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Draft Engine-drivers Bill.

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No. , 1919.

A BILL

Relating to persons controlling engines and
boilers.

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

1. This Act may be cited as the "Engine-drivers'
Act of 1919," and shall come into operation on

Short title
and com-
mencement.

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2.

- Repeal.** **2.** (Necessary repeals.)
- Limit of Act.** **3.** (1) This Act does not apply to any engine or boiler—
- (a) used or employed in the working of any railway or tramway vested in or under the control of the Commissioner for Railways ;
 - (b) used or employed in the working of any other railway or tramway worked by electric power, other than engines or boilers used or employed in any power station or in any constructional or repairing workshop thereof ;
 - (c) forming part of the propelling machinery of any ship, raft, punt, or boat ;
 - (d) used exclusively for domestic purposes in a private dwelling house.
- (2) This Act does not apply to—
- (a) any motor car, motor vehicle, or motor tractor ;
 - (b) any internal combustion engine or engines having an area of cylinder or combined area of cylinders not exceeding one hundred and fourteen square inches.
- Interpretation.** **4.** In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—
- “ Board ”—The engine-drivers’ board appointed under this Act.
 - “ Boiler ”—Any closed vessel used for generating steam under pressure greater than atmospheric pressure.
 - “ Certificate ”—A certificate of competency or service granted under this Act.
 - “ Chief Inspector ”—The State chief inspector of machinery appointed under the Machinery Act, or any person acting in that capacity.
 - “ Engine ”—A piece of mechanism used to convert heat or some other form of energy into mechanical work ; or a machine for the development of power from some source of energy such as coal, gas, oil, compressed air, or other source.
 - “ Machinery Act ”—The Inspection of Machinery Act and any Act amending or in substitution for that Act.
- “ Mine ”

- “ Mine ”—A mine under the State Mines Acts, (State matter.)
“ Minister ”—The Secretary for or other (State matter.)
Minister of the Crown for the time being
charged with the administration of this Act.
“ Prescribed ”—Prescribed by this Act.
“ Regulations ”—Regulations made under the
authority of this Act.
“ This Act ”—This Act and any regulations made
thereunder.

5. (1) For the purposes of this Act there shall be an Constitution of Board.
engine-drivers' board, consisting of three members, to be
appointed by the Governor-in-Council, namely :—

The chief inspector of machinery.

Two qualified persons, one of whom must hold a
winding engine-driver's certificate under this
Act.

(2) The chief inspector of machinery shall be the
chairman of the board.

(3) Any two members of the board shall form a
quorum.

(4) The board shall meet at such times and con-
duct their business in such manner as they may decide
or as may be prescribed by the regulations.

6. The board shall have power to grant the following Classes of Certificates.
certificates of competency or service, namely :—

- (1) Winding engine-driver's certificate.
- (2) First-class engine-driver's certificate.
- (3) Second-class engine-driver's certificate.
- (4) Third-class engine-driver's certificate.
- (5) Locomotive and traction engine-driver's cer-
tificate.
- (6) Crane and hoist driver's certificate.
- (7) Internal combustion engine-driver's certificate.
- (8) Boiler attendant's certificate.

7. (1) Subject to this Act, all certificates of com- Exan- tions
petency shall be granted only after examination by the
board.

Examinations for certificates of competency shall be
supervised by such persons as may be appointed by and
under the direction of the board.

Examinations shall be held at such places and at
such times as may be prescribed. (2)

(2) On an applicant passing the prescribed examination, and upon the board being satisfied of his fitness in all other respects, the board may grant a certificate of competency of the appropriate grade or description and in the prescribed form.

(3) The board may without examination grant a certificate of service to any person who before the expiration of makes application therefor, and produces evidence satisfactory to the board that he has had such experience as may be prescribed.

(4) The board may refuse a certificate on any grounds it deems advisable.

Engine-
drivers and
boiler
attendants
to hold
certificates.

8. No person shall be employed or act in the capacity of engine-driver in charge of any engine or boiler to which this Act applies or be employed to act as boiler attendant of any such boiler, unless he is the holder of a certificate of the grade prescribed for the engine or boiler in question.

Winding
engine-
drivers'
certificates
on mines.

9. Every person who takes charge of the principal winding machinery on or below the surface of a mine, whether the motive power be steam, air, water, gas, oil or electricity, shall be the holder of a winding engine-driver's certificate under this Act.

10. (1) A winding engine-driver's certificate shall entitle the holder thereof to take charge of winding machinery as hereinbefore mentioned, and of any stationary engine to which the first-class engine-driver's certificate applies.

Status of
certificates.

(2) A first-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary engine or engines, including steam turbines, and of its or their boilers, to which this Act applies (other than winding machinery as hereinbefore mentioned), provided that such engines and boilers are so situated that the chief inspector or his representative is satisfied the engine-driver can efficiently discharge his duties without danger to any person or liability of accident to such engines and boilers or the attendant plant.

(3) A second-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary engine or engines to which this Act applies,

applies, and of its or their attendant machinery (other than winding machinery as hereinbefore mentioned), the area of cylinder or combined area of cylinders of which does not exceed five hundred square inches, and of its or their boilers, or of any stationary engine or engines the area of cylinder or combined area of cylinders of which does not exceed seven hundred and fifty square inches, but not also of its or their boilers.

(4) A third-class engine-driver's certificate shall entitle the holder thereof to drive and have charge of any stationary engine or engines to which this Act applies (other than winding machinery as hereinbefore mentioned), the area of cylinder or combined area of cylinders of which does not exceed one hundred and fourteen square inches, and of its or their boilers.

(5) A locomotive and traction engine-driver's certificate shall entitle the holder thereof to drive and have charge of any locomotive or traction engine and of its boiler to which this Act applies propelled or moved from place to place by its own motive power, and of any stationary engine or engines and of its or their boilers of third-class requirements, as by this Act prescribed.

(6) A crane and hoist driver's certificate shall entitle the holder thereof to drive and have charge of any crane, hoist, traveller, or other appliance of a like kind operated by power other than hand or animal power used for the purpose of lifting, lowering or otherwise handling men or materials, and in the case of steam operated appliances of its or their boilers, as may be prescribed.

This subsection does not apply to any machinery used on or in a mine or to any lift within or attached to any building or structure.

(7) An internal combustion engine-driver's certificate shall entitle the holder thereof to drive and have charge of any internal combustion engine or engines to which this Act applies (other than winding machinery as hereinbefore mentioned).

(8) A boiler attendant's certificate shall entitle the holder thereof to take charge of any boiler or boilers to which this Act applies, together with its or their accessories.

A certificate of any of the beforementioned classes in subsections one to five inclusive shall entitle the holder thereof to have charge of any boiler.

Restriction
or extension
of certificates.

11. Notwithstanding anything contained in this Act, the board may restrict or extend the privileges conferred by any certificate as they may deem advisable.

Such restriction or extension shall be endorsed on the face of the certificate and may be cancelled by the board upon production of satisfactory evidence of further experience and payment of the prescribed fees. No application for a higher grade certificate shall be entertained until such restriction has been cancelled.

Reciprocity.

12. (1) On payment of the prescribed fees the board may, without examination, grant any certificate to any person who satisfies the board that he is a resident in , and is a person of good repute, and is the holder of a corresponding certificate of equal grade, granted after examination by any duly constituted and recognised authority within or without the State.

The grant of any such certificate shall be made by endorsement of the original certificate or in such manner as may be subscribed.

(2) On payment of the prescribed fees the board may, without examination, grant to any person who satisfies the board that he is resident in , and is a person of good repute, and is the holder of a certificate as an engine-driver granted without examination by any duly constituted or recognised authority without the State, a certificate of such class as the board thinks fit.

(3) Notwithstanding anything contained in this section, where any person the holder of a certificate without the State makes application to the board for a corresponding certificate, and such application is under consideration, the chairman of the board or deputy may, on payment of the prescribed fees, issue to him an interim certificate which shall be returned to the board at its next sitting.

Reciprocity.

13. Any person who holds a certificate entitling him to take charge of any winding engine granted by an authority recognised by the board within or without the State

State may, on making application in the manner and on payment of the fees prescribed, and forwarding such certificate to the board, be granted without examination a winding engine-driver's certificate.

Provided that if the original certificate was issued by an authority without the State the board may, before issuing the certificate, require any applicant to furnish satisfactory evidence as to his knowledge of the provisions relating to winding, and of the signal code under the State Mining Acts, and satisfactory evidence as to his qualifications and character.

14. On payment of the prescribed fees and on proof that the applicant is of good repute and is resident in _____, and on production of a certificate granted after examination by the Board of Trade of the United Kingdom of Great Britain and Ireland, or by any board in His Majesty's dominions having authority from the said Board of Trade to grant certificates, the board shall grant, without examination, the following certificates of competency :—

Recognition of marine engineers' certificates.

To the holder of a first-class or second-class marine engineer's certificate—A first-class engine-driver's certificate.

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

15. Any person who is the holder of any certificate, and who drives or takes charge of any engine or boiler to which his certificate is not applicable, shall be liable to have his certificate suspended or cancelled.

Misuse of certificate, &c.

Any such person who has had his certificate suspended or cancelled, and any person who without holding a certificate drives or takes charge of any engine or boiler, shall be guilty of an offence.

16. Any person who obtains or attempts to obtain any certificate by fraud or fraudulent means shall be liable to a penalty not exceeding *twenty* pounds.

Obtaining certificate improperly.

Every certificate improperly obtained, whether before or after the commencement of this Act, may be cancelled by the board, and the holder thereof shall, when called upon by the board, return such certificate.

Every

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

Cancellation
or suspension
of certificate.

17. (1) If at any time it appears to the board that the holder of a certificate has been guilty of any offence, misconduct, or negligence, or has developed any symptom of epilepsy or other serious complaint which would render him unfit to be trusted to efficiently perform his duties, he may be called upon by the board to show cause why his certificate should not be cancelled, suspended, or reduced.

(2) The board or other authority appointed by the Minister shall inquire into the matter.

If the inquiry is not made by the board, the evidence shall be taken in writing, and shall be forwarded to the board for consideration.

(3) At any such inquiry evidence shall be taken upon oath, and for the purposes of holding such inquiry the board or other such authority shall have the power of a police magistrate sitting in a court of petty sessions to summon witnesses.

(4) If the holder of the certificate does not appear, or if the board finds that he has been guilty of any offence, misconduct or negligence, or that he is suffering from any such complaint as aforesaid, the board may disqualify him by cancelling or suspending his certificate for such period as the board thinks fit; and during the period of such disqualification the person so disqualified shall be deemed to be without a certificate. The order of the board shall be final.

Duplicate
certificate in
case of loss.

18. If any certificate is lost or destroyed the holder shall make a statutory declaration with respect thereto; and the board, if satisfied with such declaration, may issue a fresh certificate to the person entitled to hold the same on payment of the prescribed fees.

Such certificate shall be endorsed, setting out the reasons for the issue thereof, and shall be available as if it were the original certificate.

British
subject.

19. Notwithstanding anything to the contrary in this Act, every applicant for a certificate shall be a British subject, and shall satisfy the board that his
knowledge

knowledge of the English language is sufficient to enable him to perform the duties required as the holder of a certificate.

20. A register shall be kept of all certificates issued. Register to be kept.

21. (1) All penalties and fees imposed by or pursuant to this Act may be recovered in summary jurisdiction. General provisions as to penalties.

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

(3) No prosecution for any breach or contravention of this Act shall be instituted without the authority of the Minister.

22. The Governor-in-Council may from time to time make regulations not inconsistent with this Act for the purpose of giving full effect thereto. Regulations.

The regulations may provide a penalty not exceeding *twenty* pounds for any breach thereof.

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

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

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

Draft of Skeleton Regulations.

1. (1) Every applicant for any certificate shall produce a medical certificate, documents as to respectability, nature and length of experience.

(2) Certificate to state class of engine the holder is entitled to drive and have charge, and also full name and signature.

(3) Minimum age of applicant for any certificate, eighteen years; and for first-class and second-class engine-drivers' and locomotive and traction engine-drivers' certificates, twenty-one years.

(4) Discretion of board in issuing certificates.

2. A candidate for a first-class engine-driver's certificate of competency shall have been the holder of a second-class engine-driver's certificate for a period of at least twelve months, and shall furnish satisfactory evidence that during that period he has had charge of machinery of second-class requirements.

3. A candidate for a second-class engine-driver's certificate of competency shall produce satisfactory evidence that he has been employed in some approved capacity about boilers and engines for a period of not less than twelve months, and shall have been the holder of a third-class engine-driver's certificate for a period of at least twelve months, and shall furnish satisfactory evidence that during that period he has had charge of machinery of third-class requirements, or shall have served an apprenticeship of at least five years in an engineer's workshop on the making or repairing of steam engines, boilers, pumps, &c.

4. A candidate for a third-class engine-driver's certificate of competency shall produce satisfactory evidence that he has had at least twelve months' experience with steam boilers and engines.

5. A candidate for a locomotive and traction engine-driver's certificate of competency shall produce satisfactory evidence that he has had at least eighteen months' experience with steam locomotives or traction engines and boilers.

6. Crane and hoist drivers' certificates shall be of three grades as here after to be described.

A candidate for a third grade certificate shall produce satisfactory evidence that he has had at least six months' experience on engines and boilers, of which at least two months shall be on cranes.

For a second grade certificate he shall have been the holder of a third grade certificate for six months; and for a first grade certificate he shall have been the holder of a second grade certificate for six months.

7. A candidate for an internal combustion engine-driver's certificate of competency shall produce satisfactory evidence that he has had at least twelve months' experience in connection with internal combustion engines.

8. A candidate for a winding engine-driver's certificate of competency shall produce satisfactory evidence that he has been the holder of a first class engine-driver's certificate under this Act for a period of not less than twelve months, and that he has during that period actually assisted to drive a winding engine under the supervision of the holder of a winding engine-driver's certificate for six months for at least twelve hours per week.

9. A candidate for a boiler attendant's certificate of competency shall produce satisfactory evidence that he has had at least six months' experience in assisting to work a steam boiler.

10. Any candidate for a certificate of competency in addition to the qualifications required under these regulations must show by examination that he possesses certain qualifications hereafter to be prescribed.

11. Provisions for the issue of service certificates.
 12. Preliminary requirements regarding examinations.
 13. Form and conduct of examinations.
 14. Fees to be paid for certificates.
 15. Forms of certificates as hereafter to be prescribed.
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