

# THE INSPECTION OF MACHINERY ACT, 1884.

## ARRANGEMENT OF SECTIONS.

1. Short Title.
2. Interpretation.

### PART I.

#### *Inspection of Machinery generally.*

3. Governor may appoint Inspectors of Machinery.
4. Inspectors to be furnished with certificates of appointment.
5. Penalty for using false certificate or pretending to be an Inspector.
6. Inspector to keep Minutes and report to Chief Secretary.
7. What to be deemed machinery for purposes of this Act.
8. Persons possessing machinery to send notice to Inspector.
9. Children and young persons not to be employed in certain cases. Penalty.
10. Young persons not to be allowed to clean machinery in motion. Penalty.
11. Certain parts of machinery to be fenced and guarded. Penalty.
12. Three preceding Sections to apply to all classes of machinery. Exceptions.
13. Powers and duties of Inspectors.
14. Inspector may call in aid of constables.
15. Penalty for obstructing Inspectors.
16. Inspector to give notice that part of machinery is dangerous.
17. Procedure thereon.
18. Period within which machinery to be fenced.

### PART II.

#### *Provisions specially affecting Steam Boilers.*

19. Provisions of Part I. applicable to inspection of boilers.
20. Chief Secretary to provide Inspectors with standards.
21. Procedure on first inspection of boilers.
22. Procedure on subsequent inspection.
23. Inspector to keep records.
24. Penalty on Inspector not keeping records.
25. Twice a year a general abstract and report to be furnished by Inspector.
26. Inspection may be made at any reasonable time.
27. Power to Inspector to give notice requiring owner to desist using boiler either wholly or partially. Penalty on disobeying notice.
28. Provisions of Sections 16, 17, and 18 to be applicable to cases in last preceding Section.
29. Owner effecting repairs in or altering boiler to give notice to Inspector.

### PART III.

#### *Application of Act to Machinery of Steam Vessels.*

30. Application of Act to steam vessels.
31. Steamships to be surveyed, and owners transmit declaration to Board twice a year.
32. Board to grant Certificates, and transmit list to be put up at Custom Houses.
33. The Board may cancel Certificates and require fresh declarations.
34. Surveyors acting under the direction of the Board to be allowed to go on board steam ships to inspect, &c.
35. Not to affect certain provisions of 38 Vict. No. 4.

### PART IV.

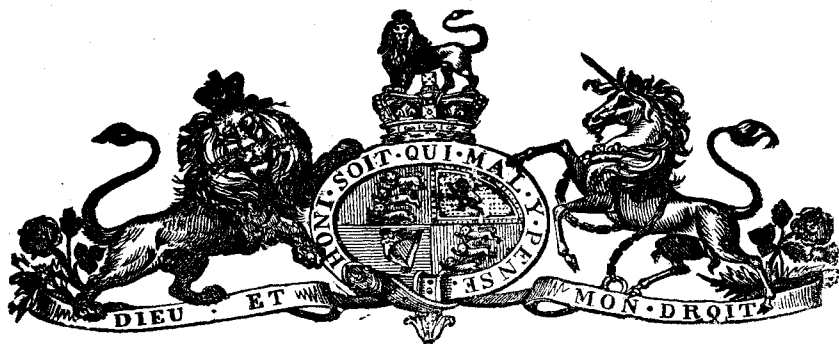
#### *Provisions affecting all Boilers and Machinery.*

36. Fees for inspection.
37. Penalty for receiving excessive fee.
38. How notices may be served.
39. Inspector to give owners of boilers or machinery a certificate that same has been inspected.
40. Where boiler or machinery is sold, notice to be given to Inspector.
41. Owner liable to penalty in the first instance.
42. Owners and mortgagees when not liable to Act.
43. Actual offender may be proceeded against in certain cases.
44. Inspector to give notice of intention to prefer complaint.
45. Notice of every accident to be sent to Inspector.
46. Recovery of penalties. 19 Vict. No. 8. Appeal. 19 Vict. No. 9.
47. Justices may allow certain proportion of penalty to any person injured. Appropriation.
48. Governor in Council may make Regulations for certain purposes.
49. Act not to extend to engines or machinery on railways under control of Government.

## SCHEDULE.



T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO  
VICTORIÆ REGINÆ,  
No. 18.

\*\*\*\*\*

AN ACT to provide for the Inspection and A.D. 1884.  
Regulation of Machinery.  
[24 November, 1884.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as “The Inspection of Machinery Act, 1884.” Short title.

2 In this Act, if not inconsistent with the context—

Interpretation.

“Inspector” means any person appointed to be an Inspector of Machinery under this Act :

“Machinery” means and includes every shaft, whether upright, oblique, or horizontal, and every drum, wheel, strap, band, or pulley by which the motion of the first motive power is communicated to any machinery, and every machine, gearing, contrivance, or appliance worked by steam or water-power, or by hand, or in any other manner, of such kinds as by this Act are declared to be, or may be hereafter declared to be, subject to the provisions hereof :

“Boiler,” “Steam-boiler,” respectively, mean and include any boiler or vessel in which or by means of which steam is generated or used for the purpose of working any machinery as such term is herein-before defined :

*Inspection of Machinery.*

A.D. 1884.

“Owner” shall mean and include as well the owner of any machinery as also the mortgagee or lessee of any such machinery, and any engineer, overseer, foreman, agent, or person in charge or having the control or management of any such boiler or machinery :

“Building” shall mean any manufactory, mill, shop, shed, or other place or building in which any machinery may be erected, or where the same may be kept, used, worked, or be in operation :

“Premises” shall mean and include any yard, place, house, or buildings, and any farm, paddock, field, road, or place in which any machinery may be kept, worked, used, or be in operation :

“Child” shall mean a person of either sex under the age of Twelve years.

**PART I.***Inspection of Machinery generally.*

Governor may appoint Inspectors of Machinery.

**3** The Governor may, from time to time, appoint one or more duly qualified persons to be Inspectors of Machinery, and any such person or persons may remove from office ; and in case of the death, resignation, or dismissal from office of any such person or persons, another or others in his place may appoint as occasion may require.

Inspectors to be furnished with certificates of appointment.

**4** Every Inspector shall be furnished with a Certificate in writing, under the hand of the Chief Secretary, to the effect that such Inspector has been appointed to be Inspector of Machinery ; and on his entering upon any place or premises or into any building for any of the purposes in this Act mentioned, he shall, if required, produce the said Certificate to the owner, occupier, or person in charge.

Penalty for using false Certificate or pretending to be an Inspector.

**5** Every person who forges or counterfeits any such Certificate, or makes use of any forged, counterfeited, or false Certificate, or who falsely pretends to be an Inspector under this Act, shall be guilty of a misdemeanor, and be liable to be imprisoned for any period not exceeding Three months.

Inspector to keep Minutes and report to Chief Secretary.

**6** Every Inspector shall keep full Minutes of all his proceedings, and shall at least twice in every year, or oftener if so required, report the same to the Chief Secretary, with such particulars and information as the Chief Secretary may require.

What to be deemed machinery for purposes of this Act.

**7** Upon the commencement of this Act, the several kinds and descriptions of machinery and articles mentioned in the Schedule (1.) shall be deemed to be machinery for the purposes of this Act ; and the Governor, by Proclamation in the *Hobart Gazette*, may from time to time, declare that any other kinds of machinery shall be machinery subject to the provisions of this Act, and in any such case, and from and after a date to be fixed in and by such Proclamation, the machinery therein mentioned shall be deemed to be machinery subject to the provisions of this Act.

*Inspection of Machinery.*

**8** Upon the commencement of this Act any person who may be the owner of any machinery declared to be subject to the provisions of this Act shall, within one month thereafter, send to the Inspector a written notice stating the name of such owner, the place or town where such machinery is erected, kept, or is intended to be used, the nature and kind of machinery, the nature and amount of the motive power; and in default of his so doing, every such person shall be liable to a penalty not exceeding Ten pounds.

A.D. 1884.

Persons possessing machinery to send notice to Inspector.

Whenever any machinery shall become subject to the provisions of this Act as is hereinbefore provided, the owner thereof shall, within One month from the date of the Proclamation rendering such machinery subject to this Act, give notice to the Inspector in like manner as hereinbefore provided, and in default thereof shall be liable to the like penalty thereby imposed.

**9** No child shall be employed working or assisting to work at or with any machinery; and no such machinery, worked or propelled by steam power, shall at any time be left in charge or control of any person unless he is a male of at least Eighteen years of age.

Children and young persons not to be employed in certain cases.

In case of a breach of any of the provisions of this Section, the owner of any such machinery shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Penalty.

**10** No young person under the age of Fifteen years shall be allowed to clean any part of the gearing of any machinery while the same is in motion; and no such person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel, or other mechanical power.

Young persons not to be allowed to clean machinery in motion.

In case of a breach of any of the provisions of this Section, the owner of any such machinery or of any such machine shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Penalty.

**11** Every fly-wheel directly connected with the steam-engine or the water-wheel or other mechanical power, whether in the engine-house or not, every part of a steam-engine and water-wheel, and every hoist or teagle near to which children or young persons are liable to pass or be employed, shall be securely fenced; and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power.

Certain parts of machinery to be fenced and guarded.

In case of a breach of any of the provisions of this Section, the owner of the several parts of the machinery or other mechanical powers herein mentioned shall be liable to a penalty not exceeding Twenty Pounds.

Penalty.

**12** The provisions of the three last preceding Sections shall be applicable to machinery of every kind and to the parts of machinery therein mentioned, whether such machinery is hereby declared to be subject to the provisions of this Act, or may hereafter be declared to be subject thereto, or not.

Three preceding Sections to apply to all classes of machinery.

But no such owner shall be liable to the penalty mentioned in the Eleventh Section of this Act if the notice which he shall have received from an Inspector to fence, as hereinafter provided, shall have been

Exceptions.

*Inspection of Machinery.*

A.D. 1884.

cancelled as by this Act is provided, nor in case it shall be made to appear to the satisfaction of the Justices before whom any complaint on the prosecution for such penalty shall be heard that it was impossible to fence the several parts of machinery or mechanical powers therein mentioned.

Powers and duties  
of Inspectors.

**13** Every Inspector is hereby empowered to enter into any building, place, or premises wherein there may be placed or erected any machinery, whether the same may be declared to be subject to the provisions of this Act or not, or into or upon any place or premises where such machinery may be in use or working or may be kept, and such entry may be made at any time either by day or by night, and whether such machinery is in operation or working or not, and then and there to inspect and examine such machinery, and the appliances connected therewith or belonging thereto, in order that it may be ascertained whether the provisions of this Act have been complied with.

Inspector may  
call in aid of  
constables.

**14** In making any such inspection as aforesaid, an Inspector may call to his aid any constable or any person he may think competent to assist therein, and he may require the owner or person in charge of any such machinery to explain the working thereof, and may examine such owner or person as to the compliance with this Act in any particulars.

Penalty for  
obstructing  
Inspectors.

**15** If any person shall wilfully impede any such Inspector in the execution of any part of his duty under this Act, or if any owner or person in charge of any such machinery as last aforesaid shall refuse to give such explanation or information as aforesaid, every such person, and all persons aiding or assisting therein, shall, for every such offence, be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Inspector to give  
notice that part of  
machinery is  
dangerous.

**16** Whenever an Inspector shall be of opinion that any machinery subject to the provisions of this Act, or that any drawing-strap or band which he shall deem likely to cause bodily injury to any person engaged in the working thereof, is not securely fenced or otherwise sufficiently guarded, he shall give notice in writing to the owner specifying the part of the machinery he considers dangerous, according to the form in the Second Schedule to this Act, or to the effect thereof, and the owner shall sign a duplicate copy of such notice in acknowledgment of his having received it; and if the owner do not, within a period of Ten days from the service upon him of such notice, comply with the terms thereof, or if he do not within the time limited by the next succeeding Section make application in writing for referring the question of fencing the machinery to which the notice refers to arbitration as therein provided, and with the least possible delay appoint an arbitrator for the purpose therein mentioned, he shall forfeit and pay a penalty of not less than Ten pounds nor more than Fifty pounds.

Procedure  
thereon.

**17** If the owner shall think fit, he may make a written application to the Inspector at any time within Seven days after he shall have received such notice as aforesaid, that two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the owner in the said

*Inspection of Machinery.*

application and the other by the Inspector, with the least possible delay after he shall have received such application, and the arbitrators shall proceed to examine the machinery alleged to be dangerous, within Fourteen days of the appointment of the arbitrator named by the Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators or any two of them shall sign an opinion in writing, addressed to the Inspector, that it is unnecessary or impossible to fence the machinery or strap or band alleged in the notice to be dangerous, the Inspector, on receipt of the same, shall cancel the said notice; and if the decision of such arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous, the expenses of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the owner, and shall be recoverable as the penalties under this Act are recoverable.

A.D. 1884.

**18** If the opinion of the arbitrators appointed under the provisions of the last preceding Section shall be that it is possible and necessary to fence such machinery, it shall be the duty of the owner forthwith well and securely to fence and protect the same in a proper and substantial manner; and if any such owner shall for a period of one calendar month after the service upon him, in the manner provided by this Act, of a notice from the Inspector in the form or to the effect in the Schedule (3), neglect or fail so to fence and protect such machinery, he shall forfeit and pay a penalty not less than Twenty Pounds nor more than One hundred Pounds.

Period within which machinery to be fenced.

**PART II.***Provisions specially affecting Steam Boilers.*

**19** All the powers of entry and inspection and other powers and authorities conferred upon Inspectors, and all other powers, rights, duties, and authorities conferred upon or given to any person or persons, and all penalties imposed on any owner of machinery or other person, under Part I. of this Act, shall, subject to the provisions hereinafter contained, be applicable and may be enforced in carrying this Part of this Act into effect.

Provisions of Part I. applicable to inspection of boilers.

**20** It shall be the duty of the Chief Secretary to provide the Inspector with proper standards and tables of corrections by which all pressure-gauges and salinometers can at any time be compared and tested, and also to provide the Inspector with all other appliances necessary for carrying this Part of this Act into effect.

Chief Secretary to provide Inspectors with standards.

**21** On the first inspection of any boiler the Inspector shall make and keep a complete record of all particulars which may be necessary to ascertain the state and condition of such boiler. Such record shall contain particulars respecting the nature and construction of the boiler, the name of the maker, the pressure which such boiler is calculated to sustain, the mode of working the same, and generally as

Procedure on first inspection of boilers.

*Inspection of Machinery.*

A D. 1884.

to the state and condition thereof, and of all appliances used in connection therewith, and the fitness thereof for the particular purpose to which it is applied.

Procedure on subsequent inspection.

**22** On each subsequent occasion on which he shall inspect any boiler after such first inspection, the Inspector shall carefully make a comparison with such standards as aforesaid, and shall record any changes which may have occurred since the previous inspection; and if any change or alteration has been made in such boiler, or any repairs effected therein, he shall duly record the same in such manner as may be prescribed by any such regulations as hereinafter mentioned; and if no change or no material change has occurred in the state and condition of such boiler, he shall also record the same in manner aforesaid.

Inspector to keep records.

**23** The Inspector shall be supplied with a record-book to be kept by him in such manner as may be prescribed by regulations to be made as hereinafter provided.

Penalty on Inspector not keeping records.

**24** If the Inspector shall fail to keep such record-book in the manner he may be required by the Chief Secretary, he shall be liable to forfeit his office, and in addition thereto be liable to a penalty of not less than Twenty Pounds nor more than One hundred Pounds.

Twice a year a general abstract and report to be furnished by Inspector.

**25** Not less than twice in every year the Inspector shall prepare and forward to the Chief Secretary a full and true abstract or return of all boilers inspected by him during the preceding half year; and such abstract shall contain all such particulars and be in such form as may from time to time be prescribed by any regulations to be made under this Act.

Inspection may be made at any reasonable time.

**26** Inspection of boilers may be made at any time in the day time at all reasonable hours, and so as not unnecessarily to impede the working or use of any boiler, unless the Inspector shall see fit to exercise the powers hereinafter conferred upon him.

Power to Inspector to give notice requiring owner to desist using boiler either wholly or partially.

**27** If upon any inspection it shall appear to the Inspector that any boiler is unsafe, or that it would be dangerous to life or property if such boiler were to continue to be used in its then state, it shall be lawful for such Inspector to give the owner of such boiler a notice in writing, or partly in writing and partly in print, in the form or to the effect set forth in the Schedule (4), and such notice may either require such owner—

To wholly desist from working or using the boiler until certain repairs or alterations to be stated in the notice shall have been effected; or,

To partially desist from working or using such boiler except at a minimum pressure to be stated in such notice, until any repairs or alterations to be mentioned in such notice shall have been effected.

Penalty on disobeying notice.

And if any person to or upon whom any such notice shall have been delivered or served as hereinafter provided shall for a period of Forty-eight hours thereafter fail either wholly or partially to desist from working such boiler according to the exigency of such notice, such person shall be liable to a penalty of not less than Twenty Pounds nor more than One hundred Pounds.



*Inspection of Machinery.*

**28** The provisions of Sections Sixteen, Seventeen, and Eighteen hereof, and the forms therein mentioned, shall be applicable, as far as circumstances will admit, to the notices specified in the last preceding Section, and to the liability of the person to or upon whom any such notice shall have been delivered or served, as fully and effectually as if the said Sections had been re-enacted and made specially applicable to the cases mentioned in such last preceding Section.

A.D. 1884.

Provisions of Sections 16, 17, & 18 to be applicable to cases in last preceding Section.

**29** Whenever the owner of any boiler shall have effected any repairs to any boiler, or shall have added to or taken away from any boiler any fittings or appliances of any kind whatsoever, or in any manner altered the construction thereof, he shall forthwith give notice thereof to the Inspector; and if any person shall fail to comply with the provisions of this Section he shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds: Provided that this Section shall not extend to cases where repairs have been effected in accordance with a notice to effect repairs given by the Inspector under the powers hereinbefore contained.

Owner effecting repairs in or altering boiler to give notice to Inspector.

**PART III.***Application of Act to Machinery of Steam Vessels.*

**30** The provisions of this Act shall, so far as the same can be applied thereto, be applicable to steamships plying from place to place or leaving any port or harbour in the Colony, and the boilers, engines, and machinery thereof shall be subject to inspection in the same manner as machinery declared to be subject to the provisions of this Act.

Application of Act to steam vessels.

**31** The owner of every steamship trading to or from any port in *Tasmania* (except steam vessels in respect of which a sea-going certificate or a river-going certificate which remains unexpired and uncancelled, and which has not been suspended, has been or shall hereafter be granted under the provisions of any law now or hereafter in force in the Colonies of *Victoria, New South Wales, Queensland, New Zealand, or South Australia*), shall, if the same be propelled by a low-pressure engine, cause such steamship and all machinery thereof to be surveyed twice at least in every year; and if the same be propelled by a high-pressure engine, shall cause the hull of such ship to be surveyed twice a year, and the machinery thereof four times a year, by a shipwright surveyor appointed by the *Hobart* Marine Board, and by an inspector appointed under this Act, such shipwright surveyor, in case of an iron steamship, being a person properly qualified to survey iron steamships; and such owner shall obtain a declaration under the hand of such shipwright surveyor of the sufficiency and good condition of the hull of such steamship and of the boats and other equipments thereof, and also a statement of the number of passengers (whether deck passengers or other passengers) which such ship is constructed to carry; and a declaration under the hand of such Inspector of the sufficiency and good condition of the machinery of such steamship, and that the master, mate, and engineer respectively of such steamship are, at the time of making such declaration, entitled to and possessed of the certificates required by law; and

Steamships to be surveyed, and owners transmit declaration to Board twice a year.

*Inspection of Machinery.*

A.D. 1884.

in every such declaration it shall be distinguished whether such ship is in construction and equipments adapted for sea service as well as for river service, or for river service only; and such declaration shall also state the limits within which such ship is, in the judgment of the Surveyor, adapted for plying; and in the case of sea-going ships the declaration of the Surveyor shall contain a statement that he is satisfied the compasses have been properly examined and adjusted within one month prior to the date of such declaration; and such owner shall transmit every such declaration to the *Hobart* Marine Board within fourteen days after the date thereof.

Board to grant Certificates, and transmit lists to be put up at Custom-houses.

**32** Upon the receipt of every such declaration the said Board shall register the same; and if they are satisfied that the provisions of this Part of this Act have been complied with, shall cause to be transmitted to the master or owner of the steamship to which every such declaration refers a certificate, signed by some one or more of the members thereof, that the provisions of the law with respect to the transmission of declarations in respect of such ship have been complied with; and such certificate shall be called a "sea-going certificate," where, according to the declaration of the shipwright surveyor, such ship is adapted for sea service as well as river service; and such certificate shall be called a "river certificate," where, according to such declaration, such ship is adapted for river service only, and shall set out the local limits within which such last-mentioned ship is to ply. And where any such ship is constructed to carry passengers the Board may insert in every such certificate the number of passengers, whether deck passengers or other passengers, which every such sea-going ship is constructed to carry, not exceeding the number authorised by any Bye-laws made under "The Marine Board Amendment Act, 1882," and also the number which every such river-going ship is constructed to carry; and the said Board shall from time transmit lists of the vessels in respect of which such certificates have been issued to the officers of Customs in all ports in *Tasmania*, and such officers shall cause such lists to be put up in a conspicuous place in the Custom House at each port.

The Board may cancel Certificates and require fresh declarations.

**33** The said Board may revoke and cancel such certificates in any case where they have reason to believe that the declarations of the sufficiency and good condition of the hull and machinery of any ship, or either of them, have been fraudulently or erroneously made, or that such certificate has otherwise been issued upon false or erroneous information, or where they have reason to believe that since the making of such declarations, or either of them, the hull or machinery of such ship has sustained any injury or is otherwise insufficient; and in every such case the said Board may, if they think fit, require the owner to have the hull or machinery of such ship again surveyed, and to transmit a further declaration of the sufficiency and good condition thereof before re-issuing any certificate, or granting a fresh one in lieu thereof; and the said Board may at any time revoke any certificate for the purpose of inserting in any certificate, or licence to be issued in lieu thereof, the number of passengers which the ship to which such certificate or licence relates, is constructed to carry.

Surveyors acting under direction of the Board to be allowed to go

**34** The said Surveyor and Inspector shall execute their duties under the direction of the Board; and in the execution of such duties it shall be lawful for them to go on board any such steamship as afore-

*Inspection of Machinery.*

said at all reasonable times and to inspect the same or any part thereof or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Part of this Act, or any of the Regulations to be made under this Act apply, not necessarily detaining or delaying the ship from proceeding on any voyage. And any person who hinders any such Surveyor or Inspector from going on board any such steamship, or otherwise impedes him in the execution of his duty under this Act, shall be liable to a penalty not exceeding Ten Pounds.

A.D. 1884.

on board steamships to inspect, &amp;c.

**35** The provisions contained in this Part of this Act shall not in any way affect the provisions relating to Steam Ferry Boats contained in "The Marine Board Amendment Act, No. 4."

Not to affect certain provisions of 38 Vict. No. 4.

**PART IV.***Provisions affecting all Boilers and Machinery.*

**36** There shall be paid to the Inspector on making any inspection of machinery or of any boiler, and before grant of any Certificate as hereinafter provided, the fees prescribed in the Schedule (5): Provided always that the Governor shall have power from time to time to diminish the amount of such fees as he shall think fit by notice published in the *Hobart Gazette*.

Fees for inspection.

All boilers shall be inspected at least once in every year, or oftener as occasion shall require: Provided that the fee for inspection of a boiler shall be payable in respect of such annual inspection, and not oftener, for the same boiler.

Whenever any machinery shall have been once inspected under this Act and a Certificate of such inspection shall have been given as hereinafter provided, no further fee shall be payable for any subsequent inspection of the same machinery.

**37** The Inspector shall not make any charge for any inspection over and above the amount prescribed for the time being in respect of the kind of boiler or machinery for the inspection of which the same respectively is payable; and if the Inspector shall knowingly accept or charge any fee or receive any sum of money over and above the charges by law established, he shall be liable forthwith to forfeiture of his office, and in addition to a penalty not exceeding Fifty Pounds.

Penalty for receiving excessive fee.

**38** Whenever any notice, summons, or other process is required to be served upon any owner under the provisions hereof, service on the manager, foreman, conductor, or agent of such owner shall be good and lawful service.

How notices may be served.

**39** Whenever the Inspector shall have inspected any boiler or machinery, and shall be satisfied, in the case of a boiler, that the same is in good repair and may be safely used for the purpose for which it is then used, and, in the case of any other machinery, that the same is securely fenced and guarded, he shall give to the owner thereof a Certificate in the form or to the effect in the Schedule (6), and the owner shall, after receiving such Certificate, cause to be affixed on some conspicuous part of such boiler or machinery, or on such part thereof

Inspector to give owners of boilers or machinery a certificate that same has been inspected.

*Inspection of Machinery.*

A.D. 1884.

as may be approved by the Inspector, a metal plate bearing the words in legible characters "Certified under 'The Inspection of Machinery Act, 1884 ;'" and if any person shall cause such plate to be affixed without having obtained such Certificate as aforesaid, he shall be liable to a penalty not exceeding Ten pounds.

Where boiler or machinery is sold, notice to be given to Inspector.

**40** Whenever any person shall sell or absolutely dispose of any boiler or machinery to any person, the seller shall forthwith give notice to the Inspector, stating the name, occupation, and abode of the person to whom such sale or disposition shall have been made ; and whenever any such boiler or machinery shall be let to hire, or for a certain term, or to be returned to the owner, a similar notice shall in every such case be given to the Inspector by the lessor or owner of such machinery in manner aforesaid.

In either of the cases hereinbefore mentioned if default shall be made in giving any such notice, the person offending shall be liable to a penalty not exceeding Ten Pounds.

Owner liable to penalty in the first instance.

**41** The owner of any boiler or machinery in respect of which an offence has been committed against this Act and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty ; but any owner who shall have been proceeded against by any Inspector shall be entitled, upon complaint or information duly made by such owner, to have any agent, servant, or workman brought before the Justices at the time appointed for hearing the complaint made against him by the Inspector, and if, after the commission of the offence has been proved, the owner shall prove to the satisfaction of the Justices that he had used due diligence to enforce the execution of this Act, and that the said agent, servant, or workman had committed the fact in question without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of such offence, and shall pay the penalty instead of the owner ; and the payment of such penalty and costs shall be enforced against the agent, servant, or workman in like manner as penalties are made recoverable by this Act.

Owners and mortgagees when not liable to Act.

**42** No person shall be liable to the provisions of this Act as an owner of machinery or a boiler unless such machinery or boiler shall be under his immediate power or control ; nor shall any mortgagee of any machinery or boiler be liable as hereinbefore mentioned unless he shall be in actual possession thereof or have the same under his immediate power or control. And for the purposes of this Section, the words "immediate power or control" shall mean where any machinery or a boiler is worked or used by the owner of such machinery personally, or his agents, servants, or others, under his orders or directions and for his benefit or profit. But nothing herein contained shall exempt any corporate body from any liability under this Act by reason only that any such machinery or boiler is under the control of any directors, secretary, manager, or other person or persons whomsoever elected or employed by any such corporate body for the benefit of or on behalf of such body.

Actual offender may be proceeded against in certain cases.

**43** In any case where it shall appear to the Inspector at the time of discovering the offence that the owner had used all due diligence to enforce the execution of this Act, and also by what person the offence

*Inspection of Machinery.*

had been committed, and also that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the Inspector may proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the owner.

A.D. 1884.

**44** Where an Inspector intends to prefer a complaint against an owner of machinery that a child or young person had been employed in the management or in the working or control thereof, as the case may be, or that any part of the machinery, hoist, or teagle, or any wheel-race, is not securely fenced and protected, he shall give Ten days' notice previous to the day fixed for hearing the complaint; and if the party complained against intends to bring forward any person skilled in the construction of the machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector who shall be the complainant, at least Forty-eight hours prior to the hearing of the case.

Inspector to give notice of intention to prefer complaint.

**45** Whenever loss of life or serious bodily injury to any person by reason of the explosion of any boiler, or by reason of any accident caused by any machinery, shall have happened in any building, place, or premises in which or whereon there shall be any steam boiler or machinery of any kind (whether subject to the provisions of this Act or not), the owner of such boiler or machinery shall within Twenty-four hours thereafter send notice in writing under his hand to the Inspector where such accident may have happened, specifying in such notice the cause of such accident, and shall cause such notice to be delivered at the office or usual place of residence of such Inspector.

Notice of every accident to be sent to Inspector.

Every owner who neglects to send or deliver such notice as aforesaid shall be liable to a penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

**46** All offences against this Act shall be heard and determined, and all penalties shall be recovered, by and before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. And every person who deems himself aggrieved by any penalty imposed upon him under this Act may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

Recovery of penalties.

19 Vict. No. 8. Appeal.

19 Vict. No. 9.

**47** The Justices imposing any penalty under this Act may, if they think fit, direct that a part not exceeding One moiety thereof shall be applied to compensate any person for any bodily injury or damage which he may have sustained by reason of the default in respect of which such penalty is imposed; and, subject to such directions as aforesaid, all such penalties and all fees received under or by virtue of this Act shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

Justices may allow certain proportion of penalty to any person injured.

Appropriation.

**48** The Governor in Council may from time to time make, alter, amend, or revoke any Regulations not inconsistent with this Act—

Governor in Council may make Regulations for certain purposes.

For regulating the duties of Inspectors:

For prescribing the forms of notices to be given under this Act in any case where the same may not be herein provided for:

For prescribing a form of record book to be kept for the entry of

---

*Inspection of Machinery.*


---

A.D. 1884.

particulars as to inspection of boilers and the mode in which the same shall be kept, and at what places and times the same shall be open to inspection :

And generally for carrying this Act into execution.

All such Regulations shall be published in the *Hobart Gazette*, and shall take effect from the date of such publication unless otherwise provided therein ; and all such Regulations shall be laid before both Houses of Parliament if Parliament is then sitting, and if Parliament is not then sitting then within Fourteen days after the commencement of the next Session.

Act not to extend to engines or machinery on railways under control of Government.

**49** Nothing contained in this Act shall apply to or affect any engines, boilers, or machinery used on or employed in the working of any railway or other Public Work constructed on behalf of Her Majesty the Queen or the Government of *Tasmania* under the authority of any Act heretofore in force, or that may now or hereafter be in force.

---

**SCHEDULE.**


---

**(1.)**

ALL machinery used in printing by steam machinery, or in flour-mills, saw-mills, bone-crushing mills, woollen mills, distilleries, foundries, planing-machines, and all portable steam engines.

**(2.)**

To [*Name of Owner*], of

I HEREBY give you notice that the following parts of the [*here name and describe the machine and the parts requiring to be guarded*] in your possession at appear to me to be dangerous and likely to cause bodily injury to persons working or employed therewith, and I am of opinion that the same ought to be securely fenced by [*here describe how the protection should be made*].

And I hereby further inform you that this notice is given under "The Inspection of Machinery Act, 1884."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
*A.B.,*  
*Inspector of Machinery.*

**(3.)**

To [*Name of Owner*], of

I HEREBY give you notice that the Arbitrators acting in the matter of a certain notice given by the Inspector of Machinery to you on the \_\_\_\_\_ day of \_\_\_\_\_ last [*or instant*], having decided that it is necessary and possible to fence the machinery in such notice mentioned, I do hereby require you forthwith to cause the same to be fenced and protected in the manner required by the said notice : And I hereby further give you notice that by "The Inspection of Machinery Act, 1884," it is provided that if after receiving this notice you neglect or fail to fence the above-mentioned machinery you will be liable to a penalty of not less than Twenty Pounds nor more than One hundred Pounds. This penalty is over and above any liability you may incur at the suit of any person injured by such neglect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
*A.B.,*  
*Inspector of Machinery.*

---

---

*Inspection of Machinery.*

---

(4.)

A.D. 1884.

---

To [*Name of Owner*], of

I HEREBY give you notice that I have this day inspected a boiler attached to [*here describe boiler*], and that the same appears to me to be dangerous, and to require repairs [*or is in such a dangerous state that it is unsafe to life and property to use the same*]. You are therefore hereby required to cause repairs to be effected in such boiler in the following particulars :—[*Here specify repairs to be effected*]. And you are hereby further required in the meantime, and until such repairs shall be effected, to wholly desist from using or suffering the said boiler to be used [*or if it is to be partially used, state particulars fully*].

This notice is given under the provisions of Part II. of "The Inspection of Machinery Act, 1884."

Dated this

day of

18

A.B.,

*Inspector of Machinery.*

(5.)

*Fees on Inspection of Machinery not having Boilers connected therewith.*

For every Inspection of any machinery under Part I. of this Act... One pound.

*Fees on Inspection of Boilers.*

For every boiler working up to 10-horse power..... One pound.

For every boiler working over 10-horse power..... Three pounds.

(6.)

THIS is to certify that I have this day inspected the machinery [*or boiler*] mentioned at the foot hereof, and that I consider the same [*in the case of machinery, say is properly fenced and protected in the parts thereof which appear to me to require fencing or protection*] [*where a boiler is inspected, say is in good repair and fit to be used for the purpose stated below*].

Dated this

day of

18

A.B.,

*Inspector of Machinery.**Description of Machinery.*Nature of machine [*or boiler*].Motive power [*or pressure of boiler*].

Maker's name.

Purpose for which used.

Owner's name [*if a lessee or temporary owner, it should be so stated*].

Other particulars [*if any, stating whatever may be necessary to identify the machine or boiler*].

