief Inspector) Act 1993*.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Interpretation**

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2**  
**AMENDMENT OF BOILERS AND PRESSURE VESSELS ACT 1968**

**Amendment of s. 4—Interpretation**

4. Section 4 of the principal Act is amended—

- (a) by striking out the definition of "Chief Inspector";
- (b) by striking out the definition of "the Director" and substituting the following definition:

"the Director" means—

- (a) the person for the time being holding, or acting in, the office of the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;

or

- (b) any other person directed by the Minister to exercise the powers of the Director under this Act;

- (c) by striking out "the Chief Inspector" from the definition of "expert report" and substituting "the Director";

and

- (d) by striking out the definition of "Inspector" and substituting the following definition:

"Inspector" means a person appointed to be an inspector under section 9.

**Substitution of Division I of Part II**

5. Division I of Part II of the principal Act (and the heading to that Division) are repealed and the following heading and Division are substituted:

**DIVISION I—INSPECTORS**

9. (1) Subject to subsection (2), the Minister may, by notice in the *Gazette*, appoint a person to be an inspector for the purposes of this Act.

(2) A person is not eligible for appointment under subsection (1) unless he or she has passed the prescribed examination for such an appointment conducted in the prescribed manner.

(3) Each inspector must be furnished with an appropriate identity card.

(4) An inspector must produce the identity card for inspection by any person who questions his or her authority to exercise the powers of an inspector under this Act.

**Amendment of s. 13—Establishment of Enginedrivers Board**

6. Section 13 of the principal Act is amended by striking out subsection (1) and substituting the following subsections:

- (1) The *Enginedrivers Board* continues in existence.

(1a) The Board will consist of three persons appointed by the Governor, each of whom being a person who holds or has held an appointment as an inspector under this Act.

#### **Substitution of s. 15a**

7. Section 15a of the principal Act is repealed and the following section is substituted:

#### **Delegation by Director**

15a. (1) The Director may, by instrument in writing, delegate to any person engaged in the administration of this Act any of his or her powers or functions under this Act.

(2) A delegation under subsection (1)—

(a) is revocable at will;

and

(b) does not prevent the Director from acting personally in any matter.

(3) In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the Director containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof of those particulars.

#### **Amendment of s. 16—Approval of design and construction**

8. Section 16 of the principal Act is amended by striking out "Chief Inspector" wherever it occurs and substituting, in each case, "Director".

#### **Amendment of s. 27—Certificate of inspection**

9. Section 27 of the principal Act is amended—

(a) by striking out from subsection (5) "the Chief Inspector" and substituting "the Director";

and

(b) by striking out from subsection (6)(b) "the Chief Inspector" and substituting "the Director".

#### **Amendment of s. 33—Non-application of Part to certain boilers and pressure vessels, etc.**

10. Section 33 of the principal Act is amended—

(a) by striking out from paragraph (c)(ii) "the Chief Inspector" and substituting "the Director";

and

(b) by striking out from paragraph (d)(ii) "the Chief Inspector" and substituting "the Director".

#### **Amendment of s. 42—Grant of certificate**

11. Section 42 of the principal Act is amended—

(a) by striking out from subsection (1)(b) "the Chief Inspector" and substituting "the Director";

and

(b) by striking out from subsection (2) "the Chief Inspector" and substituting "the Director".

**Amendment of s. 43—Cancellation or suspension of certificate**

12. Section 43 of the principal Act is amended by striking out from subsection (1) "The Chief Inspector" and substituting "The Director".

**Amendment of s. 44—Appeals to Minister**

13. Section 44 of the principal Act is amended by striking out from subsection (1) ", Chief Inspector".

**Amendment of s. 48—Immunity**

14. Section 48 of the principal Act is amended by striking out paragraph (b).

**Amendment of s. 48a—Expert reports**

15. Section 48a of the principal Act is amended by striking out from subsection (2) "the Chief Inspector" and substituting "the Director".

**PART 3**  
**AMENDMENT OF THE EXPLOSIVES ACT 1936**

**Amendment of s. 4—Interpretation**

16. Section 4 of the principal Act is amended—

(a) by striking out the definition of "chief inspector" and substituting the following definition:

"the Director" means—

(a) the person for the time being holding, or acting in, the office of the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;

or

(b) any other person directed by the Minister to exercise the powers of the Director under this Act;

and

(b) by striking out "and includes the chief inspector" from the definition of "inspector".

**Amendment of s. 6—Definition and classification of explosives**

17. Section 6 of the principal Act is amended by striking out from subsection (1) "chief inspector" and substituting "Director".

**Substitution of s. 9**

18. Section 9 of the principal Act is repealed and the following section is substituted:

**Inspectors**

9. (1) The Minister may, by notice in the *Gazette*, appoint a person to be an inspector of explosives for the purposes of this Act.

(2) Each inspector must be furnished with an appropriate identity card.

(3) An inspector must produce the identity card for inspection by any person who questions his or her authority to exercise the powers of an inspector under this Act.

**Amendment of s. 19—Licences for carriage of explosives**

19. Section 19 of the principal Act is amended—

(a) by striking out from subsection (1) "the chief inspector" and substituting "the Director";

and

(b) by striking out from subsection (2) "the chief inspector" and substituting "the Director".

**Amendment of s. 20—Government magazines**

20. Section 20 of the principal Act is amended by striking out from subsection (2) "the chief inspector" and substituting "the Director".

**Amendment of s. 21—Licensing of private magazines**

21. Section 21 of the principal Act is amended—

- (a) by striking out from subsection (1) "chief inspector" and substituting "Director";
  - (b) by striking out from subsection (2) "chief inspector" and substituting "Director";
  - (c) by striking out from subsection (3) "chief inspector" and substituting "Director";
- and
- (d) by striking out from subsection (5) "chief inspector" and substituting "Director".

**Amendment of s. 22—Licensing of premises**

22. Section 22 of the principal Act is amended—

- (a) by striking out from subsection (1) "chief inspector" and substituting "Director";
- and
- (b) by striking out from subsection (4)(b) "chief inspector" and substituting "Director".

**Amendment of s. 23—Keeping of explosives**

23. Section 23 of the principal Act is amended by striking out from subsection (1) "the chief inspector" twice occurring and substituting, in each case "the Director".

**Amendment of s. 24—Storage charges in Government magazines**

24. Section 24 of the principal Act is amended by striking out from paragraph (c) "the chief inspector" twice occurring and substituting, in each case "the Director".

**Amendment of s. 25—Power to sell explosives**

25. Section 25 of the principal Act is amended by striking out from subsection (1) "chief inspector" twice occurring and substituting, in each case "Director".

**Amendment of s. 27—Testing of explosives in Government magazine**

26. Section 27 of the principal Act is amended—

- (a) by striking out from subsection (1) "the chief inspector" and substituting "the Director";
- and
- (b) by striking out from subsection (2) "the chief inspector" twice occurring and substituting, in each case "the Director".

**Amendment of s. 28—Sale or transfer to be reported to the officer in charge**

27. Section 28 of the principal Act is amended by striking out "the chief inspector" wherever it occurs and substituting, in each case "the Director".

**Amendment of s. 31—Ships carrying explosives**

28. Section 31 of the principal Act is amended—

- (a) by striking out from subsection (2) "the chief inspector" and substituting "the Director";
- and



(b) by striking out from subsection (5) "the chief inspector" and substituting "the Director".

**Amendment of s. 32—Procedure at magazine**

29. Section 32 of the principal Act is amended—

(a) by striking out from subsection (1) "the chief inspector" twice occurring and substituting, in each case "the Director";

and

(b) by striking out from subsection (3) "the chief inspector" twice occurring and substituting, in each case "the Director".

**Amendment of s. 33—Explosives on arrival to be reported**

30. Section 33 of the principal Act is amended—

(a) by striking out from subsection (1) "the chief inspector" and substituting "the Director";

and

(b) by striking out from subsection (2) "the chief inspector" and substituting "the Director".

**Amendment of s. 35—Penalty on going alongside wharves**

31. Section 35 of the principal Act is amended by striking out from subsection (4) "the chief inspector" and substituting "the Director".

**Amendment of s. 37—Explosives not to be shipped within certain limits**

32. Section 37 of the principal Act is amended by striking out from subsection (4) "the chief inspector" and substituting "the Director".

**Amendment of s. 38—Control over ships and boats in ports**

33. Section 38 of the principal Act is amended by striking out from subsection (3) "the chief inspector" and substituting "the Director".

**Amendment of s. 39—Boats carrying explosives to be licensed and provided with tarpaulins**

34. Section 39 of the principal Act is amended by striking out from subsection (1) "the chief inspector" twice occurring and substituting, in each case "the Director".

**Amendment of s. 42—Powers of inspectors**

35. Section 42 of the principal Act is amended by striking out from subsection (1)(a) "the chief inspector" and substituting "the Director".

**Amendment of s. 44—Obstructing inspectors**

36. Section 44 of the principal Act is amended by striking out from subsection (3) "the chief inspector" and substituting "the Director".

**Amendment of s. 46—Powers of the Director**

37. Section 46 of the principal Act is amended by striking out from subsection (1) "the chief inspector" wherever it occurs and substituting, in each case "the Director".

**Amendment of s. 47—Deeming provision**

38. Section 47 of the principal Act is amended by striking out "the chief inspector" twice occurring and substituting, in each case "the Director".

**Insertion of s. 51c**

39. The following section is inserted after section 51b of the principal Act:

**Delegation by Director**

51c. (1) The Director may, by instrument in writing, delegate to any person engaged in the administration of this Act any of his or her powers or functions under this Act.

(2) A delegation under subsection (1)—

(a) is revocable at will;

and

(b) does not prevent the Director from acting personally in any matter.

(3) In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the Director containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof of those particulars.

**Amendment of s. 52—Regulations**

40. Section 52 of the principal Act is amended—

(a) by striking out from paragraph XVI "the chief inspector" and substituting "the Director";

and

(b) by striking out from paragraph XXIIIg "the chief inspector" and substituting "the Director".

**PART 4**  
**AMENDMENT OF THE LIFTS AND CRANES ACT 1985**

**Amendment of s. 4—Interpretation**

41. Section 4 of the principal Act is amended—

(a) by striking out the definition of "the Director" and substituting the following definition:

"the Director" means—

(a) the person for the time being holding, or acting in, the office of the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;

or

(b) any other person directed by the Minister to exercise the powers of the Director under this Act;

(b) by striking out "the Chief Inspector" from the definition of "expert report" and substituting "the Director";

and

(c) by striking out the definition of "inspector" and substituting the following definition:

"inspector" means an Inspector of Lifts and Cranes appointed under this Act.

**Amendment of s. 8—Inspectors**

42. Section 8 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsection:

(1) The Minister may, by notice in the *Gazette*, appoint a person to be an Inspector of Lifts and Cranes for the purposes of this Act.

**Amendment of s. 10—Approval of design and construction**

43. Section 10 of the principal Act is amended—

(a) by striking out from subsection (1) "the Chief Inspector" and substituting "the Director";

(b) by striking out from subsection (2) "the Chief Inspector" and substituting "the Director";

(c) by striking out from subsection (3) "Chief Inspector" wherever it occurs and substituting, in each case "Director";

(d) by striking out from subsection (4) "the Chief Inspector" twice occurring and substituting, in each case "the Director";

(e) by striking out from subsection (5) "The Chief Inspector" and substituting "The Director";

and

(f) by striking out from subsection (6) "the Chief Inspector" and substituting "the Director".

**Amendment of s. 15—Operation of cranes, hoists and lifts by young persons**

44. Section 15 of the principal Act is amended—

(a) by striking out from subsection (2) "Chief Inspector" and substituting "Director";

and

(b) by striking out from subsection (3) "Chief Inspector" and substituting "Director".

**Amendment of s. 16—Certificates of competency**

45. Section 16 of the principal Act is amended—

(a) by striking out from subsection (2) "the Chief Inspector" and substituting "the Director";

(b) by striking out from subsection (3) "the Chief Inspector" and substituting "the Director";

and

(c) by striking out from subsection (4) "The Chief Inspector" and substituting "The Director".

**Amendment of s. 17—Accidents involving cranes, hoists or lifts**

46. Section 17 of the principal Act is amended by striking out "the Chief Inspector" and substituting "the Director".

**Amendment of s. 17a—Approved codes of practice**

47. Section 17a of the principal Act is amended by striking out from subsection (2)(a) "the Chief Inspector" and substituting "the Director".

**Amendment of s. 18—Review of decisions**

48. Section 18 of the principal Act is amended by striking out from subsection (1) ", the Chief Inspector, or any other inspector," and substituting "or an inspector".

**Amendment of s. 19—Expert reports**

49. Section 19 of the principal Act is amended by striking out from subsection (2) "Chief Inspector" and substituting "Director".

**Insertion of s. 23a**

50. The following section is inserted after section 23 of the principal Act:

**Delegation by Director**

23a. (1) The Director may, by instrument in writing, delegate to any person engaged in the administration of this Act any of his or her powers or functions under this Act.

(2) A delegation under subsection (1)—

(a) is revocable at will;

and

(b) does not prevent the Director from acting personally in any matter.

(3) In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the Director containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof of those particulars.

**Amendment of s. 25—Regulations**

51. Section 25 of the principal Act is amended by striking out from subsection (3)(ab) "or the Chief Inspector".

**PART 5**  
**AMENDMENT OF THE NOISE CONTROL ACT 1976**

**Amendment of s. 6—Interpretation**

52. Section 6 of the principal Act is amended—

(a) by striking out the definition of "the Chief Inspector of Industrial Safety";

and

(b) by striking out "the Chief Inspector of Industrial Safety" from paragraph (a) of the definition of "designated officer" and substituting "a public service employee authorized by the Minister to exercise the powers of the designated officer under this Act".

**PART 6**  
**AMENDMENT OF THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE**  
**ACT 1986**

**Amendment of s. 4—Interpretation**

53. Section 4 of the principal Act is amended—

(a) by striking out the definition of "the Chief Inspector";

and

(b) by inserting after the definition of "contract of service" the following definitions:

"the designated person" means—

(a) in relation to mines to which the *Mines and Works Inspection Act 1920* applies—the Chief Inspector of Mines;

(b) in relation to operations to which the *Petroleum Act 1940* or the *Petroleum (Submerged Lands) Act 1982* applies—the Director-General of Mines and Energy;

(c) in any other case—the Director:

"the Director" means—

(a) the person for the time being holding, or acting in, the office of the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;

or

(b) any other person directed by the Minister to exercise the powers of the Director under this Act.

**Amendment of s. 8—Membership of the Commission**

54. Section 8 of the principal Act is amended by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;

**Amendment of s. 34—Responsibilities of employers**

55. Section 34 of the principal Act is amended by striking out from subsection (1)(d) "the Chief Inspector" and substituting "the designated person".

**Amendment of s. 38—Powers of entry and inspection**

56. Section 38 of the principal Act is amended—

(a) by striking out from subsection (1) "of the Department of Labour";

(b) by striking out from subsection (6) "of the Department of Labour";

(c) by striking out from subsection (8)(a) "of the Department of Labour";

and

(d) by striking out from subsection (11) "of the Department of Labour".

**Amendment of s. 53—Delegation by Director**

57. Section 53 of the principal Act is amended by striking out from subsection (1) "of the Department of Labour".

**Amendment of s. 65—Annual report**

58. Section 65 of the principal Act is amended by striking out from subsection (2) "of the Department of Labour".

**Amendment of s. 66—Modification of regulations**

59. Section 66 of the principal Act is amended—

(a) by striking out from subsection (1) "the Chief Inspector" wherever it occurs and substituting, in each case "the designated person";

(b) by striking out from subsection (3) "The Chief Inspector" and substituting "The designated person";

and

(c) by striking out from subsection (4) "The Chief Inspector" and substituting "The designated person".

**Amendment of s. 67a—Registration of employers**

60. Section 67a of the principal Act is amended by striking out from subsection (11) "of the Department of Labour".

**Amendment of s. 69—Regulations**

61. Section 69 of the principal Act is amended—

(a) by striking out from subsection (3)(f) "of the Department of Labour";

(b) by striking out from subsection (4)(b) "of the Department of Labour";

and

(c) by striking out from subsection (11)(b) "of the Department of Labour or the Chief Inspector" and substituting "or the designated person".

**Amendment of first schedule**

62. The first schedule of the principal Act is amended by striking out from clause 4 "of the Department of Labour".

**Amendment of second schedule**

63. The second schedule of the principal Act is amended by striking out from clause 2(2) "the Chief Inspector under this Act" and substituting "the Director".



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**PART 7**  
**AMENDMENT OF THE WORKERS REHABILITATION AND COMPENSATION**  
**ACT 1986**

**Amendment of fourth schedule**

64. The fourth schedule of the principal Act is amended by striking out paragraph (c) of clause 1(2) and substituting the following paragraph:

- (c) one will be a member of the Department of the Minister to whom the administration of the *Occupational Health, Safety and Welfare Act 1986* has been committed who has experience in the mining and quarrying industries;.

**PART 8  
TRANSITIONAL PROVISION**

**Existing appointments**

**65. This Act does not affect the appointment of any person as an inspector before the commencement of this Act (other than as a Chief Inspector).**

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor