

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

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# A BILL

To regulate the manufacture and use of boilers, compressed gas cylinders, and other pressure vessels; to provide for the inspection and testing thereof, and the investigation of accidents thereto, or arising therefrom, or explosions thereof and for purposes connected therewith.

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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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

*Preliminary.*

1. (1) This Act may be cited as the "Boiler Inspection Act, 1925." Short title.

*Boiler Inspection.*

- (2) This Act shall—
  - (a) extend to and be binding on the Crown ;
  - (b) not apply to any boiler or compressed gas cylinder used or employed by or under the authority of the Railway Commissioners for New South Wales ;
  - (c) any boiler—
    - (i) forming part of the propelling machinery of any ship, raft, punt, boat, or floating vessel ;
    - (ii) used exclusively for domestic purposes in a private dwelling occupied by not more than one family ;
    - (iii) used at or in connection with any mine within the meaning of the Mining Act, 1906, the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or Act amending the said Acts.

**2.** In this Act, if not inconsistent with the context,— Interpretation.  
 “Boiler” means any closed vessel, which contains, cf. No. 24, Q., 1915, s. 4.  
 or is intended to contain, steam, air, or other gas under pressure. The term includes steam boilers and digesters, vats and tanks under steam or gas pressure, air receivers, jacketed pans and retorts other than retorts used for recovering mercury from gold or silver amalgam ; also all settings, fittings, mountings, feed-pumps, injectors, steam and other pipes, and all other ancillary apparatus and equipment necessary for the safe working and efficiency of the boiler or other vessel as aforesaid, but does not include :—

- (a) any boiler or vessel in which a pressure of five pounds per square inch above atmospheric pressure is not exceeded or intended to be not exceeded ;
- (b) any retort, gas-holder, pipe-line, appliance or device containing or intended to contain town gas and forming an integral part of any town gas manufacturing and distributing system ;

(c)

- (c) any cylinder of any engine; or  
(d) any compressed gas cylinder.
- “Chief Inspector” means the Engineer of the Department of Labour and Industry, or any person acting in that capacity.
- “Compressed gas cylinder” means any cylinder used, or intended to be used, for the purpose of containing compressed or liquefied gases, but does not include any boiler, nor any cylinder of any engine.
- “Inspector” means the chief inspector and any 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.
- “Minister” means Minister for Labour and Industry, or other Minister for the time being administering this Act.
- “Owner” means and includes the owner of any boiler, and the hirer, bailee, or mortgagee or other person in possession thereof, and any manager, engineer, overseer, foreman, agent, or person in charge of, or having the control or management of any boiler, or any person constructing or repairing any boiler, and includes the owner or person in possession or for the time being in possession of any compressed gas cylinder.
- “Prescribed” means prescribed by this Act or by any regulations made hereunder.
- “Premises” means and includes any factory, mill, shop, yard, shed, building, and any farm, paddock, field, road, place, and any punt, raft, boat, ship, or floating vessel not propelled by its own motive power, upon or in which a boiler or compressed gas cylinder is being constructed, manufactured, repaired, erected, in course of erection, kept, used, worked, or in operation, and also in the case of any compressed gas cylinder any premises where such cylinder is manufactured, filled, annealed, tested or used.
- “Regulations”

“ Regulations ” means the regulations made under this Act.

“ Schedule ” means any Schedule to this Act, and any amendment of or addition to such Schedule made in pursuance of this Act.

*Districts and inspectors.*

3. The Governor may, by proclamation, from time to time divide the State into districts for the purposes of this Act, and define the boundaries of such districts; and may, in like manner, from time to time alter the boundaries of any district.

Power to proclaim districts.  
cf. No. 11, 1921, W.A., s. 5.  
No. 24, 1915, Q., s. 8.

4. (1) The Governor may, subject to the provisions of the Public Service Act, 1902, and after such examination as may be prescribed, appoint inspectors, who shall have the powers and duties prescribed.

Appointment of inspectors.

(2) The chief inspector shall, in addition to any powers conferred by this Act and regulations made hereunder, have and exercise all the powers of an inspector.

5. Every inspector so appointed shall be furnished with a certificate of his appointment, under the hand of the Minister and in the form prescribed, and on his entering any premises for any of the purposes of this Act shall if required produce the said certificate to the owner.

Inspector to produce certificate of appointment.  
cf. No. 11, 1902, Tas., s. 6; No. 11, 1921, W.A., s. 7; No. 24, 1915, Q., s. 8; No. 88, 1908 N.Z., s. 5; No. 1,064, 1911, S.A., s. 19.

6. Any person who forges or counterfeits any such certificate, or makes use of any forged or false certificate, or who falsely pretends to be an inspector under this Act, shall be guilty of an offence against this Act, and be liable to be imprisoned for any period not exceeding six months.

Penalty for forging certificate, &c.  
No. 24, 1915, Q., s. 8.

*Boilers.*

7. (1) The owner of a boiler at the passing of this Act, and every person who, after the passing of this Act, becomes the owner of a boiler shall, within one month after the passing of this Act or within one month after he becomes such owner, as the case may be, file with the chief inspector a return in writing containing the particulars set out in the Schedule to this Act and signed by such owner.

Notification by owner (Schedule).  
cf. No. 1,064, 1911, S.A., s. 6.

(2)

*Boiler Inspection.*

(2) The owner of any boiler in respect of which an inspection report has been issued under the provisions of the regulations of the tenth of March, one thousand nine hundred and sixteen, made under the Factories and Shops Act, 1912, shall be exempt from compliance with the last preceding subsection.

**8.** Every person becoming the owner of a new boiler after the expiration of six months from the date of the passing of this Act shall cause to be affixed to the said boiler in a conspicuous position a metal plate in the prescribed form upon which shall be cast or stamped legibly—

Metal plate to be affixed to new boiler. cf. No. 24, 1915, Q., s. 28 (2).

- (a) manufacturer's name and address ;
- (b) the shop number of the boiler ;
- (c) the date of construction ; and
- (d) the date and pressure of the hydraulic test applied by the manufacturer to the boiler.

**9.** Every manufacturer of a boiler or a responsible representative of such manufacturer shall before or during the fabrication of a boiler or before disposing of a new boiler, shall furnish to the chief inspector—

Particulars of new boilers to be supplied. cf. No. 11, 1921, W.A., s. 45.

- (a) a certificate, in form and manner prescribed, of manufacture and test ;
- (b) a drawing of the boiler or a tracing or print thereof, which shall have denoted thereon all main dimensions, thickness of plates or metal, particulars and size of stays, diameter of tubes, particulars of riveting, and all other particulars as may be prescribed or as the chief inspector may deem necessary to permit of the strength of the boiler being computed.

**10.** (1) Every boiler constructed, manufactured or repaired after six months from the passing of this Act shall be constructed, manufactured or repaired, as the case may be, in accordance with the regulations, and provided with such fittings and mountings as may be prescribed and of a quality suitable for the purposes and working pressure of such boiler.

Construction of new boilers.

(2)

(2) If upon inspection of a boiler in course of construction, or manufacture, or repair it appears to the inspector that—

- (a) the regulations are not being complied with ; or
- (b) the material employed or workmanship is unsatisfactory,

he may serve upon the owner such directions in writing as he thinks necessary in order to ensure compliance with the regulations, and that the material employed and the workmanship shall be satisfactory.

(3) Any person who refuses or fails to comply with any of the provisions of this section, or any direction served in pursuance of this section, shall be liable to a penalty not exceeding *fifty* pounds.

**11.** (1) Before effecting any repairs to or altering the main structure of a boiler, or adding to or taking away from any such boiler any fittings or mountings or other appliances, or altering the construction thereof, the owner shall give notice in writing to the chief inspector specifying the proposed repairs or alterations.

Notification of intention to repair. cf. No. 11, 1921, W.A., s. 34.

(2) Any person having effected repairs to any boiler shall furnish a report to the chief inspector, giving full particulars of the nature of the work done, and such other particulars as may be required by the chief inspector.

(3) This section shall not apply when repairs have been made in accordance with a notice to effect repairs given by an inspector under the powers hereinafter contained.

**12.** (1) Any owner of a boiler who parts with the possession thereof to some other person shall forthwith give notice in writing to the chief inspector of the transaction together with the date thereof, the name and address of such other person, and such further particulars as may be prescribed.

Notice of sale. cf. No. 1,064, 1911, S.A., s. 10; No. 24, 1915, Q., s. 36.

(2) Any owner of a boiler which has been removed from the situation in which it was last inspected shall, within seven days thereafter, give full particulars of such removal by notice in manner prescribed :

Provided

*Boiler Inspection.*

Provided that the Minister may, on the recommendation of the chief inspector, exempt any owner of a locomotive or traction engine or other portable boiler from the obligation to give such notice as aforesaid and either absolutely or subject to such conditions and restrictions as he may think fit.

(3) Any person who fails to observe the provisions of this section shall be guilty of an offence against this Act.

**13.** (1) Subject to the provisos in subsection two of this section, it shall not be lawful for the owner of any boiler—

Boiler to be used in conformity with certificate.

- (a) to use such boiler if it was not in use before the date of the passing of this Act, unless a certificate has been duly granted in respect thereof, in the manner hereinafter provided; or
- (b) to continue to use such boiler, or to permit the same to be used, after it has been inspected as in this Act provided, unless a certificate or permit has been duly granted in respect thereof; or
- (c) to continue to use such boiler, or to permit the same to be used, after the expiration of the period for which any such certificate or permit has been granted; or
- (d) to work such boiler, or to permit the same to be worked, at a higher pressure than that allowed by such certificate or permit, or otherwise than in conformity with any condition or restriction mentioned in such certificate or permit.

cf. No. 2,621, 1915, Vic. s. 28.

(2) Provided that—

- (a) in the case of a boiler in respect of which no certificate under this Act has been previously granted, and of which a return in writing has been filed as prescribed by section seven, subsection one, of this Act the chief inspector shall, upon receipt of the said return, issue to the owner a permit which will empower the owner to continue to use the boiler mentioned therein, for the purposes and in the manner it was theretofore

theretofore used, subject to any restrictions or conditions which the chief inspector, on the information disclosed by the return, deems it necessary to make for the safety of the public or any person until the said boiler shall be inspected in pursuance of this Act ;

(b) the owner of any boiler in respect of which an inspection report under the provisions of the regulations of the tenth day of March, one thousand nine hundred and sixteen, made under the Factories and Shops Act, 1912, has been made within twelve months prior to the passing of this Act shall be deemed to have received a permit pursuant to the last preceding paragraph ;

(c) The owner of any boiler who holds in respect thereof a certificate issued in pursuance of section twenty-eight of this Act, and who, before the expiry of the period of such certificate, gives twenty-one days' notice of his intention to continue to use the boiler after the expiry of the said period may, unless after examining the boiler the inspector by an order in writing directs that its use be entirely discontinued, continue to use the boiler, or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler, or permit the use thereof, at any pressure higher—

(i) than that allowed by the expired certificate ; nor

(ii) than that allowed by any permit given by the inspector after examining the boiler ;

(d) any such provisional order may at any time be cancelled by an inspector by notice posted in a registered letter addressed to the owner of the boiler, and shall forthwith, on demand, be returned to the inspector.

(3) Any person guilty of a contravention of any of the provisions of the preceding subsections shall be guilty



guilty of an offence and shall be liable to a penalty of not more than *twenty* pounds, and to a further penalty of not more than *five* pounds for each day during which such offence is continued by such person.

(4) If any person enters a boiler for any purpose—

- (a) while the temperature within the boiler exceeds one hundred and fifty degrees Fahrenheit; or
- (b) unless such boiler is previously isolated from all steam, water, or gas connections and kept so isolated during the whole time such person is within the boiler,

the owner of the boiler and the person so entering shall be guilty of an offence against this Act.

**14.** Any person who—

- (a) by any means whatsoever knowingly or wilfully does anything to increase or which tends to increase the pressure in a boiler beyond that stated in the certificate or permit granted by the inspector and then in force; or
- (b) aids or abets or assists in aiding or abetting in increasing the pressure as aforesaid, or procures such pressure to be increased; or
- (c) is in charge of a boiler in respect of which the pressure in the boiler has been increased as aforesaid; or
- (d) tampers or interferes with or alters any fitting, mounting, or valve so as to prejudicially affect the safe working of a boiler,

Penalty for increasing pressure, &c.  
 cf. No. 11, 1902, Tas., s. 35; No. 11, 1921, W.A., s. 35; No. 88, 1908, N.Z., s. 25; No. 1,064, 1911, S.A., s. 17; No. 24, 1915, Q., s. 35; No. 2,621, Vic., s. 30.

shall be liable to a penalty of not more than *one hundred* pounds or to imprisonment with or without hard labour for a term of not more than *six* months.

*Compressed gas cylinders.*

**15.** (1) The owner of any compressed gas cylinder now constructed and in use which has been submitted to a hydraulic test within two years and annealed within four years before the date of the passing of this Act shall within six months thereafter furnish the chief inspector proof thereof in form prescribed:

Testing and annealing.

Provided

Provided that the chief inspector may for any cause he may deem necessary require the owner to submit any such compressed gas cylinder to hydraulic test and to be annealed in manner prescribed before the same is refilled or again put into use.

(2) Every compressed gas cylinder which has not been in use prior to the date of the passing of this Act shall not hereafter be used until it has been subjected by the owner to hydraulic test and annealed in manner prescribed ;

Provided that the provisions of this subsection will not apply in the case of any compressed gas cylinder in respect of which the owner has furnished to the chief inspector the manufacturer's certificate or certified copy of same that such cylinder has successfully withstood a hydraulic test and has been annealed in a manner like unto or equivalent to that prescribed.

(3) Every compressed gas cylinder shall be again submitted by the owner to hydraulic test in manner prescribed within two years and annealed in manner prescribed within four years from the date on which it was last hydraulically tested or annealed respectively.

**16.** Compressed gas cylinders shall be—

Construction and means of identification.

- (a) constructed, manufactured, filled, used, emptied and refilled as prescribed ; and
- (b) identified by such permanent number, brand, or device as shall be prescribed ; and
- (c) distinguished by prescribed colours to indicate the nature of the gas contents for which they are constructed or used ; and
- (d) filled only with the gas indicated by the distinguishing colours borne by such cylinders respectively.

**17.** (1) Owners of compressed gas cylinders shall—

Returns to be furnished by owner.

- (a) within six months of the date of passing of this Act and thereafter at least once in every twelve months forward to the chief inspector a return in the prescribed form of all cylinders possessed, the nature of the gas contents for which

which they are constructed or used, the distinguishing marks, colour, date of last hydraulic test, date of last annealing and all such other particulars as may be prescribed or as the chief inspector may require ;

- (b) forward to the chief inspector within the time prescribed and in the form prescribed a return of all new cylinders, cylinders previously used and newly acquired, and all cylinders discarded or condemned ;
- (c) in the case of every cylinder discarded or condemned forward to the chief inspector, with the return aforesaid, a statement giving the reason why any such cylinder has been discarded or condemned.

(2) Every return forwarded to the chief inspector pursuant to the provisions of the preceding subsections shall be covered by a declaration taken before a justice of the peace to the effect that the information disclosed in any such return are facts to the declarant's knowledge, belief, or information.

Inspection.

18. Every inspector shall have power—

- (1) to enter and inspect at all reasonable hours by day or night any premises where there is, or where he has reasonable cause to believe there is, any boiler or compressed gas cylinder, including any boiler or compressed gas cylinder in course of construction or repair, to ascertain whether the provisions of this Act are being complied with ;
- (2) to take with him any constable or other person whom he may think competent to assist therein ;
- (3) to require the production of any certificate or permit respecting any boiler, or any notice, record, or document which is by this Act, or the regulations hereunder, required to be kept or exhibited by the owner, and to inspect, examine, and copy the same ;

Powers of inspectors. ef. No. 39, 1911, N.S.W., s. 9.

(4)

- (4) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or any Act relating to the inspection certification of engines, boilers, or machinery, or to the certification of persons in charge or control thereof are complied with ;
- (5) to examine alone, or in the presence of any other person, as he thinks fit, with respect to matters provided for by this Act, any person whom he finds on the premises, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined :

Provided that no person shall be required to answer any question, if the answer to such question might incriminate him ;

- (6) subject to section thirty-nine, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any person following upon an explosion of, or accident to, a boiler or compressed gas cylinder ;
- (7) to exercise all other powers that may be necessary or expedient for carrying out the provisions of this Act, as may from time to time be prescribed.

**19.** (1) Any inspector may make an inspection of a boiler at any time in the daytime, but if an internal inspection of a boiler is to be made, the inspector shall give the owner at least seven days' notice in writing of the date on which such inspection will be made.

Notice of intention to inspect boilers.

cf. No. 1,064, 1911, S.A., s. 26 ; No. 2,621, 1915, Vic., s. 24 (1).

(2) (a) If excessive inconvenience will be caused to an owner by, or undue interference with the work carried on by him would result from the making of an internal inspection of a boiler upon the date so notified, he may apply to the chief inspector to postpone such inspection for a period not exceeding twenty-eight days, and in such application state more convenient dates for the making of the inspection. (b)

(b) If it is reasonably practicable to secure the attendance of an inspector to make such inspection upon any of the dates so stated by the owner, the chief inspector shall by notice in writing to the owner substitute that date for the date mentioned in the notice ; otherwise the notice given by the inspector shall remain in full force.

**20.** An inspector may at any time examine and inspect any compressed gas cylinder wherever the same may be, and may apply such tests thereto as may be prescribed other than a hydraulic test, and may also, if for any cause he shall deem it expedient so to do, require the same to be submitted for hydraulic test, notwithstanding that the said cylinder has been so tested within the preceding two years :

Inspection of compressed gas cylinders.

Provided that in the examination, inspecting, or testing of compressed gas cylinders on premises upon which they may then be awaiting charging or refilling, the inspector shall not require such hydraulic test to be applied to a greater proportion of such cylinders than one in every fifty or part thereof unless in the case of any particular cylinder he has reasonable grounds for believing the same to be defective.

**21.** For the purpose of inspection of a boiler the owner shall—

Owner's duties on inspection. cf. No. 11, 1902, Tas., s. 33 ; No. 11, 1921, W.A., s. 31 ; No. 1,064, 1911, S.A., s. 27 ; No. 2,621, 1915, Vic., s. 24 ; No. 24, 1915, Q., s. 26.

- (a) if required by the inspector, cause it to be emptied, cooled, cleaned and dried, and all manhole doors and mudhole doors to be taken off, and all furnace bars, and brick, stone or other bridges taken out and the interior of the boiler freed from incrustation ;
- (b) render such assistance as the inspector may require, and shall cause all furnaces, flues, fire tubes, smoke-boxes, uptakes or other parts of such boiler to be swept clean, and shall also cause all safety valves or other valves, fittings, mountings, to be opened up or taken to pieces as may be required ;
- (c) if required by the inspector cause the removal of any metal casing or lagging of the boiler or any brickwork or masonry in contact with the boiler or metal casing ;

(d)

- (d) during the inspection keep the boiler effectively disconnected from any steam, water, or gas connection from any source.
- (e) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

**22.** Any person who—

- (a) wilfully obstructs an inspector or other person duly authorised to exercise any powers or functions under this Act in the execution of any part of his duty under this Act; or
- (b) fails or refuses to give any information which an inspector or other person duly authorised as aforesaid is entitled to require; or
- (c) being an owner fails or refuses to produce any certificate or permit when lawfully required to do so; or
- (d) knowingly withholds or conceals from an inspector knowledge of any defect or bad workmanship in or upon a boiler,

Penalty for obstructing inspector.  
 cf. No. 11, 1902, Tas., s. 19; No. 11, 1921, W.A., s. 13; No. 1,064, 1911, S.A., s. 23; No. 24, 1915, Q., s. 12; No. 2,621, 1915, Vic., s. 23.

shall be liable to a penalty not exceeding *twenty* pounds and not less than *five* pounds.

**23.** (1) Every boiler shall, as far as practicable, be inspected at least once in every twelve months and on such other occasions as the inspector may deem necessary.

When boiler to be inspected.  
 cf. No. 24, 1915, Q., s. 22; No. 2,621, 1915, Vic., s. 13.

(2) There shall be paid to the inspector, after making an inspection of any boiler, or to such other person as may be approved by the Minister, the fees prescribed in the regulations.

Transfer for inspection.  
 cf. No. 11, 1921, W.A., s. 36.

**24.** (1) On the first inspection of a boiler the inspector shall, after making all such tests, examinations, and inquiries as may be necessary to ascertain the state and condition thereof, make complete record of such inspection, in which shall be included—

Record of first inspection.  
 cf. No. 24, 1915, Q., s. 27; No. 2,621, 1915, Vic., s. 14 et seq.; No. 1,064, 1911, S.A., s. 29 et seq.

- (a) the name and address of the owner;
- (b) the type, age, materials, dimensions, and construction of the boiler;
- (c) the name of the maker (if known);
- (d) the safe working pressure which his inspection discloses that the boiler is calculated to sustain;

(e)

- (e) the state and condition of the boiler and of all ancillary apparatus and appliances used in connection therewith, and the fitness thereof for the particular purpose for which they are used or intended to be used;
- (f) such other particulars as may be prescribed.

(2) On each subsequent inspection of a boiler the inspector, after making all such tests, examinations, and inquiries as aforesaid, shall, if any alteration or repair has been made to such boiler or any change has occurred thereto, duly record the same in manner prescribed. If no material change has occurred in the state and condition of such boiler the inspector shall also record the fact in manner prescribed.

(3) The said records shall be kept at the office of the chief inspector, and, as to the whole or any part of such records, in such other places as he may direct, and in such form and manner as may be prescribed.

(4) The entries in any record relating to a boiler shall, without charge, be open to inspection by the owner of the boiler or any person duly authorised by him in that behalf, but not by any other person.

(5) Such owner or person authorised as aforesaid may obtain a copy of any entry relating to such boiler upon payment of the prescribed fee.

**25.** At the first inspection of every boiler the inspector shall legibly stamp the official number of the boiler in the manner prescribed.

Official number to be affixed.

No. 11, 1921, W.A., s. 43.

Any person who disfigures, removes, destroys, conceals, or attempts to disfigure, remove, destroy, or conceal such official number shall be liable to a penalty not exceeding *twenty* pounds.

**26.** (1) The inspector may test a boiler in such manner as he considers necessary. Any hydraulic pressure test applied to the boiler shall not exceed one and one-half times the working pressure authorised by the certificate then in force, and in the case of a new boiler, or a boiler which has not been previously inspected pursuant to this Act, or in respect of which there is no certificate in force, to a hydraulic pressure not exceeding double the working pressure for which the boiler was designed

Tests.

designed to sustain, or which the inspector estimates to be the safe working pressure of the boiler: Provided that in any case by reason of peculiar or novel construction the safe working pressure to be sustained by a boiler or any part thereof cannot be determined by calculation in the ordinary way, the chief inspector may direct the owner, or manufacturer, or responsible representative of the manufacturer, to apply such hydraulic or other test as the chief inspector may deem necessary to one or more of such boilers or parts thereof for the purpose of determining a safe working pressure therefor.

(2) The owner when required by an inspector so to do, for the purpose of a hydraulic pressure test, shall cause the boiler to be completely filled with water and have all valves and joints so adjusted, and such fittings or mountings removed and the apertures in the boiler shell therefor so blanked off to withstand the maximum hydraulic test pressure to be applied by the inspector.

(3) The inspector may also, if he deems it necessary so to do, drill or cause to be drilled in or through any part of a boiler such holes as he may deem necessary to test the thickness of the plates thereof. The owner shall thereafter cause such holes to be screw-plugged to the satisfaction of the inspector.

(4) The owner, when required by an inspector so to do, shall remove or cause to be removed any rivets in any seam or joint of a boiler for the purpose of determining the nature and efficiency of such seam or joint.

(5) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

**27.** (1) If after inspection it appears to the inspector that—

- (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

Notice of defects and procedure thereon.  
 of. No. 88, 1908, N.Z., s. 23; No. 11, 1921, W.A., s. 32.

(b)



- (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 either—
- (i) under any circumstances;
  - (ii) unless certain repairs, additions, or alterations are effected; or
  - (iii) in excess of a pressure to be determined by the inspector,

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

- (2) Such notice may either require the owner—
- (a) to forthwith cease working or using the boiler;
  - (b) 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
  - (c) 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.

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

(4) Any person upon whom such notice has been served who fails to desist from working such boiler, according to the exigency of the notice, shall be liable to a penalty not exceeding *one hundred* pounds.

#### *Permits and certificates.*

**28.** Whenever an inspector has inspected a boiler and 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 give the owner written permission to use the boiler for twenty-eight days from the date of such permission and shall report to the chief inspector accordingly, who shall thereupon, and after the payment of the prescribed fee, grant and issue to the owner a certificate in the prescribed form.

Certificate of boiler inspection. cf. No. 2,621, 1915, Vic., s. 17.

**29.**

**29.** (1) The certificate of inspection granted to the owner shall remain in force for a period, not exceeding twelve months, as the chief inspector thinks fit. The period shall be stated in the certificate.

Duration of certificate. cf. No. 11, 1921, W.A., s. 41; No. 1,064, 1911, S.A., s. 33; No. 24, 1915, Q., s. 30; No. 2,621, 1915, Vic., s. 20 et seq.

(2) Provided that—

- (a) a certificate of inspection shall be and become void if, after inspection and without the approval of an inspector, any material alteration or addition shall be made in or to the boiler named therein; and
- (b) the chief inspector may at any time cancel or suspend any such certificate or any permission given by an inspector as aforesaid when he deems it necessary for the safety of the public or any person so to do.

After such cancellation, or during the period of such suspension, the certificate or permission shall be void;

- (c) in the case of a boiler not worked for more than six months in any one year, and used solely for threshing, chaff-cutting, grain crushing, sheep shearing, irrigation, or other specifically agricultural purpose, the certificate may, at the discretion of the chief inspector, remain in force for two years;
- (d) no certificate shall be deemed to be granted until it has been actually received by the grantee.

**30.** (1) The certificate of inspection granted in respect of a boiler shall be exhibited in manner prescribed in some conspicuous place, to be determined by the inspector, and any owner who neglects so to exhibit such certificate shall be guilty of an offence against this Act.

Certificate to be exhibited. cf. No. 11, 1921, W.A., s. 40; No. 1,064, 1911, S.A., s. 35; No. 24, 1915, Q., s. 29; No. 2,621, 1915, Vic., s. 19.

(2) In any proceedings for the recovery of penalties under this section, it shall be of sufficient defence if the defendant satisfies the magistrate—

- (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 exhibited;

(b)

- (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 an inspector;
- (c) that the person in charge of the boiler was provided with a copy of the certificate.

*Explosions and accidents.*

**31.** (1) On the occurrence of an explosion of any boiler or any compressed gas cylinder or of any accident to or arising from any boiler or compressed gas cylinder causing damage or bodily injury, notice thereof in the prescribed form and manner shall forthwith be sent by the owner or some person acting in his behalf to the chief inspector, who may cause all necessary inquiries, examinations, and inspections to be made. The chief inspector shall, in case of a fatal accident, forward a report thereon to the Minister, together with such observations and recommendations as he thinks necessary.

Notice of accident to be given. cf. No. 11, 1921, W.A., s. 50; No. 88, 1908, N.Z., s. 39; No. 1,064, 1911, S.A., s. 36; No. 2,621, 1911, S.A., s. 36.

(2) Any owner who fails to comply with the requirements of this section shall be liable to a penalty not exceeding *fifty* pounds.

**32.** (1) When any such explosion or accident has occurred, no person shall move, or in any way interfere with the boiler or compressed gas cylinder or any part thereof respectively, or any other object or thing affected or damaged 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 other boilers connected thereto, until the written permission of the chief inspector is first obtained or until an inspector has completed his inquiry, and has thereafter notified the owner or a person acting in his behalf accordingly.

After explosion nothing to be moved without permission. cf. No. 1,064, 1911, S.A., s. 37.

(2) Any person who contravenes the provisions of subsection one of this section, or who otherwise does anything to destroy or conceal any act, matter, object, or thing which may have any bearing upon the cause of

of the explosion or accident, except as mentioned in the said subsection one, shall be liable to a penalty not exceeding *fifty* pounds.

**33.** (1) In the event of bodily injury being sustained by any person as the result of an accident happening to a boiler or compressed gas cylinder or arising out of the use thereof, which accident does not result in loss of life in respect of which a coronial inquisition is held, the Minister upon report by the chief inspector may in manner prescribed direct an inquiry into the cause of the accident, such inquiry to be held by such person and at such place as the Minister may appoint.

Minister may direct inquiry as to cause of accident.  
cf. No. 11, 1921, W.A., s. 52; No. 1,064, 1911, S.A., s. 39; No. 24, 1915, Q., s. 42; No. 2,621, 1915, Vic., s. 36 et seq.

(2) The person appointed may—

- (a) take evidence upon oath or affirmation (which oath or affirmation he is hereby empowered to administer), and may, by summons under his hand, require such persons as he thinks fit to appear personally before him at a time and place to be fixed in and by such summons, and to produce to him such papers or documents, articles or things, as appear necessary for the purpose of the inquiry ;
- (b) allow such fees and expenses to persons summoned to attend the inquiry as would be allowed in summary jurisdiction by a court of petty sessions ;
- (c) for the purpose of such inquiry enter and inspect any place or building and likewise inspect any boiler or compressed gas cylinder or any part thereof or connection thereto or any article or thing associated therewith in such place or building ;
- (d) make such order as he thinks fit respecting the payment of the costs and expenses of the inquiry. Such order may, on the application of the person in whose favour it is made, be enforced in a summary manner before a court of petty sessions.

(3)

(3) The Minister may grant to the person appointed to make inquiry pursuant to this section a fee of not less than five guineas a day for every day or part thereof such person is engaged upon the inquiry together with such sum as is equivalent to travelling expenses actually and bona fide incurred by such person in the conduct of the inquiry.

(4) The person appointed to hold the inquiry shall, upon completion thereof, forthwith transmit to the Minister all papers and documents concerning the inquiry and shall at the same time report to the Minister the cause of the accident, so far as it was ascertainable, and the circumstances attending it, adding such observations as he thinks fit.

*Miscellaneous.*

**34.** The Governor may from time to time, by proclamation in the Gazette, exempt any boilers, compressed gas cylinders, or class of boilers or compressed gas cylinders, from the provisions of this Act or any part or section thereof, and may annul or withdraw any exemption so made. Exemptions. cf. No. 1,064, 1911, S.A., s. 41; No. 2,621, 1915, Vic., s. 4 (4).

**35.** Any order, requisition, direction, or notice to be served or given under this Act or the regulations hereunder, and any summons to be served in respect of any breach or contravention of the provisions of this Act or the regulations hereunder, or for the recovery of any penalty, shall be deemed to be duly served upon or given to the owner if such order, requisition, direction, notice, or summons be affixed to the door or some other conspicuous part of the premises upon which a boiler or compressed gas cylinder is situate or if the same be forwarded by prepaid registered letter post addressed to the owner at his usual or last known place of residence or business. Service of orders, notices, &c. cf. No. 39, 1912, N.S.W., s. 55.

**36.** Every owner or other person who is guilty of an offence against or fails to comply with the provisions of this Act or the regulations hereunder, and every owner who fails to comply with any order, requisition, direction, or notice made, served, or given by an inspector in exercise General penalties.

exercise of his powers under this Act, shall on conviction be liable, if no other penalty is provided, to a penalty not exceeding *twenty-five* pounds.

**37.** If an owner is charged with an offence against this Act or the regulations hereunder he shall be entitled, on information laid by him, to have any other person whom he charges to be the actual offender brought before the magistrate at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the owner proves to the satisfaction of the magistrate that he used due diligence to enforce the provisions of the Act and regulations, and that the said other person had committed the offence in question without his knowledge, consent, or connivance the said other person shall be convicted of such offence, and the owner shall be exempt from any penalty.

Exemption of owner from penalty on conviction of actual offender.  
cf. No. 24, 1915, Q., s. 49 (2); No. 2,621, Vic., s. 32 et seq.; No. 11, 1921, W.A., s. 46 et seq.

**38.** (1) No person shall be liable under the provisions of this Act as an owner of a boiler or compressed gas cylinder unless such boiler or compressed gas cylinder is—

Owner not liable in certain cases.  
cf. No. 2,621, 1915, Vic., s. 34; No. 1,064, 1911, S.A., s. 44; No. 11, 1921, W.A., s. 49.

- (a) in the actual possession of such person ;
- (b) under his direct or immediate power or control ;
- (c) in course of construction or manufacture by such person ;
- (d) worked or used by such owner personally or by his agents, servants, or others under his orders or directions, or for his benefit or profit.

(2) Nothing herein contained shall exempt any corporate body from any liability under this Act by reason only that any such boiler or compressed gas cylinder is under the control of any director, secretary, manager, or other person elected or employed by any such corporate body for the benefit of or on behalf of such body.

**39.** Nothing in this Act, or in any certificate granted under its provisions, shall relieve the owner of any boiler or compressed gas cylinder from liability to any action or suit, or from liability to any civil or criminal proceeding ; but all rights of parties and all liabilities of owners of boilers or compressed gas cylinders, or of any other person or persons in respect thereof, shall remain unaffected by this Act.

Responsibility of owners, &c., maintained.  
cf. No. 11, 1921, W.A. s. 72.

**40.** No matter or thing done by any inspector bona fide in the execution of this Act shall subject such inspector or the Crown to any liability whatsoever in respect thereof.

Protection of inspector from liability.  
cf. No. 11, 1921, W.A., s. 79.

**41.** (1) Every breach or contravention of this Act, or the regulations hereunder, shall be reported to the Minister by the inspector in manner prescribed, and no prosecution shall be instituted without the authority of the Minister.

No prosecution without authority of Minister.  
No. 39, 1912, N.S.W., s. 52.

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the Minister, shall be evidence of such authority, without proof of the Minister's signature.

**42.** Every information or complaint under this Act, or the regulations hereunder, shall be heard and determined, and all proceedings consequent thereon, or incidental thereto, shall be had and taken in the manner provided by the Justices Act, 1902, and any Act amending the same, before and by a court of petty sessions held in the district in which the offence referred to in the information or complaint is alleged to have been committed.

Jurisdiction.

**43.** (1) The Governor may make such regulations as may be necessary or expedient for carrying into effect the provisions of this Act, and may by such regulations impose penalties not exceeding *twenty-five* pounds for any breach thereof.

Regulations.  
cf. No. 17, 1912, N.S.W., s. 73.

(2) Regulations made under this Act, on being approved by the Governor and published in the Gazette, shall, if not disallowed as hereinafter provided, and if not repugnant to this Act, have the force of law.

(3) All such regulations on being gazetted shall be laid before both Houses of Parliament within fourteen days if Parliament is then sitting, and if not sitting, then within fourteen days after the next meeting of Parliament. But if either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

