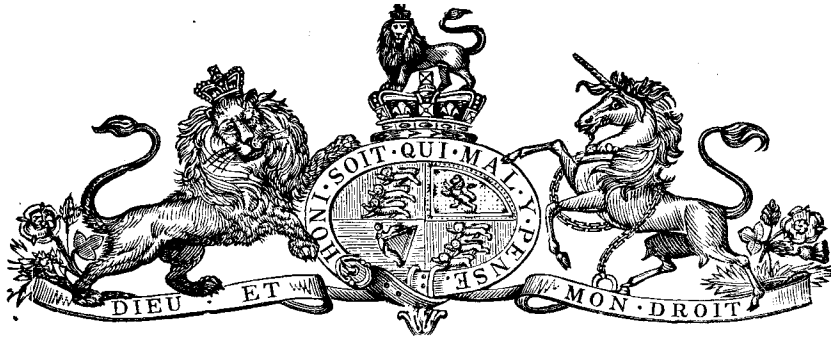


T A S M A N I A.



1902.

ANNO SECUNDO

EDWARDI VII. REGIS,

No. 11.

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AN ACT to consolidate and amend the Law A.D. 1902.  
relating to the Inspection and Regulation  
of Machinery. [1 November, 1902.]

**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, 1902,” and shall commence and take effect on and from the First day of *January*, One thousand nine hundred and three. Short title.

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

“Boiler,” “Steam-boiler,” respectively mean and include any boiler or vessel in which or by means of which steam or air of greater pressure than the atmosphere is used, other than the cylinders of engines, for application to any manufacturing process or purpose, or in which or by means of which steam is generated or air compressed for working any kind of machinery as such term is hereinafter described :

“Building” shall mean any manufactory, mill, shop, shed, or other place or building in which any machinery may be

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- erected, or where the same may be kept, used, worked, or be in operation :
- “ Child ” shall mean a person of either sex under the age of Fourteen years :
- “ Inspector ” means and includes the Chief Inspector and any Assistant Inspector of Machinery appointed under the provisions of this Act :
- “ Machinery ” means and includes all engines and motors, and every machine, gearing, contrivance or appliance worked by motive-power, of such kinds as by this Act are declared to be or may be hereafter declared to be subject to the provisions of this Act :
- “ Owner ” shall mean and include as well the owner of any machinery as also the mortgagee in possession 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 :
- “ 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.

Repeal.

**3** The Acts of the Parliament of *Tasmania* set forth in Schedule (1.) are hereby repealed, but such repeal shall not affect any certificate of service or competency or of inspection granted or issued under any Act repealed, which shall continue of full force and effect until revoked, altered, or dealt with under this Act ; and any offence committed before the commencement hereof may be dealt with in all respects as if this Act had not been passed.

**PART I.**

## INSPECTION OF MACHINERY GENERALLY.

Governor may  
appoint Inspectors  
of Machinery.

**4** The Governor may, from time to time, appoint a duly qualified person to be the Chief Inspector, and one or more duly qualified persons to be Assistant Inspectors of Machinery, for the purposes of this Act, and may, from time to time, remove such Chief Inspector or any such Assistant Inspector of Machinery from office ; and in case of the death, resignation, or dismissal from office of the Chief Inspector or of any Assistant Inspector, may appoint another duly qualified person to be Chief Inspector or an Assistant Inspector, as occasion may require.

Existing  
Inspectors  
continued.

**5** Every person who, upon the commencement of this Act, holds the office of an Inspector under any Act hereby repealed, shall be deemed to have been appointed to such office under this Act ; and shall be removable from such office or employment in manner provided by this Act.

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**6** Every Inspector so appointed as aforesaid 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 an Inspector of Machinery under this Act; 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.

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Inspectors to be furnished with Certificates of appointment.

**7** 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 Misdemeanour, and be liable to be imprisoned for any period not exceeding Three months.

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

**8** Every Inspector shall keep full records of all his proceedings under this Act, and the Chief Inspector shall at least once 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.

Inspector to keep Minutes and report to Chief Secretary.

**9**—(1.) The several kinds and descriptions of machinery and articles mentioned in the Schedule (2) shall be deemed to be machinery for the purposes of this Act

What to be deemed machinery for purposes of this Act.

(2.) The Governor, by Proclamation in *The Hobart Gazette*, may from time to time declare that any other kinds of new or modern 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.

(3.) All such Proclamations 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.

**10**—(1) Any person who is the owner of any machinery of One or more horse-power which is subject to the provisions of this Act shall, within One month after the passing of this Act, or within One month of becoming possessed of the same, send to an 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.

Persons possessing machinery to send notice to Inspector.

(2.) Whenever any machinery is declared to be subject to the provisions of this Act as is hereinbefore provided, the owner thereof shall, within One month from the date of the Proclamation declaring such machinery subject to this Act, send to an Inspector such notice, and in default thereof shall be liable to such penalty as aforesaid.

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Children not to be employed with machinery.  
Penalty.

**11** No child as defined in Section Two of this Act, shall be allowed to work any machinery, or to clean any part of the gearing of any machinery while the same is in motion.

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 more than Ten Pounds.

Young persons not to be employed in certain cases.

**12**—(1.) No winding engine used for mining purposes shall be at any time left in charge or control of any person unless he is a male of at least Twenty-one years of age, and holds such Certificate of Competency as is hereinafter mentioned, or a Certificate of Service granted under any Act which is by this Act repealed.

(2.) No other engine or boiler exceeding Eight horse-power shall be left in charge or control of any person unless he is a male of at least Eighteen years of age, and holds such Certificate of Competency as is hereinafter mentioned, or a Certificate of Service granted under any Act which is by this Act repealed.

(3.) If any person acts contrary to the provisions of this Section, he shall be liable to a penalty of not more than Five Pounds.

No person allowed to work where certain machinery is in motion.

**13**—(1.) No 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 by which such machine is worked or propelled.

(2.) If any person shall act contrary to the provisions of this Section, he shall be liable to a penalty of not more than Five Pounds.

Four preceding Sections to apply to all classes of machinery.

**14** 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.

Certificates of Competency granted to persons having charge of machinery.

**15**—(1.) The Chief Inspector is hereby empowered and required to examine, in such mode as he shall deem fit, every person who shall apply to him for a Certificate of Competency to take charge or control of any machinery ; and the Chief Inspector, upon being satisfied that any such person has the requisite knowledge and experience to entitle him to be entrusted with the charge or control of any such machinery as aforesaid, shall, upon payment of the fee prescribed in the Schedule (3.), grant to such person such a Certificate of Competency as aforesaid.

(2.) The Chief Inspector may authorise and direct any Assistant Inspector to examine any person applying for such Certificate of Competency as aforesaid, and upon being satisfied from the report of such Assistant Inspector that such person is entitled shall, upon payment of the prescribed fee, grant such a Certificate to such person.

Every Certificate granted upon the report of any such Assistant Inspector shall state that the same was granted upon such report.



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**16**—(1.) Any person holding a Certificate of Competency or of Service, under this Act or any Act hereby repealed, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, or is, by reason of incompetency or gross negligence, unfit to discharge such duties, or has been convicted of any offence against this Act, or any Regulation made thereunder, may be called upon by the Chief Inspector to show cause why he should not be disqualified as a Certificated Engineer or Engine Driver; and if he fail to satisfy the Chief Inspector he may, by an order of the Chief Secretary published in the *Hobart Gazette*, be disqualified for any period from acting as an Engineer or Engine Driver.

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Chief Inspector  
empowered to  
disqualify  
Engineer or  
Engine Driver.

(2.) Any such person shall, after such order, deliver into the charge of an Inspector his Certificate of Competency or of Service, which shall be forwarded through the Chief Inspector to the Chief Secretary, and which shall be detained during the period of such disqualification, and no such person shall, during the period of disqualification, take charge of any machinery subject to the provisions of this Act.

(3.) Any person who shall fail, or neglect, or refuse to deliver up his Certificate as aforesaid within Seven days after any such Order shall have been made by the Chief Secretary and published as hereinbefore mentioned, shall be liable to a penalty not exceeding Five Pounds.

(4.) (a) If any person who has been disqualified under the provisions of this Section is dissatisfied with the decision of the Chief Secretary, he may, within Seven days after the publication of such order, give notice in writing to the Chief Secretary, that he requires a further investigation as herein mentioned.

(b) The Chief Secretary, upon receipt of such notice, shall give notice of the same to the Governor, who shall appoint a Police or Stipendiary Magistrate and Two Assessors of skill and experience in the working of machinery, to sit as a Court of Enquiry, at such time and place as the Governor shall appoint, for the purpose of enquiring as to such disqualification.

(c) The Police or Stipendiary Magistrate so appointed by the Governor shall be President of such Court of Enquiry, and shall have the same power to summon and compel the attendance of witnesses, and to regulate the proceedings at any investigation held by such Court as he would have in respect of the hearing of any information which he would have jurisdiction to hear and determine under the authority of *The Magistrates Summary Procedure Act*.

(d) Such Court of Enquiry shall hear all evidence for or against the disqualification of such person, and may uphold the order of the Chief Secretary, or may set aside such order or modify the same on such terms as to costs or otherwise, or may make such other order as they shall think fit, and the finding of the Court of Enquiry shall be published by the Chief Secretary

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in the *Hobart Gazette*, and if the order of the Chief Secretary shall be set aside the Certificate shall be forthwith returned to the person entitled to the same.

Powers and duties  
of Inspectors.

**17** Every Inspector is hereby empowered to enter into any building place, or premises wherein there may be placed or erected any machinery subject to the provisions of this Act, or into or upon any building or place or premises where such machinery may be in use or working or may be kept, and such entry may be made at any reasonable time in the day time, 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  
require explanation  
of working  
of machinery.

**18** In making any such inspection as aforesaid, an Inspector may require the owner or person in charge of any such machinery to explain the working thereof.

Penalty for  
obstructing  
Inspectors.

**19** 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 more than Twenty Pounds.

Inspector to give  
notice that part  
of machinery is  
dangerous.

**20**—(1.) Whenever an Inspector shall be of opinion that any machinery subject to the provisions of this Act, or that any driving-strap or band which he shall deem likely to cause bodily injury to any person engaged in the working thereof, or to any person passing near, 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 Schedule (4.) to this Act, or to the effect thereof.

(2.) 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 the decision of the nearest Police or Stipendiary Magistrate, or Two Justices of the Peace, he shall forfeit and pay a penalty of not more than Fifty Pounds.

Procedure  
thereon.

**21** At any time within Seven days after the owner shall have received such notice as aforesaid, he may serve on the Inspector a written notice to refer the state of the machinery to which such notice refers, to the decision of the nearest Police or Stipendiary Magistrate, or Two Justices of the Peace, and if the opinion of such Police or Stipendiary Magistrate or Two Justices of the Peace is that it is unnecessary or impossible to fence the machinery alleged to have been dangerous, the Inspector, on receipt of a notification to that effect from

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such Police or Stipendiary Magistrate, or Two Justices of the Peace, shall cancel the said notice, and the expenses of such reference shall be paid as other expenses under this Act; but if the decision of the Police or Stipendiary Magistrate or Two Justices of the Peace 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 in the same way as penalties are recoverable under this Act. A.D. 1902.

**22** If the opinion of the Police or Stipendiary Magistrate or Two Justices of the Peace deciding 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 (5.), neglect or fail so to fence and protect such machinery, he shall forfeit and pay a penalty of not more than Twenty Pounds. Period within which machinery to be fenced.

**PART II.**

## PROVISIONS SPECIALLY AFFECTING STEAM BOILERS.

**23** 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.

**24** It shall be the duty of the Chief Secretary to provide the Chief 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 with all other appliances necessary for carrying this Part of this Act into effect. Chief Secretary to provide Inspectors with standards.

**25** 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 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 first inspection of boilers.

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Procedure on  
subsequent  
inspection.

**26** 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 may  
test boiler by  
hydraulic  
pressure.

**27** The Inspector may, in addition to any other tests that may be required, test any boiler by hydraulic pressure in any case in which he may consider it necessary.

Inspector to keep  
records.

**28** Every 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.

**29** If any 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 more than Twenty Pounds.

General abstract  
and report to be  
furnished by  
Inspector.

**30** Not less than once in every year the Chief Inspector shall prepare and forward to the Chief Secretary a full and true abstract or return of all boilers inspected under the provisions of this Act during the preceding 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.

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

Notice of  
inspection.

**32** Any Inspector who intends to inspect any boiler shall give the owner thereof at least Seven clear days' notice in writing of the time at which such inspection shall be made.

Owner or person  
in charge to  
assist Inspector.

**33** The owner or person in charge of any boiler to be inspected shall—

- i. Afford to the Inspector all reasonable facilities for such inspection, and all such information as may reasonably be required of him :
- ii. Previously arrange that at the time of inspection the boiler shall be empty and cool, and shall have been cleaned inside and outside ; fire-flues shall have been swept clean ; fire-bars and fire-bridges shall have been removed ; and blow-off and other cocks shall have been cleared for the purpose of examination :



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- iii. If required by the Inspector, cause any brickwork or masonry in contact with the boiler to be removed ; and
- iv. During the inspection keep the boiler effectively disconnected from any steam or hot-water communication with any other boiler.

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If the owner or person in charge of the boiler shall make default in so doing, he shall be liable to a penalty not exceeding Twenty Pounds.

**34** The owner or person in charge of any boiler shall, during the time that any person with his consent or by his direction enters into such boiler, keep the said boiler effectively disconnected from any steam or hot-water communication with any other boiler ; and in default of his so doing he shall be liable to a penalty not exceeding Twenty Pounds.

Boiler to be disconnected if any person enters it.

**35**—(1.) Any person who by any means whatsoever knowingly or wilfully does anything to increase, or which tends to increase, the pressure on the safety-valve of any boiler, beyond that stated as the pressure at which such safety-valve blows off, in the Certificate granted by the Inspector, and then in force, and any person who aids or abets or assists in aiding and abetting in increasing the pressure as aforesaid, or procures such pressure to be increased, shall be liable, on conviction thereof, to a penalty not exceeding Fifty Pounds, or to be imprisoned for any term not exceeding Six months.

Penalty for increasing pressure beyond that at which safety-valve blows off.

(2.) The person in charge of any boiler at the time such increased pressure is discovered, or who, finding the same with the pressure on the safety-valve thereof, beyond that stated in the Certificate, allows the same to continue, shall be *prima facie* deemed to have committed an offence within the meaning of this Section.

**36**—(1.) The owner of every boiler shall be furnished by the Inspector with a record number or mark for such boiler, and the owner shall thereupon cause such number or mark to be plainly stamped or legibly painted upon a conspicuous part of such boiler, in such manner as the Inspector may direct.

Boilers to be numbered.

(2.) Any owner who shall fail to comply with the provisions of this Section, or any person who shall remove or obliterate such mark or number, shall on conviction, be liable to a penalty not exceeding Five Pounds.

**37**—(1.) If upon any inspection it shall appear to any 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 (6.).

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

(2.) Such notice may either require such owner—

- (a) 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

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(b) 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.

(3.) If any person to or upon whom any such notice shall have been delivered or served as hereinafter provided shall, for a period of Seventy-two 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 more than Twenty Pounds.

Provisions of Sections 20, 21, and 22 to be applicable to cases in last preceding Section.

**38** The provisions of Sections Twenty, Twenty-one, and Twenty-two 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.

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

**39** 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 more than Ten 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.

**PART III.****PROVISIONS AFFECTING ALL BOILERS AND MACHINERY.**

Fees for inspection.

**40**—(1.) The owner of any machinery or boiler shall pay to the Inspector on making any inspection of such machinery or boiler, the fees prescribed in the Schedule (7.): 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*.

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

Penalty for receiving excessive fee.

**41** An 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 Twenty Pounds.

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

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How notices may be served.

**43** Whenever an 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 after receipt by him of the fee payable for such inspection, give to the owner of such boiler or machinery a Certificate in the form or to the effect in the Schedule (8.).

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

**44** The owner of any boiler shall at all reasonable times produce for inspection the Certificate of inspection granted to him under the provisions of this Act to any person working at or with the boiler, and also to an Inspector, and any member of the Police Force, and any owner failing to produce such Certificate shall on conviction be liable to a penalty not exceeding Five Pounds.

**45** If any owner of any boiler or machinery shall work the same, or cause the same to be worked, without having had such boiler or machinery inspected in accordance with the provisions of this Act, he shall be liable to a penalty of not more than Ten Pounds.

Penalty for working same without certificate.

**46** Every portable steam-engine or boiler, or portable threshing-machine or other machinery, that is travelled for hire, shall have the name and residence of the owner or owners thereof legibly affixed or painted thereon; and any owner of any such portable steam-engine or boiler, or portable threshing-machine or other machinery as aforesaid who shall fail or neglect to comply with the requirements of this Section shall be liable to a penalty not exceeding Five Pounds.

Owner's name to be affixed to portable machinery.

**47**—(1.) Whenever any person shall sell or absolutely dispose of any boiler to any person, the seller shall forthwith give notice to an Inspector, stating the name, occupation, and abode of the person to whom such sale or disposition shall have been made.

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

(2.) Whenever any such boiler or any machinery attached thereto shall be let to hire, or after having been let to hire shall be returned to the owner, a similar notice shall in every such case be given to an Inspector by the lessor or owner of such boiler or machinery in manner aforesaid.

(3.) 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 Five Pounds.

**48** The owner of any boiler 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

Owner liable to penalty in the first instance.

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be liable to pay the penalty; but any owner who shall have been proceeded against by any Inspector shall be entitled, upon information duly laid by such owner, to have any agent, servant, or workman brought before the Justices at the time appointed for hearing the information laid 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.

**49**—(1.) 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.

(2.) 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.

(3.) Nothing herein contained shall exempt any body corporate 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 body corporate for the benefit of or on behalf of such body.

Actual offender may be proceeded against in certain cases.

**50** In any case where it shall appear to an 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 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.

Inspector to give notice of intention to lay information.

**51** Where an Inspector intends to lay an information against any person for a breach of any of the provisions of Sections Eleven, Twelve or Thirteen of this Act he shall, before doing so, give to such person Seven days' previous notice in writing of his intention so to do.

Notice of every accident to be sent to Inspector.

**52**—(1.) Whenever loss of life or 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,

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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. A.D. 1902.

(2.) Every owner who neglects to send or deliver such notice as aforesaid shall be liable to a penalty not exceeding Twenty Pounds.

**53** 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.

**54** 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 shall be paid and applied according to law. Justices may allow certain proportion of penalty to any person injured. Appropriation.

**55**—(1.) Every Inspector shall every month supply to the Commissioner of Taxes the names and residences of the owners of all steam-boilers and machinery which have been inspected during the immediately preceding month who have not paid the fees payable under this Act for the inspection of such steam-boilers or machinery, and the amount of fees payable by each owner thereof respectively. Mode of recovering fees, and appropriation of same.

(2.) The Commissioner of Taxes shall as soon as practicable send to every such owner of any such machinery or steam-boiler as aforesaid a demand in writing, by post, addressed to his usual or last-known place of abode, for the amount of such fees payable by him, and thereupon the provisions of Part IV. of "The Land Tax Act, 1888," shall be applicable to the recovery of such fees, and the same shall be recoverable in the same manner as any Tax payable in respect of any land is recoverable thereunder. 52 Vict. No. 31.

(3.) All fees payable under this Act shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

**56** Notwithstanding anything contained in the last preceding Section of this Act, any fees payable under this Act may be recovered by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, upon the complaint of any Inspector or other person appointed by the Chief Secretary to collect the same, that any person by whom such fees are payable has failed or neglected or refused to pay the same. Alternative mode of recovery of fees.

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*Inspection of Machinery.*


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A.D. 1902.

Governor may  
make Regulation  
for certain  
purposes.

**57** The Governor may make Regulations—

- I. For regulating the duties of Inspectors :
- II. For prescribing the forms of notices to be given under this Act in any case where the same may not be herein provided for :
- III. For prescribing a form of record book to be kept for the entry of 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 :
- IV. For prescribing the method of reckoning the horse-power of boilers :
- V. For prescribing the rules and procedure to be observed in the construction of new boilers within the State :
- VI. For prescribing the rules and procedure to be observed in the granting of engine-drivers' certificates :
- VII. For regulating the proceedings upon references to Police or Stipendiary Magistrates, or two Justices of the Peace and the manner of defraying and the recovery of the costs and the expenses thereof :
- VIII. 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.

Existing regula-  
tions continued.

**58** All Regulations made under the powers conferred by any Act hereby repealed, shall, as far as the same are not inconsistent with this Act, be deemed to have been made under the provisions of this Act.

No fees under  
19 Vict. No. 8  
payable by  
Inspectors under  
this Act.

**59** No fee or fees made payable by the *Magistrates Summary Procedure Act* or otherwise shall be payable by any Inspector in respect of any proceedings instituted by such Inspector against any person or any breach of this Act.

Act not to extend  
to engines or  
machinery on  
railways under  
control of Govern-  
ment.

**60** 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 tramway worked on behalf of His Majesty the King or the Government of *Tasmania* under the authority of any Act heretofore in force, or that may now or hereafter be in force.

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*Inspection of Machinery.***SCHEDULE**

A.D. 1902.

(1.)

**ACTS TO BE REPEALED.**

Sect. 3.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
53 Vict. No 12.	"The Inspection of Machinery Act, 1889."	The whole Act.
60 Vict. No. 34.	"The Inspection of Machinery Act, 1896."	The whole Act.

(2.)

Sect. 9.

All machinery of one or more horse-power, stationary or movable, worked by steam, water, electricity, gas, or gaseous products, and used in printing, knitting, flax-milling, flour-milling, saw-milling, sheep-shearing, bone-crushing, quartz-crushing, pumping, preserving, weight-raising, chaff-cutting, cloth-mills, woollen-mills, batteries, foundries, or in any other manufacturing or industrial process whatsoever.

(3.)

**FEEs PAYABLE ON GRANTING CERTIFICATE OF SERVICE OR COMPETENCY.**

Sect. 15.

For every Certificate of Competency to an Engineer in charge of Mining Plant.....	One Pound Ten Shillings.
For every Certificate of Competency to a Mining Engine-driver.....	One Pound.
For every other Certificate of Competency for engines exceeding Eight nominal horse-power.....	One Pound.
For every other Certificate of Competency.....	Ten Shillings.

(4.)

Sect. 20.

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, or to persons passing near, 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, 1902."

Dated this

day of

, 19 .

A.B.

*Inspector of Machinery.*

*Inspection of Machinery.*

A.D. 1902.  
Sect. 22.

(5.)

To [*Name of Owner*], of

I HEREBY give you notice that \_\_\_\_\_ Esquire, a Police [*or Stipendiary*] Magistrate or two Justices of the Peace 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, 1902," 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 more than Twenty 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 \_\_\_\_\_, 19 \_\_\_\_\_  
A.B.,  
Inspector of Machinery.

Sect. 37.

(6.)

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 "The Inspection of Machinery Act 1902."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
A.B.,  
Inspector of Machinery.

(7.)

Sect. 40.

**FEEES ON INSPECTION OF MACHINERY NOT HAVING BOILERS CONNECTED THEREWITH.**

For every inspection of any machinery ..... Two Shillings and Sixpence.  
Provided, that the owner of any machinery who may have paid One Pound thereon, for the inspection thereof, shall be exempt from any further payment in respect of such machinery, for eight years from the date of such payment.

**FEEES ON INSPECTION OF BOILERS.**

For every boiler not exceeding 3 nominal horse-power	Ten Shillings.
For every boiler capable of working over 3 nominal horse-power, and not exceeding 10 nominal horse-power	One Pound.
For every boiler capable of working over 10 nominal horse-power, and not exceeding 14 nominal horse-power	One Pound Five Shillings.
For every boiler capable of working over 14 nominal horse power, and not exceeding 16 nominal horse-power	One Pound Ten Shillings.
For every boiler capable of working over 16 nominal horse-power, and not exceeding 20 nominal horse-power	Two Pounds.



*Inspection of Machinery.*

For every boiler capable of working over 20 nominal horse-power, and not exceeding 25 nominal horse-power .....	Two Pounds Ten Shillings.	A.D. 1902.
For every boiler capable of working over 25 nominal horse-power .....	Three Pounds.	
Provided that, whenever the aggregate nominal horse-power of any two or more boilers kept by the same owner in one Establishment shall—		
I. Exceed 30 and not exceed 40 nominal horse-power, the fee shall be .....	Three Pounds.	
II. Exceed 40 and not exceed 50 nominal horse-power, the fee shall be .....	Four Pounds.	
III. Exceed 50 and not exceed 60 nominal horse-power, the fee shall be .....	Five Pounds.	
IV. Exceed 60 and not exceed 70 nominal horse-power, the fee shall be .....	Six Pounds.	
V. Exceed 70 and not exceed 80 nominal horse-power, the fee shall be .....	Seven Pounds.	
VI. Exceed 80 and not exceed 89 nominal horse-power, the fee shall be .....	Eight Pounds.	
VII. Exceed 89 nominal horse-power, the fee shall be .....	Nine Pounds.	
VIII. Thereafter One Pound for the inspection of every additional boiler.		

(8.)

Sect. 43.

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 \_\_\_\_\_ 19 \_\_\_\_\_  
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*].

