



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1064.

An Act relating to the Fittings and Working Pressure of Steam Boilers and to provide for the Registration and Inspection of Steam Boilers and the Examination and Certifying of Enginedrivers, and for other purposes.

[Assented to, December 23rd, 1911.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as "The Steam Boilers and Enginedrivers Act, 1911." Short title.

2. This Act shall come into operation on a day to be fixed by the Governor by Proclamation, which day is in this Act referred to as the commencement of this Act. Commencement.

3. This Act is divided into Parts and Divisions as follows, Division of Act. namely:—

PART I.—Preliminary:

PART II.—Steam Boilers:

DIVISION I.—Registration of Boilers:

DIVISION II.—Fittings and Working Pressure of Boilers:

The Steam Boilers and Enginedrivers Act.—1911.

PART I.

DIVISION III.—Inspectors and Inspection of Boilers :

DIVISION IV.—Inquiries as to Accidents :

DIVISION V.—Miscellaneous :

PART III.—Examination and Certificates of Enginedrivers :

PART IV.—General.

Interpretation.

W.A. Act 53, 1904,
s. 2.

4. In this Act, unless the context or subject matter otherwise requires—

- “Agriculturist” means and includes a person engaged for purposes of trade or business in agricultural, horticultural, viticultural, or dairy pursuits :
- “Authorised working pressure” means the working pressure authorised by a certificate of inspection which is for the time being in force :
- “Board” means the Board constituted under this Act :
- “Boiler” means any boiler or vessel in which, or by means whereof, steam to a pressure of ten pounds or upwards per square inch above atmospheric pressure is (a) generated for working any kind of machinery, or (b) used for application to any manufacturing or other process, and includes the setting, and all the fittings and mountings, steam and other pipes, feed pumps, injectors, and other equipments necessarily or usually adjuncts to a boiler ; it also includes a digester :
- “Building” includes any shed or other place where any boiler is erected or where the same is situate or is in operation :
- “Certificate of inspection” means a certificate of inspection granted under Division III. of Part II. :
- “Chief Inspector” means the Chief Inspector of Boilers appointed under this Act :
- “Court” means the Special Magistrate or the Justices sitting to hear an information for any offence under this Act :
- “Farm” means premises occupied by any person for the purposes of his trade or business as an agriculturist :
- “Justice” means a Justice of the Peace for the said State :
- “Inspector” means an Inspector of Boilers appointed under this Act, and includes the Chief Inspector :
- “Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :
- “Owner” means and includes as well the owner as also the mortgagee in possession, or lessee or hirer of any boiler, and (except in Division I. of Part II.) also any engineer, overseer,

The Steam Boilers and Enginedrivers Act.—1911.

overseer, foreman, agent, or other person in charge, or having the control or management or apparent control or management, of any boiler :

PART I.

“ Prescribed ” means prescribed by this Act or any regulation made under this Act :

“ Regulation ” means regulation made under this Act :

“ This Act ” includes regulations made under this Act.

5. This Act shall not apply to any boiler or steam engine—

Limitation of Act.

(a) Of any ship or boat ;

Ibid., s. 4 and s. 53 (2),
and Vict. Act, 2071,
1906, s. 4, altered.

(b) The property of or vested in or in the use of His Majesty, the South Australian Railways Commissioner, any Government Department, or any person as an officer in His Majesty's service :

(c) Owned or hired by any *boná fide* agriculturist and used on any farm for agricultural, horticultural, viticultural or dairy purposes: Provided it is of not more than eight horse-power, or provided it has not more than fifty square feet of heating surface ; or

(d) Owned or hired by any *boná fide* pastoralist and used on any station for pastoral purposes ; or

(e) Used exclusively for domestic purposes in a private house,

nor to any steam pump erected on any mine or other premises, and not capable of pumping more than six thousand gallons per hour.

PART II.

PART II.

STEAM BOILERS.

DIVISION I.—REGISTRATION OF BOILERS.

DIVISION I.

6. Every person who is at the commencement of this Act or who after the commencement of this Act becomes the owner of a boiler shall, within one month after the commencement of this Act or within one month after he becomes such owner (according to the nature of the case), file with the Chief Inspector a return in writing in the form and containing the particulars set out in the First Schedule to this Act and signed by such owner.

Owner of boiler to
give particulars for
registration.

Vict. Act 2071, 1906,
s. 11.

7. In any case where, by reason of any additions or alterations to any boiler, the return then latest filed in respect thereof under this Division is no longer correct, the owner shall forthwith file with the Chief Inspector a fresh return in the form in the said First Schedule, containing fresh and correct particulars and signed by such owner.

Additional
particulars.

Cf. *ibid.*, s. 29.

8. The

The Steam Boilers and Enginedrivers Act.—1911.

PART II.

DIVISION 1.

Registration and
certificate.Cf. *ibid.*, s. 12.

Q. Act 28, 1900, s. 9.

8. The Chief Inspector shall enter the particulars set out in any return filed pursuant to this Division in a book, to be called the "Register of Boilers," and shall assign a number (hereinafter called the "registered number") to the boiler to which such particulars relate, and shall, on payment of the fee provided in the Fourth Schedule to this Act or other prescribed fee, supply to the person filing such return a certificate of registration of such boiler, which certificate shall be in the form of the Second Schedule to this Act.

Inspection of register.
Ibid.

9. Any person may, upon payment to the Chief Inspector of a fee of One Shilling, inspect the Register of Boilers and take any extract therefrom.

Notice of sale, hire, or
removal to be given.Cf. W.A. Act 53,
1904, s. 45.*Ibid.*, s. 70.

10. (1) Any owner of a boiler who sells or lets on hire such boiler shall forthwith give notice in writing to the Chief Inspector of such sale or hiring, and of the name and address of the purchaser or hirer.

(2) Any owner of a boiler which is removed from the situation stated in the return then latest filed in respect thereof under this Division, for a longer period than one month, shall, within thirty days after the removal, give particulars of such removal in writing to the Chief Inspector.

(3) Any person who makes default in the observance of any of the provisions of this section shall be guilty of an offence against this Act.

Number and maker's
name to be on boiler.Cf. *ibid.*, s. 43.

11. (1) The owner of every boiler shall cause the registered number and, if such boiler is made after the commencement of this Act, the name of the maker also, to be plainly marked on some conspicuous part of such boiler.

(2) The registered number shall be so marked in figures which are not less than three-eighths of an inch in length.

Unregistered boilers
not to be used.

12. (1) Every boiler—

(a) In respect whereof no return has at the time been filed as required by this Division; or

(b) In respect whereof the particulars contained in the latest return filed under this Division are for the time being incorrect or insufficient; or

(c) On which the registered number, or, if made after the commencement of this Act, the registered number and the maker's name or either such number or name, is not marked as provided by this Part,

shall be deemed to be an unregistered boiler.

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

DIVISION

The Steam Boilers and Enginedrivers Act.—1911.

DIVISION II.—FITTINGS AND WORKING PRESSURE OF BOILERS.

PART II.

DIVISION II.

13. (1) Every boiler erected after the commencement of this Act shall be fitted with the following fittings and mountings:—

Boilers to be fitted with certain fittings.

One steam pressure gauge capable of registering in pounds per square inch up to one and a half the maximum working pressure ;

W.A. Act 53, 1904, s. 22, altered.

Cf. Q. Act 9, 1908, 40.

One gun-metal feed check-valve, flange-jointed ;

One stop-valve, flange-jointed, fitted with gun-metal valve and seating, to be fixed between boiler and steam-pipe ;

One gun-metal blow-off cock, flange jointed ;

One gauge cock, three-eighths inch Whitworth gas thread, for connecting inspector's standard gauge ;

A suitable pump or injector, or both, for feeding the boiler ;

Such fusible plug in the crown of the fire-box or other suitable position as may be necessary, so that in the event of the water becoming too low such plug will melt and the escaping steam will extinguish the fire ; and

Two safety valves of ample area and flange-jointed, one of which shall be encased and of locked-up design approved by the Chief Inspector.

There shall also be fitted—

(a) One glass water gauge fitted with cocks complete, and two try cocks, to every boiler of six horsepower or under, and two glass water gauges fitted with cocks complete, with approved protectors, to every boiler over six horsepower which has been granted, by certificate of inspection, an authorised working pressure of over sixty pounds per square inch ;

(b) As to boilers erected after the commencement of this Act, when two or more boilers are erected side by side and are coupled together, an intermediate stop-valve shall be fitted on the main steam pipe between each boiler, in addition to the one flange-jointed to the boiler.

(2) Any person who works or uses, or causes to be worked or used, any boiler which in any respect is not fitted as required by this section, and the owner of such boiler shall be liable to a penalty not exceeding Fifty Pounds.

Penalty for using boiler not so fitted.

14. (1) No boiler shall, after the commencement of this Act, be worked or used unless fitted with two safety valves, each of sufficient area to relieve the boiler without increasing the authorised working pressure more than ten per centum ; and one of the valves shall be arranged to the approval of an inspector so as to be beyond the control of the person in charge when steam is up. Such safety valves may be on one boiler seat.

Boilers not to be worked unless fitted with two safety valves.

Ibid., s. 23.

(2) Any

The Steam Boilers and Enginedrivers Act.—1911.

PART II.

DIVISION II.

Setting of boilers.

Ibid., s. 24.

(2) Any person who works or uses, or causes to be worked or used, any boiler which in any respect is not fitted as mentioned in subsection (1) of this section, and the owner of such boiler shall be liable to a penalty not exceeding Twenty-five Pounds.

Flues and doors required in boilers set in brickwork.

15. All boilers set in brickwork or other material erected after the commencement of this Act shall be provided with flues and doors, where necessary, of sufficient size, to the approval of an inspector and in accordance with the regulations.

Authorised working pressure of boilers coupled together.

Ibid., s. 33.

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

Increasing pressure in boiler.

Ibid., s. 35.

17. (1) Any person who by any means does anything to increase or that tends to increase the pressure in a boiler beyond the authorised working pressure or beyond the pressure stated in any notice served under section 28, or contrary to section 16, and any person who aids or abets in increasing the pressure as aforesaid or procures the pressure to be so increased, shall be guilty of an offence against this Act.

(2) Any person in charge of a boiler at the time such increased pressure is discovered, or who, finding the pressure so increased, allows the same to continue so increased, shall be deemed *prima facie* to have committed an offence under this section.

DIVISION III.

DIVISION III.—INSPECTORS AND INSPECTION OF BOILERS.

Appointment of Inspectors.

18. The Board may, after examination, recommend to the Minister for appointment, and on such recommendation the Minister may, from time to time, appoint a Chief Inspector of Boilers under this Act, and may also appoint so many Inspectors of Boilers under this Act as he thinks necessary.

Certificate of appointment.

Vict. Act 2071, 1906, s. 8.

19. Every inspector shall be furnished with a certificate in writing under the hand of the Minister of his appointment, and on his entering into or upon any building or premises for any purpose of this Act he shall, if required, produce such certificate to the occupier of such building or premises.

Penalty for impersonating.

Ibid., s. 9.

20. Any person who forges any such certificate or makes use of any forged or false certificate, or who falsely pretends to be an inspector, shall be guilty of an offence against this Act.

Standards and appliances to be provided for inspectors.

W.A. Act 53, 1904, s. 25.

21. 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

The Steam Boilers and Enginedrivers Act.—1911.

for carrying into effect the succeeding sections of this Act relating to boilers, and shall from time to time issue to each inspector such instructions (not inconsistent with this Act) as he thinks fit.

PART II.
DIVISION III.

- 22.** In making any entry or inspection under this Act any inspector may call to his aid any person he thinks competent to assist therein. Inspector may call in aid, Ibid., s. 12.
- 23.** Any person who impedes an inspector in the execution of his duty shall be guilty of an offence against this Act. Penalty for obstructing inspector. Ibid., s. 13.
- 24.** Any inspector may at any time by day or night enter into or upon any building or premises where there is or he has reason to believe there is any boiler, in order to ascertain whether the provisions of this Act have been or are being complied with. Time of inspection. Vict. Act 2071, 1906, s. 23.
- 25.** Every boiler shall be inspected by an inspector at least once in every year, or oftener as the inspector making the inspection thinks necessary. Boilers to be inspected at least once a year. W.A. Act 53, 1904, s. 29.
- 26.** Any inspector may make an inspection of a boiler at any time in the day time, but if he intends to make an internal inspection of a boiler he shall give the owner thereof at least seven days' notice in writing of the day on which such inspection will be made, and in any such case the inspection shall be at such a time as will least interfere with the work carried on by the owner. Inspection may be at any time on seven days' notice. Ibid., s. 30. Vict. Act 2071, 1906, s. 24.
- 27.** (1) For the purpose of the inspection of a boiler the owner shall, if required by the inspector, cause it to be emptied and made cool, and all man-hole doors and mud-hole doors to be taken off, all furnace bars and brick or stone bridges to be taken out, and the interior of the boiler to be freed from incrustation. Aid to be given by owner for purpose of inspection. W.A. Act 53, 1904, s. 31, altered.
- (2) The owner shall render such assistance as is required by the inspector, and shall cause all furnaces, flues, and uptakes connected with the boiler to be swept clean, and, if required by the inspector, shall cause all safety valves to be taken to pieces.
- (3) The inspector may, in addition to any other test, test any boiler by hydraulic pressure if he considers it necessary to do so, and shall send a record of, and the reasons for, and the result of, such test to the Chief Inspector: Provided that such hydraulic pressure shall be limited to one and a half times the authorised working pressure of the boiler. Tests.
- (4) The inspector may also, if he deems it necessary so to do, cause such holes to be drilled in or through any part of any boiler as he deems necessary, in order to test the thickness thereof. The owner shall cause such holes to be screw plugged to the satisfaction of the inspector.
- (5) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

28. (1) If,

*The Steam Boilers and Enginedrivers Act.—1911.*PART II.
DIVISION III.Notice to owner of
faulty boiler.

Ibid., s. 32.

28. (1) If, upon any inspection of a boiler, it appears to the inspector that the boiler is unsafe, or that it would be dangerous to life or property if it were used in its then state, he may serve a notice in writing upon the owner (which notice may be in the form in the Third Schedule to this Act, with such modifications as the case requires), requiring him—

- (a) To wholly desist from working or using the boiler; or
- (b) To desist from working or using the boiler until certain repairs or alterations stated in the notice have been effected; or
- (c) To desist from working or using the boiler at a greater pressure than that stated in the notice; or
- (d) To desist from working or using the boiler at a greater pressure than that stated in the notice until certain repairs or alterations stated in the notice have been effected.

(2) The person upon whom such notice is served shall, if required so to do by the inspector, sign a duplicate of the notice in acknowledgment of his having received it.

(3) Any person upon whom such notice has been served who fails or neglects to desist from working or using such boiler, according to the exigency of the notice, shall be liable to a penalty not exceeding Fifty Pounds.

Appeal.

(4) On any notice under this section being served in respect of any boiler, there shall be a right of appeal in the prescribed manner to the Board against such notice, and notice of such appeal shall suspend the operation of the notice appealed against until the same has been heard and determined: Provided that the same is determined within thirty days from the giving of the notice. The Board shall hear and determine the appeal as soon as may be practicable, and may make such inspection for that purpose as it deems necessary; and may make such order in determining the appeal as it deems proper, including any order as to costs; and any costs so ordered shall be recoverable in a summary way as provided by section 65.

Record of first
inspection.

Ibid., s. 26.

Q. Act 9, 1908, s. 33.

29. On the first inspection of any boiler the inspector shall make a complete record of all particulars necessary to ascertain the state and condition thereof, including—

- i. The age, type, and construction of the boiler:
- ii. The name of the maker (if known):
- iii. The pressure which the boiler is calculated to sustain:
- iv. The state and condition of the boiler generally, and of all appliances used in connection therewith:
- v. The fitness of the boiler and such appliances for the particular purpose for which they are used or are intended to be used; and

vi. Such other particulars as are prescribed.

30. (1) On

The Steam Boilers and Enginedrivers Act.—1911.

30. (1) On each inspection of a boiler after the first inspection thereof the inspector shall carefully make a comparison with the record of the next preceding inspection thereof, and shall record any changes since such next preceding inspection.

(2) If any change or alteration has been made in such boiler, or any repairs have been effected thereto, he shall duly record the same in such manner as is prescribed.

(3) If no material change has occurred in the state and condition of such boiler he shall also record that fact in such manner as is prescribed.

31. (1) Each inspector shall be supplied with a record-book, to be kept by him.

(2) The entries in such book relating to any boiler shall be open to inspection, without charge, at the office of the inspector, by the owner of such boiler or any person authorised in writing by him, but not by any other person; and the owner of any boiler or any person authorised as aforesaid may obtain a copy of any entry relating to such boiler on payment of a fee of One Shilling.

32. If on inspecting any boiler the inspector is satisfied that it is in good repair and may be safely used for the purpose for which it is then used or is intended to be used, he shall grant and issue to the owner a certificate of inspection in the form of the Fifth Schedule to this Act or to the effect thereof, and shall report the issue thereof to the Chief Inspector.

33. (1) The certificate of inspection granted to the owner of a boiler shall be granted for such period, not exceeding one year, as the inspector thinks fit, which period shall be stated in the certificate.

(2) The certificate shall remain in force for the period so stated: Provided that—

(a) No certificate of inspection shall have any force if after inspection and without the approval of an inspector any material alteration or addition has been made in or to the boiler mentioned therein; and

(b) The Chief Inspector may at any time cancel or suspend any such certificate of inspection where he deems it necessary for the safety of the public or of any persons or person so to do, and after such cancellation, or during such suspension, the certificate shall have no force.

34. (1) Subject to section 41, any owner who works or uses a boiler, or allows a boiler to be worked or used—

(a) In respect of which there is no certificate of inspection for the time being in force; or

(b) At

PART II.

DIVISION III.

Subsequent inspections.

W.A. Act 53, 1904, s. 27.

Inspector's record-book.

Ibid., s. 28.

Inspection of register.

Ibid.

Certificate of safety of boiler.

Ibid., s. 39.

Duration of certificate.

Ibid., s. 41.

Vict. Act, 2071, 1906, s. 21.

Cancellation.

Working boiler without or contrary to certificate.

W.A. Act 53, 1904, s. 44.

Q. Act 9, 1908.

*The Steam Boilers and Enginedrivers Act.—1911.*PART II.
DIVISION III.

(b) At a higher pressure than that authorised by, or for any purpose other than that stated in, the certificate of inspection for the time being in force in respect of such boiler, shall be guilty of an offence against this Act.

(2) In any proceedings in respect of an alleged offence under subdivision (a) of this section, it shall be a defence if the defendant proves, to the satisfaction of the Court, that within the year immediately preceding the time of the alleged offence the owner applied in writing to an inspector to have the boiler inspected, and that no inspection thereof has been made under this Act within such year: Provided that this subsection shall not apply if the last certificate of inspection granted in respect of the boiler has been cancelled under section 33, or has been suspended under that section and such suspension is still in force at the time of the alleged offence, nor if an inspector has given the owner notice not to use the boiler until a certificate of inspection has been granted.

Certificate to be exhibited in conspicuous place.

W.A. Act, 53, 1904, s. 40.

35. (1) The certificate of inspection granted in respect of a boiler shall be exhibited in a frame in some conspicuous place, to be determined by the inspector, where it can be seen by all persons working at or with such boiler; and any owner who neglects so to exhibit such certificate shall be guilty of an offence against this Act.

(2) In any proceedings under this section it shall be a sufficient defence if the defendant satisfies the Court—

- (a) That, owing to the size of the boiler, the locality where it was working, or other sufficient cause, there was no conspicuous place in which the certificate could reasonably be affixed; and
- (b) That at all reasonable times he kept the certificate available for inspection by all persons working at or with the boiler, and also by the inspectors and all members of the Police Force; and also
- (c) That the attendant in charge of the boiler was provided with a copy of the certificate.

DIVISION IV.

DIVISION IV.—INQUIRIES AS TO ACCIDENTS.

Inspector to be notified of accident.

Vic. Act 2071, 1906, s. 35.

36. (1) On the occurrence of an explosion from any boiler or of any accident causing damage or injury to any boiler, the owner of the boiler shall forthwith give notice thereof, or cause notice thereof to be given, to the inspector whose office or usual place of residence is nearest to the place where such explosion or accident occurred, or to the Chief Inspector, specifying the cause of the accident, the precise locality where it occurred, and the number of persons (if any) killed or injured by such explosion or accident.

(2) Every owner who neglects to send, as required by subsection (1), such notice as mentioned in the said subsection, shall be guilty of an offence against this Act.

37. (1)

The Steam Boilers and Enginedrivers Act.—1911.

PART II.

DIVISION IV.

37. (1) When any such explosion or accident has occurred no person shall move, or in any way interfere with, the boiler or any of its fittings or appliances, or any part of it or them, or any other thing affected by the explosion or accident, except so far as may reasonably be considered necessary or expedient for the prevention of further damage or injury to person or property, or for disconnecting the boiler from others connected with it, until the inspector has completed his inquiry as provided by the next succeeding section.

Boiler and other things not to be interfered with pending inquiry.

New.

(2) Any person who acts in any way in contravention of subsection (1) of this section, or who does anything whereby the cause of the explosion or accident or its effects are rendered less easy of detection, except as mentioned in subsection (1), shall be guilty of an offence against this Act.

38. When notice of an explosion or accident is given to the Chief Inspector he shall, as soon as practicable, go himself or send an inspector to the place where the explosion or accident occurred, and if such notice is given to an inspector he shall as soon as practicable go to such place; and the Chief Inspector or inspector so going or sent as aforesaid shall thereupon inquire into the cause of the explosion or accident, and may inspect the boiler and any other things there found, and shall report the result of such inquiry to the Minister.

Inspector to inquire and report.

W. A. Act 53, 1904, s. 51.

39. (1) In the event of an explosion or accident happening to a boiler the Minister may, if he thinks fit, direct an inquiry as to such explosion or accident to be held by a Special Magistrate.

Inquiry into cause of accident.

Vict. Act 2071, 1906, ss. 36 to 39.

Q. Act 9, 1908, s. 51.

(2) The Minister may also, if he thinks fit, appoint a person skilled in the use and construction of boilers of the same class as the said boiler to assist the Special Magistrate in such inquiry.

(3) Such inquiry shall be held publicly in such manner and at such times and places as the Special Magistrate thinks most effectual for ascertaining the cause and circumstances of the explosion or accident.

(4) With respect to the summoning and attendance of witnesses to or upon such inquiry, the examination of such witnesses upon oath or affirmation, and the allowance of fees and expenses to witnesses, the Special Magistrate shall have all the powers which he would have or might exercise in any case under the Acts in force for the time being relating to summary jurisdiction of Justices.

(5) The Special Magistrate, or any person appointed by him, may enter and inspect any place or building the entry or inspection of which appears to such Magistrate to be requisite for the purpose of the inquiry.

(6) The Special Magistrate shall report to the Minister, as far as possible, the causes of the explosion or accident and the circumstances attending it, adding such observations as he thinks fit.

(7) The Special Magistrate may make such order as he thinks fit respecting the payment of the costs and expenses of the inquiry; and such

*The Steam Boilers and Enginedrivers Act.—1911.*PART II.
DIVISION IV.

such order may, on the application of any person entitled to the benefit thereof, be enforced in a summary manner before any Special Magistrate or two Justices as if it were a penalty imposed by him or them under this Act.

DIVISION V.

DIVISION V.—MISCELLANEOUS.

Young person not to be in charge of a boiler.

W.A. Act 53,
1904, s. 16.

40. (1) No boiler shall at any time be in charge or under the control of any person other than a male person of at least twenty-one years of age.

(2) Any owner of a boiler which is at any time in charge or under the control of any person other than such person as mentioned in subsection (1) of this section shall be guilty of an offence against this Act.

Power to exempt.

Vict. Act 2071, 1906,
s. 4 (2).

Q. Act 9, 1908, s. 6
(4).

41. The Governor may at any time, by Proclamation published in the *Government Gazette*—

i. Exempt from the operation of this Act, or of any specified provisions of this Act, for such time as he thinks fit, any specified boiler or any specified class of boilers or boilers which are used exclusively in any specified trade or business, or boilers situated or used in any specified part of the said State:

ii. Exempt any specified boiler or any specified class of boilers from the provision of this Act requiring two safety valves, and may in lieu of such requirement direct that a specified kind of safety valve or valves shall be provided in the case of such boiler or class of boilers so exempted.

Owner liable in first instance.

W.A. Act 53, 1904,
s. 46.

42. (1) The owner of a boiler in respect of which an offence against this Act has been committed shall in every case (save as hereafter in this Act provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but an owner who has been proceeded against for such offence shall be entitled, upon information duly laid by him, to have any agent, servant, or workman brought before the Court at the time appointed for hearing the charge made against such owner.

Ibid., and Vict. Act
1071, 1906, s. 32.

(2) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the Court that he used due diligence to enforce the execution of this Act, and that the said agent, servant, or workman committed the act complained of without the knowledge, consent, or connivance of such owner, the said agent, servant, or workman shall be convicted of the offence and shall pay the penalty instead of the owner.

Actual offender may be proceeded against in certain cases.

W.A. Act 53, 1904,
s. 47.

43. Where it appears to an inspector at the time of discovering an offence with respect to any boiler that the owner had used due diligence to enforce the execution of this Act, and also by what person the offence was committed and that it was committed without the personal knowledge, consent, or connivance of the owner, and

in

The Steam Boilers and Enginedrivers Act.—1911.

in contravention of his orders, then the inspector may proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the owner.

PART II.

DIVISION V.

44. (1) No person shall be liable for an offence against this Act as an owner of a boiler unless such boiler is worked or used by him personally, or by his agent or servant, or by some other person under his orders or directions or for his benefit or profit.

When owners not liable.

Vict. Act 2071, 1906, s. 34.

(2) Nothing herein shall exempt any corporate body from any liability under this Act by reason only that any boiler is under the control of a director, secretary, manager, or other person elected or employed by such corporate body.

PART III.

EXAMINATION AND CERTIFICATES OF ENGINEDRIVERS.

PART III.

45. (1) Subject to section 54, after the expiration of six months from the commencement of this Act, no person shall be employed or shall act as an enginedriver in charge of any steam engine to which this Act applies, unless he holds an enginedriver's certificate under this Act of the class prescribed for such engine.

Only holders of certificates to be in charge of engines.

W.A. Act 53, 1904, s. 53.

(2) Such certificates shall be by examination, and shall be of three classes, to be called first class, second class, and third class enginedriver's certificates respectively.

- (a) A first class certificate shall entitle the holder thereof to drive and have charge of any steam stationary engine to which this Act applies:
- (b) A second class certificate shall entitle the holder thereof to drive and have charge of any steam stationary engine to which this Act applies, except a winding engine:
- (c) A third class certificate shall entitle the holder thereof to drive and have charge of any steam stationary engine to which this Act applies, the cylinder of which does not exceed twelve inches in diameter, or, if the engine has more than one cylinder, the combined area of the cylinders of which does not exceed that of a single cylinder the diameter of which is equal to twelve inches, such engine not being a winding engine.

46. (1) Subject to section 54, after the expiration of six months from the commencement of this Act, no person shall be employed or shall act as an enginedriver in charge of any locomotive or traction engine to which this Act applies while such engine is being propelled or moved from place to place by its own motive power and machinery unless he holds a locomotive and traction enginedriver's certificate under this Act.

As to travelling engines.

Ibid, s. 54.

Cf. N.Z. Act 42, 1902, s. 41.

(2) Such

*The Steam Boilers and Enginedrivers Act.—1911.***PART III.**

(2) Such certificate shall be by examination, and shall be called a locomotive and traction enginedriver's certificate.

(3) The holder of a certificate under this section, without any restriction expressed therein, shall be deemed also to be the holder of a second class certificate under the next preceding section; but if any restriction is expressed therein he shall be deemed also to be the holder of a third class certificate under the next preceding section.

Medical certificate
necessary before
examination.

W.A. Act 53, 1904,
s. 57.

47. No applicant for a certificate under section 45 or 46 shall be examined unless he produces to the Board the certificate of a duly qualified medical practitioner that he is not subject to deafness, defective sight, epilepsy, or other physical defect or infirmity which would render him unfit for duty as an enginedriver of the particular class in which he is applying for a certificate.

Issue of certificate.

Ibid., s. 58.

N.S.W. Act 75, 1901,
s. 14.

48. On an applicant for a certificate under section 45 or 46 passing the prescribed examination, and satisfying the Board as to his sobriety, experience, ability, and general good conduct, and paying the prescribed fee for the certificate, the Board shall issue to him a certificate of the appropriate class.

Certificates of service.

W.A. Act 53, 1904,
s. 60.

49. (1) The Board may, at any time within two years after the commencement of this Act, grant certificates of service, without examination, on the following conditions:—

- (a) An applicant for a first class enginedriver's certificate of service shall furnish evidence, to the satisfaction of the Board, that he has been in charge of and has efficiently managed and driven a winding engine or winding engines, with boilers and appendages, for a period of not less than three years prior to the commencement of this Act;
- (b) An applicant for a second class enginedriver's certificate of service shall furnish evidence, to the satisfaction of the Board, that he has been in charge of and has efficiently managed and driven an engine, the cylinder of which exceeds twelve inches in diameter, or, if the engine has more than one cylinder, the combined area of the cylinders of which exceeds that of a single cylinder the diameter of which is equal to twelve inches, for a period of not less than three years prior to the commencement of this Act;
- (c) An applicant for a third class enginedriver's certificate of service shall furnish evidence, to the satisfaction of the Board, that he has been in charge of and has efficiently managed and driven a steam stationary engine for a period of not less than three years prior to the commencement of this Act;
- (d) An applicant for a locomotive and traction enginedriver's certificate of service shall furnish evidence, to the satisfaction of the Board, that he has been in charge of and has efficiently managed

The Steam Boilers and Enginedrivers Act.—1911.

PART III.

managed a locomotive or traction engine worked by steam for a period of not less than three years prior to the commencement of this Act; and

(e) Every applicant shall satisfy the Board as to his sobriety, experience, ability, and general good conduct, and that he is not subject to deafness, defective sight, epilepsy, or other physical infirmity, which would render him unfit for duty as an enginedriver of the particular class in which he is applying for a certificate of service.

(2) Every certificate of service shall convey the same privileges as a certificate by examination of the same class.

50. Upon his paying the prescribed fee, and fulfilling the conditions of paragraph (e) of subsection (1) of the next preceding section the Board may, without examination, grant any certificate required by this Part to any person who satisfies the Board that he is the holder of a corresponding certificate of equal status granted by any duly constituted and recognised authority outside the said State.

Certificates from beyond the State recognised.

Ibid., s. 63.

51. (1) Where it appears to the Board that the holder of a certificate under this Part is guilty of any offence or misconduct, or has developed any symptom of epilepsy or any other defect or infirmity 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 appoints to show cause why his certificate should not be suspended or cancelled.

Disqualification of holder of certificate.

Ibid., s. 64.

Q. Act 9, 1908, Sched. III., 12.

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

(3) The persons appointed to hold the inquiry shall report thereon to the Board.

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

(5) The Minister may thereupon, by notice in the *Government Gazette*, suspend the certificate of the person so called upon for such period as he thinks fit; and during the period of suspension he shall be deemed not to be the holder of such certificate; or the Minister may, by such notice, cancel such certificate or alter the class of such certificate either permanently or for such period as he thinks fit.

52. (1) Any person who—

(a) Acts in the capacity of enginedriver in charge of any engine for which a certificated driver is required by this Act, without being the holder of such certificate for the time being in force as under this Act would entitle him to have charge of such engine; or

Acting without certificate or when incapacitated.

W.A. Act 53, 1904, s. 65.

(b) Whether

The Steam Boilers and Enginedrivers Act.—1911.

PART III.

N.S.W. Act 75, 1901,
s. 12.

(b) Whether or not the holder of such certificate, acts in such capacity as aforesaid when he is wholly or partially deaf, or his sight is defective, or he is subject to epilepsy or any physical defect or infirmity rendering him unfit to act in such capacity; or

(c) Employs, or causes or permits to be employed, such uncertificated person, or, (knowing the defect or infirmity to exist) the person subject to such defect or infirmity as aforesaid, to act in such capacity as aforesaid;

shall be guilty of an offence against this Act.

False testimonial.
Ibid, s. 67.

53. Any person who gives to any other person an untrue testimonial as to service as an enginedriver shall be guilty of an offence against this Act.

Power to exempt.
New.
Cf. s. 42 ante.

54. The Governor may at any time, by Proclamation published in the *Government Gazette*, exempt from the operation of this Act, or of any specified provisions of this Act, for such time as he thinks fit, persons employed or acting as enginedrivers in charge of steam engines in any specified part of the said State; any such Proclamation may apply to steam engines generally, or to steam engines of any specified class or classes.

PART IV.

PART IV.

GENERAL.

Board of Examiners
of Enginedrivers.

N.S.W. Act 75, 1901,
s. 13.

55. (1) A board is hereby constituted consisting of the Marine Board Engineer-Surveyor, the Chief Mechanical Engineer, the Professor of Engineering at the Adelaide University, and the Instructor in Mechanical Engineering at the School of Mines and Industries, and shall appoint one of the members of the Board to be Chairman thereof.

(2) The Board shall hold examinations of applicants for office as inspectors and of applicants for enginedrivers' and locomotive and traction enginedrivers' certificates, and may grant or refuse a certificate to any person so examined.

(3) The Minister may make rules—

- i. Regulating the proceedings of the Board;
- ii. Prescribing the places and times of holding examinations;
- iii. Prescribing the remuneration of members of the Board;
- iv. Prescribing the fees to be paid by applicants for examination, and by applicants for service certificates under section 49, and for certificates under section 50 by virtue of certificates granted outside the said State, and fees to be paid for certificates and duplicates thereof, but so that no such fee shall exceed One Pound;
- v. Regulating

The Steam Boilers and Enginedrivers Act.—1911.

PART IV.

- v. Regulating the conduct of examinations ;
- vi. Prescribing the forms of certificates ;
- vii. Prescribing the qualifications and standards to be required of applicants for examination; and
- viii. Prescribing generally all such matters as the Minister deems necessary to prescribe concerning the functions of the Board ;

And every such rule shall be observed by the Board.

56. (1) Any person who obtains or attempts to obtain any certificate under this Act by fraud or misrepresentation shall be liable to imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding Fifty Pounds.

Obtaining certificate improperly.

W.A. Act 53, 1904, s. 66.

(2) Every certificate improperly obtained or granted, whether by fraud or misrepresentation or not, may be cancelled by the Minister on the recommendation of the Board, and the holder thereof shall, when called upon by the Board to do so, return such certificate.

(3) Any person who uses any certificate after notice by the Board that the same has been cancelled, or who, during the period of suspension, uses any certificate after notice by the Board that the same has been suspended, shall be guilty of an offence against this Act.

57. (1) The provisions of this Act relating to the employment of certificated enginedrivers shall not apply to any motor.

Application of Act to motors.

N.Z. Act 224, 1908, s. 24.

Cf. S.A. Act 938, 1907.

(2) All the provisions of this Act with respect to boilers shall apply to the boilers of vehicles propelled by steam, save that in the case of a motor whose weight unladen does not exceed three tons, a certificate of inspection granted under this Act in respect of the boiler thereof shall remain in force, unless sooner cancelled by the Chief Inspector, until the boiler of such motor is renewed or replaced.

(3) For the purposes of this section "motor" means a vehicle propelled by its own mechanical power, and so constructed as not to emit smoke, steam, or visible vapor, except from any temporary or accidental cause.

58. Any portable steam engine or boiler which is travelled for hire shall have the name and residence of the owner legibly affixed or printed thereon; and any such owner who fails or neglects to comply with the requirements of this section shall be guilty of an offence against this Act.

Owner's name to appear on portable engine or boiler.

Q. Act 9, 1908, s. 58.

59. Nothing in this Act, or in any certificate granted under this Act, shall relieve the owner of any boiler or engine or any person driving or in charge of any engine or boiler from liability to

Responsibility of owner, &c., maintained.

W.A. Act 53, 1904, s. 72.

The Steam Boilers and Enginedrivers Act.—1911.

- PART IV.**
- Appeal.** or in any action or matter, or from liability to any civil or criminal proceeding; but all rights of parties and all liabilities of all such owners and persons and of all other persons in respect of any boiler or engine shall, except as expressly provided by this Act, remain unaffected by this Act.
- Offences generally.** **60.** Any person who commits any breach of or neglects to comply with any of the provisions of this Act shall be guilty of an offence against this Act.
- Ibid., s. 76.**
- Penalties.** **61.** (1) Any person guilty of any offence against this Act for which no penalty is specially imposed shall be liable to a penalty not exceeding Ten Pounds.
- Ibid.,**
- (2) Any person guilty of any offence against this Act shall, if such offence is a continuing offence, be liable, in addition to any other penalty imposed by this section or any other provision of this Act, to a penalty not exceeding One Pound for every day upon which such offence continues after the first day.
- Notices, how served.** **62.** (1) Any notice, order, or other document required to be given or served under this Act may be given or served by being delivered personally to, or being left at the usual or last known place of residence or business of, the person to or upon whom it is to be given or served, or by being sent through the post in a prepaid letter addressed to such person at his usual or last known place of residence or business.
- W.A. Act 53, 1904**
s. 76.
- (2) Where any such notice, order, or document is required to be given to or served upon any owner, the giving or serving thereof as aforesaid to or upon the manager, foreman, conductor, or agent of such owner, shall be sufficient giving or service thereof.
- Protection of inspectors from liability.** **63.** No matter or thing done by any inspector *bonâ fide* in the execution of this Act shall subject such inspector or the Crown to any liability in respect thereof.
- Ibid., s. 79.**
- Proof in proceedings.** **64.** The following provisions shall have effect with reference to any proceeding for an offence against this Act, and to any proceeding for any breach of or neglect to comply with any of the provisions of this Act:—
- Vict. Act 2071, 1906,**
s. 44.
- Q. Act 9, 1908,**
s. 67.
- (a) It shall be sufficient to state the name of the ostensible owner of a boiler, or the title of the firm or company or corporation by which the owner of a boiler is usually known;
- (b) The onus of proof that the person, firm, company, or corporation named in an information is not the owner of the boiler shall be on the defendant;
- (c) The onus of proof that the provisions of this Act with regard to the registration of boilers, and the marking of the registered

The Steam Boilers and Enginedrivers Act.—1911.

PART IV.

registered numbers and makers' names on boilers, and with regard to obtaining and exhibiting certificates of inspection, have been complied with as to any particular boiler, shall be on the defendant ;

- (d) The onus of proof that a boiler or engine was not, on the date mentioned in an information, in the place mentioned in such information shall be on the defendant :
- (e) The authority of any inspector or other officer of the said State to take any proceedings or to do any act shall be presumed until the contrary is shown.

65. (1) All proceedings in respect of offences against this Act shall be by information, and shall be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of the Ordinance No. 6 of 1850 and any Act amending that Act, or of any Act for the time being in force relating to the duties of Justices of the Peace with respect to summary proceedings. Summary procedure.

(2) The Magistrate or Justices may make any order as to costs which he or they think fit.

(3) All convictions and orders made by the Magistrate or Justices may be enforced as provided by the said Ordinance or any other Act.

66. (1) There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any conviction under this Act, or from any order dismissing an information for any offence against this Act, or any other order on such an information. Appeal

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and any Act amending that Act, or any Act for the time being in force regulating appeals to Local Courts. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds.

67. (1) The Local Court may state a case for the opinion of the Supreme Court. Special case.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Courts below, as to the said Supreme Court appears just.

68. (1) The Governor may from time to time make regulations— Regulations.

1. Regulating the duties of the Chief Inspector and of inspectors :

11. Prescribing forms of notices or other forms to be given or used under this Act in cases where forms are not set out in the Schedules to this Act, or in substitution for any forms so set out :

W.A. Act 53, 1904,
s. 82.

The Steam Boilers and Enginedrivers Act.—1911.

PART IV.

- III. Prescribing fees to be paid under this Act in cases where the fees are not provided for in the Schedules to this Act, or in substitution for any fees so provided for:
- IV. Prescribing requirements and conditions to be complied with by persons in charge of boilers in order to secure the safe working thereof:
- V. Prescribing generally all such matters and things as may be necessary or convenient for giving effect to this Act:
- VI. Prescribing penalties for breaches of regulations, not exceeding in any case the sum of Ten Pounds.

Publication and effect.

(2) All such regulations—

(a) Shall be published in the *Government Gazette* :

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were contained in this Act; and

(c) Shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Disallowance by Parliament.

(3) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done or of the omission of anything in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

Testing validity of regulations.

69. (1) A person desiring to dispute the validity of a regulation made under this Act may apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge a rule made upon such application with or without costs.

(3) Subject to the next preceding section all regulations, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) Subject

The Steam Boilers and Enginedrivers Act.—1911.

(4) Subject to subsection (3) of the next preceding section, no regulation shall be challenged or disputed in any manner other than as provided by this section.

PART IV.

70. All moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament.

Expenses to be paid out of moneys provided by Parliament.

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

DAY H. BOSANQUET, Governor.

The Steam Boilers and Enginedrivers Act.—1911.

SCHEDULES

Section 6.

Vict. Act 2071, 1906.
First Schedule.

FIRST SCHEDULE.

“The Steam Boilers and Enginedrivers Act, 1911.”

Particulars of Boiler.

To the Registrar of Boilers.

I hereby give you notice that I am the owner of a boiler, true particulars as to which are given hereunder.

Name and address of owner—

Where boiler is situated—

Form or class of boiler—

Age of boiler—

Horsepower—

Dimensions and construction of boiler—

Pressure at which safety valve blows off—

Purpose for which used (*or to be used*)—

Name of maker—

Date when boiler was last examined by an expert, and name and address of such expert—

Date when boiler was last cleaned—

Dated this day of , 19 .

[*Signature*] , Owner (*or Mortgagee in possession or Lessee or Hirer*)

Address—

Section 8.

SECOND SCHEDULE.

“The Steam Boilers and Enginedrivers Act, 1911.”

Certificate of Registration of Boiler.

This is to certify that the boiler, particulars whereof are set out hereunder, has been this day registered by me in the Register of Boilers, and is numbered .

Particulars of Boiler.

Name and address of owner—

Where boiler is situated—

Form or class—

Horsepower—

Dimensions and construction—

Pressure at which safety valve is said to blow off—

Purpose for which used (*or to be used*)—

Maker's name—

Dated this day of , 19 .

[*Signature*]

Chief Inspector of Boilers.

THIRD

The Steam Boilers and Enginedrivers Act.—1911.

THIRD SCHEDULE.

"The Steam Boilers and Enginedrivers Act, 1911."

Notice to Owner that Boiler is Unsafe.

To [name of owner] of [address]

I hereby give you notice that on the day of , 19 , I inspected a boiler [here describe the boiler and give official registered number], and that the same appears to me to be unsafe [or as the case may be].

You are therefore required to wholly desist from working or using the boiler (or to desist from working or using the boiler until the following repairs or alterations are effected, namely [here set out repairs required], or to desist from working or using the boiler at a greater pressure than , or to desist from working or using the boiler at a greater pressure than , until the following repairs are effected, namely [here set out repairs required]).

Dated the day of , 19 .

[Signature]

, Inspector.

Section 28.

W.A. Act 53, 1904.

Sixth Schedule.

FOURTH SCHEDULE.

Fee on Registration.

	£	s.	d.
(On registration of any boiler.....)	0	5	0

Section 8.

Vic. Act 2071, 1906.

Second Schedule.

FIFTH SCHEDULE.

"The Steam Boilers and Enginedrivers Act, 1911."

Certificate of Inspection.

This is to certify that, in accordance with "The Steam Boilers and Enginedrivers Act, 1911," the boiler mentioned at the foot hereof has been inspected by me, and that the same is in good repair and may be used for the purpose (or purposes) stated below up to a pressure of pounds per square inch.

Dated this day of , 19 .

[Signature]

Inspector of Boilers.

Section 32.

W.A. Act 53, 1904.

Eighth Schedule.

Description of Boiler.

Official registered number—

Description of boiler—

Maker's name—

Authorised working pressure [in pounds per square inch]—

Purposes for which may be used—

Owner's name and address—

Other particulars (if any) [stating whatever may be necessary to identify the boiler]—

This certificate will remain in force until , unless previously suspended or cancelled under the provisions of the above-mentioned Act.