

## STEAM BOILERS AND ENGINEDRIVERS ACT, 1935.

### No. 2208 of 1935.

An Act to consolidate certain Acts relating to steam boilers, the examination and certifying of engine-drivers, and other purposes.

[Assented to 24th October, 1935.]

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

#### PART I.

#### PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Steam Boilers and Enginedrivers Act, 1935," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed. Consolidation and repeal.

3. The provisions of this Act are arranged as follows:— Arrangement.

PART I.—Preliminary.

PART II.—Steam Boilers—

DIVISION I.—Registration of Boilers:

DIVISION II.—Fittings and Working Pressure of Steam Boilers:

DIVISION III.—Fittings of Hot Water Boilers and Unfired Pressure Vessels:

DIVISION IV.—Inspectors and Inspection of Boilers:

s. 1. This Act was proclaimed to commence on 1st June, 1937: *Gazette* 25th March, 1937, p. 643.

DIVISION v.—Inquiries as to Accidents:

DIVISION vi.—Miscellaneous.

PART III.—Examination and Certificates of Enginedrivers.

PART IV.—General.

Interpretation.  
1064, 1911,  
s. 4.  
1618, 1924,  
s. 5.  
2028, 1931,  
s. 3.

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

“accessory” means any portion of a boiler manufactured as a separate and distinct object or article and also such portions of a boiler as economisers, separators, feedwater heaters, deaerators, and other like appliances, and any auxiliary plant or accessory apparatus necessary for the efficient and safe working of a boiler:

“agriculturist” includes any person engaged for purposes of trade or business in agricultural, horticultural, viticultural, or dairy pursuits:

“Appeal Board” means the Appeal Board continued or appointed pursuant to section 73:

“applicant” means applicant for a certificate under Part III.:

“area of cylinder” means the product of the square of the internal diameter of the cylinder multiplied by the constant .7854; and “area of cylinders,” or “combined area of cylinders” means the sum of those products for the cylinders in question:

“authorised working pressure” means the working pressure authorised by a certificate of inspection which is for the time being in force:

“boiler,” except in Division II. of Part II. and in Part III, means any steam boiler, hot water boiler, or unfired pressure vessel. In Division II. of Part II. “boiler” means steam boiler. Except in Part III. the term “boiler” shall in all cases include all the accessories of the boiler. In Part III. “boiler” means any closed vessel used for generating steam under pressure greater than atmospheric pressure:

Cf. U.K.  
45 & 46 Vict.  
c. 22, s. 3.

- “building” includes any shed or other place where any boiler is erected or where the same is situate or is in operation:
- “certificate” in Part III. means a certificate of competency or a certificate of service granted under the Enginedrivers Act, 1924:
- “certificate of inspection” means a certificate of inspection granted under Division IV. of Part II.:
- “chief inspector” means the Chief Inspector of Boilers appointed under this Act:
- “crane” or “hoist” means any crane, hoist, traveller, or other appliance of a like kind fitted with a jib and operated by power other than hand or animal power, and used for the purpose of lifting, lowering, or otherwise handling men or materials:
- “engine” means any 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; the term includes any crane or hoist, but does not include a windmill, water wheel, tide motor, wave motor, or an engine of war operated by explosives:
- “Enginedrivers Board” means the Enginedrivers Board continued or appointed pursuant to section 51:
- “farm” means premises occupied by any person for the purposes of his trade or business as an agriculturist:
- “hot water boiler” means any vessel wherein water is or is intended to be heated at a pressure above that of the atmosphere by the application of fire or the products of combustion or by electrical means, the vessel when under operation being completely charged with water:
- “inspector” means an inspector of boilers appointed under this Act, and includes the chief inspector:
- “mine” means any mine within the meaning of the Mines and Works Inspection Act, 1920:
- “Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:
- “owner” means the owner and also the mortgagee in possession, or lessee or hirer of any boiler, and (except in Division I. of Part II.) also any engineer,

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

“steam boiler” means any closed vessel wherein steam is or is intended to be generated at a pressure above that of the atmosphere by the application of fire or the products of combustion or by electrical means:

“unfired pressure vessel” means any digester, jacketed pan, or any tank or reservoir for the storage of compressed atmospheric air, such tank or reservoir being charged directly or indirectly by mechanism operated by power other than hand or animal power, or any vessel in which steam above atmospheric pressure is used for application to any manufacturing or other process:

“winding engine” means a piece of mechanism other than a crane or hoist, fitted with a rotary drum having a cable rope or chain attached thereto, and adaptable for lifting or lowering human beings, such mechanism being operated by power other than hand or animal power.

Limitation of  
application of  
Act.  
1064, 1911,  
s. 5.

5. This Act (other than Part III.) shall not apply to any boiler or steam engine—

- (a) of any ship or boat;
- (b) the property of or vested in or in the use of His Majesty, the South Australian Railways Commissioner, any Government Department, or any person as an officer in His Majesty's service;
- (c) owned or hired by any *bona fide* agriculturist, and used on any farm for agricultural, horticultural, viticultural, or dairy purposes, which is of not more than eight horse-power, or has not more than fifty square feet of heating surface;
- (d) owned or hired by any *bona fide* pastoralist and used on any station for pastoral purposes; or
- (e) used exclusively for domestic purposes in a private house,

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

PART II.

PART II.

STEAM BOILERS.

DIVISION I.—REGISTRATION OF BOILERS.

DIVISION I.

6. Every person who becomes the owner of a boiler shall, within one month after he becomes such owner, file with the chief inspector a return in writing in the form and containing the particulars set out in the second schedule and signed by the owner.

Duty of owner of boiler to give particulars for registration.

1064, 1911, s. 6.

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

Additional particulars.

1064, 1911, s. 7.

8. The chief inspector shall—

Registration and certificate.

1064, 1911, s. 8.

(a) enter the particulars set out in any return filed pursuant to this Division in a book, to be called the "Register of Boilers";

(b) assign a number (hereinafter called the "registered number") to the boiler to which the particulars relate;

(c) on payment of the fee provided in the fifth schedule or other prescribed fee, supply to the person filing the return a certificate of registration of the boiler, which certificate shall be in the form of the third schedule.

9. Any person may, upon payment to the chief inspector of a fee of one shilling, inspect the register of boilers and take any extract therefrom.

Inspection of register.

1064, 1911, s. 9.

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

Notice of sale, hire, or removal.

1064, 1911, s. 10.  
1131, 1913, s. 11.

(2) Any owner of a boiler which has been removed from the situation stated in the return then latest filed in respect thereof under this Division, or from the situation stated in the then latest notice in writing in respect thereof given under this subsection, for a longer period than thirty days, shall, within seven days after the expiration of such thirty days, give particulars of the removal by notice in writing to the chief inspector.

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

PART II.  
DIVISION I.

Number and  
maker's name.  
1064, 1911,  
s. 11.

**11.** (1) The owner of every boiler shall cause the registered number and, if the boiler is made after the first day of March, nineteen hundred and twelve, the name of the maker also, to be plainly marked on some conspicuous part of the boiler.

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

Prohibition of  
use of unregis-  
tered boilers.  
1064, 1911,  
s. 12.

**12.** (1) Every boiler—

- (a) in respect whereof no return has at the time been filed as required by this Division; or
- (b) in respect whereof the particulars contained in the latest return filed under this Division are for the time being incorrect or insufficient; or
- (c) on which the registered number, or, if made after the first day of March, nineteen hundred and twelve, the registered number and the maker's name or either such number or name, is not marked as provided by this Part,

shall be deemed to be an unregistered boiler.

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

## DIVISION II.

DIVISION II.—FITTINGS AND WORKING PRESSURE OF STEAM  
BOILERS.

Application of  
Division II.  
2028, 1931,  
s. 5.

**13.** This Division applies only to steam boilers and the term "boiler" where used in this Division means steam boiler.

Fittings of  
boilers.  
1064, 1911,  
s. 13.  
2028, 1931,  
s. 6.

**14.** (1) Every boiler erected after the first day of March, nineteen hundred and twelve, shall be fitted with the following fittings and mountings:—

- I. One steam pressure gauge capable of registering in pounds per square inch up to one and a half the maximum working pressure:
- II. One gun-metal feed check-valve, flange-jointed:
- III. One stop-valve, flange-jointed, fitted with gun-metal valve and seating, to be fixed between boiler and steam-pipe:
- IV. One gun-metal blow-off cock, flange jointed:
- V. One gauge cock, three-eighths inch Whitworth gas thread, for connecting inspector's standard gauge:

- vi. A suitable pump or injector, or both, for feeding the boiler:
- vii. Such fusible plug in the crown of the fire-box or other suitable position as may be necessary, so that in the event of the water becoming too low the plug will melt and the escaping steam will extinguish the fire:
- viii. Two safety valves of ample area and flange-jointed, one of which shall be encased and of locked-up design approved by the chief inspector:
- ix. There shall also be fitted—
- (a) one glass water gauge fitted with cocks complete, and two try cocks, to every boiler having not more than fifty square feet of heating surface, and two glass water gauges fitted with cocks complete, with approved protectors, to every boiler having more than fifty square feet of heating surface which has been granted, by certificate of inspection, an authorised working pressure of over sixty pounds per square inch;
- (b) when two or more boilers are erected side by side and are coupled together, an intermediate stop-valve on the main steam pipe between each boiler, in addition to the one flange-jointed to the boiler.

(2) Where any fitting or mounting of a boiler complies with the requirements of the Standards Association of Australia Boiler Code, 1931, or any amendments thereof, that fitting or mounting shall be deemed sufficient for the purposes of subsection (1), and where a boiler complies wholly with the said code as to its fittings and mountings, it shall be deemed to have complied with all the requirements of this section.

(3) Any person who works or uses, or causes to be worked or used, any boiler which in any respect is not fitted as required by this section, and also the owner of the boiler shall be guilty of an offence against this Act and be liable to a penalty not exceeding fifty pounds.

**15.** All boilers set in brickwork or other material, erected after the first day of March, nineteen hundred and twelve, shall be provided with flues and doors, where necessary, of sufficient size, to the approval of an inspector and in accordance with the regulations.

Flues and doors required in boilers set in brickwork. 1064, 1911, s. 15.

PART II.  
DIVISION II.

Authorised  
working  
pressure of  
boilers coupled  
together.

1064, 1911,  
s. 16.  
2028, 1931,  
s. 8.

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

Increasing  
pressure in  
boiler.

1064, 1911,  
s. 17.

**17.** (1) Any person who by any means does anything to increase or that tends to increase the pressure in a boiler beyond the authorised working pressure or beyond the pressure stated in any notice served under section 32, or contrary to section 16, and any person who aids or abets in increasing the pressure as aforesaid or procures the pressure to be so increased, shall be guilty of an offence against this Act.

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

DIVISION III. DIVISION III.—FITTINGS OF HOT WATER BOILERS AND UNFIRED  
PRESSURE VESSELS.

Fittings of hot  
water boilers.  
2028, 1931,  
s. 9 (part).

**18.** Every hot water boiler erected or installed after the first day of March, nineteen hundred and twelve, shall be fitted with the following fittings and mountings:—

- I. One pressure gauge, capable of registering in pounds per square inch up to one and a half times the maximum pressure; the gauge connection to the stop cock shall be three-eighths inch Whitworth gas thread:
- II. One water gauge glass with protector and cocks complete:
- III. One blow-off cock:
- IV. One feed check valve, with stop cock between valve and boiler:
- V. One pressure relief valve:
- VI. One main stop valve:
- VII. Adequate cleaning facilities.

Fittings of  
unfired pres-  
sure vessels.  
2028, 1931,  
s. 9 (part).

**19.** Every unfired pressure vessel erected or installed after the first day of March, nineteen hundred and twelve, shall be fitted with the following fittings and mountings:—

- I. One pressure gauge, capable of registering in pounds per square inch up to one and a half times the



maximum pressure; the gauge connection to the stop cock shall be three-eighths inch Whitworth gas thread:

- ii. One pressure relief valve:
- iii. One stop valve:
- iv. Adequate cleaning facilities.

**20.** Any person who, after the twenty-sixth day of November, nineteen hundred and thirty-one, erects or uses or causes to be erected or used any hot water boiler or unfired pressure vessel which in any respect is not fitted as required by the last two preceding sections and the owner of the said hot water boiler or unfired pressure vessel shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

Penalty for contravention of previous sections.  
2028, 1931,  
s. 9 (part).

**21.** Section 17 shall apply to hot water boilers and unfired pressure vessels as well as to steam boilers.

Application of section 17.  
2028, 1931,  
s. 9 (part).

**DIVISION IV.—INSPECTORS AND INSPECTION OF BOILERS.**

DIVISION IV.

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

Appointment of inspectors.  
1064, 1911,  
s. 18.

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

Certificate of appointment.  
1064, 1911,  
s. 19.

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

Penalty for impersonating.  
1064, 1911,  
s. 20.

**25.** The chief inspector shall provide each inspector with proper standards and appliances by which all pressure gauges can at any time be compared and tested, and with all other appliances necessary for carrying into effect the succeeding sections of this Act relating to boilers, and shall from time to time issue to each inspector such instructions (not inconsistent with this Act) as he thinks fit.

Standards and appliances to be provided for inspectors.  
1064, 1911,  
s. 21.

**26.** In making any entry or inspection under this Act any inspector may call to his aid any person he thinks competent to assist therein.

Inspector may call in aid.  
1064, 1911,  
s. 22.

Penalty for obstructing inspector.  
1064, 1911,  
s. 23.

27. Any person who impedes an inspector in the execution of his duty shall be guilty of an offence against this Act.

Time of inspection.  
1064, 1911,  
s. 24.

28. Any inspector may at any time by day or night enter into or upon any building or premises where there is or he has reason to believe there is any boiler, in order to ascertain whether the provisions of this Act have been or are being complied with.

Annual inspection of boilers.  
1064, 1911,  
s. 25.

29. Every boiler shall be inspected by an inspector at least once in every year, or more often as the inspector making the inspection thinks necessary.

Inspection may be at any time on seven days' notice.  
1064, 1911,  
s. 26.

30. Any inspector may make an inspection of a boiler at any time in the day time, but if he intends to make an internal inspection of a boiler he shall give the owner thereof at least seven days' notice in writing of the day on which the inspection will be made, and in any such case the inspection shall be at such a time as will least interfere with the work carried on by the owner.

Aid to be given by owner for purpose of inspection.  
1064, 1911,  
s. 27.

31. (1) For the purpose of the inspection of a boiler the owner shall, if required by the inspector, cause it to be emptied and made cool, and all man-hole doors and mud-hole doors to be taken off, all furnace bars and brick or stone bridges to be taken out, and the interior of the boiler to be freed from incrustation.

(2) The owner shall render such assistance as is required by the inspector, and shall cause all furnaces, flues, and uptakes connected with the boiler to be swept clean, and, if required by the inspector, shall cause all safety valves to be taken to pieces.

(3) The inspector may, in addition to any other test, test any boiler by hydraulic pressure if he considers it necessary to do so, and shall send a record of, and the reasons for, and the result of, the test to the chief inspector: Provided that the hydraulic pressure shall be limited to one and a half times the authorised working pressure of the boiler.

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

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

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

Notice to  
owner of  
faulty boiler.  
1064, 1911.  
s. 28.

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

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

(3) Any person upon whom any such notice has been served who fails or neglects to desist from working or using the boiler, according to the exigency of the notice, shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

(4) On any notice under this section being served in respect of any boiler, there shall be a right of appeal in the prescribed manner to the Appeal Board against the notice, and notice of the appeal shall suspend the operation of the notice appealed against until the same has been heard and determined: Provided that the same is determined within thirty days from the giving of the notice.

(5) The Appeal Board—

- (a) shall hear and determine the appeal as soon as may be practicable:
- (b) may make such inspection for that purpose as it deems necessary:
- (c) may make such order in determining the appeal as it deems proper, including any order as to costs.

(6) Any costs so ordered shall be recoverable in a summary way.

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

Record of first  
inspection.  
1064, 1911.  
s. 29.

- (a) the age, type, and construction of the boiler:

- (b) the name of the maker (if known):
- (c) the pressure which the boiler is calculated to sustain:
- (d) the state and condition of the boiler generally, and of all appliances used in connection therewith:
- (e) the fitness of the boiler and such appliances for the particular purpose for which they are used or are intended to be used; and
- (f) such other particulars as are prescribed.

Subsequent inspections.  
1064, 1911,  
s. 30.

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

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

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

Inspector's record-book.  
1094, 1911,  
s. 31.

**35.** (1) Every inspector shall be supplied with a record-book, to be kept by him.

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

Certificate of safety of boiler.  
2028, 1931,  
s. 10.

**36.** (1) If on inspecting any boiler the inspector is satisfied that it is in good repair and may be safely used for the purpose for which it is then used or intended to be used, he shall grant and issue to the owner a certificate of inspection in the form of the sixth schedule or to the effect thereof, and shall report the issue thereof to the chief inspector.

(2) The prescribed fees for the inspection of boilers shall be payable by the person, persons, firm, company, or corporation requesting any inspection, or in the case of ordinary periodical inspections, by the registered owner of the boiler.

Duration of certificate.  
1064, 1911,  
s. 33.

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

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

- (a) no certificate of inspection shall have any force if after inspection and without the approval of an inspector any material alteration or addition has been made in or to the boiler mentioned therein; and
- (b) the chief inspector may at any time cancel or suspend any such certificate of inspection where he deems it necessary for the safety of the public or of any persons or person so to do, and after such cancellation, or during such suspension, the certificate shall have no force.

**38.** (1) Subject to section 45, any owner who works or uses a boiler, or allows a boiler to be worked or used—

Working boiler without or contrary to certificate.  
1064, 1911.  
s. 34.

- (a) in respect of which there is no certificate of inspection for the time being in force; or
- (b) at a higher pressure than that authorised by, or for any purpose other than that stated in, the certificate of inspection for the time being in force in respect of such boiler,

shall be guilty of an offence against this Act.

(2) In any proceedings in respect of an alleged offence under paragraph (a) of subsection (1), it shall be a defence if the defendant proves, to the satisfaction of the court, that within the year immediately preceding the time of the alleged offence the owner applied in writing to an inspector to have the boiler inspected, and that no inspection thereof has been made under this Act within such year: Provided that this subsection shall not apply if the last certificate of inspection granted in respect of the boiler has been cancelled under section 37, or has been suspended under that section and the suspension is still in force at the time of the alleged offence, nor if an inspector has given the owner notice not to use the boiler until a certificate of inspection has been granted.

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

Certificate to be exhibited in conspicuous place.  
1064, 1911.  
s. 35.

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

- (a) that, owing to the size of the boiler, the locality where it was working, or other sufficient cause,

there was no conspicuous place in which the certificate could reasonably be affixed; and

- (b) that at all reasonable times he kept the certificate available for inspection by all persons working at or with the boiler, and also by the inspectors and all members of the police force; and
- (c) that the attendant in charge of the boiler was provided with a copy of the certificate.

## DIVISION V.

## DIVISION V.—INQUIRIES AS TO ACCIDENTS.

Notice of  
accident.  
1064, 1911,  
s. 36.  
Of. U.K.  
45 & 46 Vict.  
c. 22, s. 5.  
Of. U.K.  
53 & 54 Vict.  
c. 35, ss. 2,  
3.

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

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

Boiler and  
other things  
not to be  
interfered with  
pending  
inquiry.  
1064, 1911,  
s. 37.

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

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

Inquiry by  
inspector.  
1064, 1911,  
s. 38.

**42.** (1) When notice of an explosion or accident is given to the chief inspector he shall, as soon as practicable, go himself or send an inspector to the place where the explosion or accident occurred, and if the notice is given to an inspector he shall as soon as practicable go to the place.

(2) The chief inspector or inspector so going or sent as aforesaid shall thereupon inquire into the cause of the explosion or accident, and may inspect the boiler and any other things there found, and shall report the result of the inquiry to the Minister.

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

Inquiry into  
cause of  
accident.  
1064, 1911,  
s. 39.  
Cf. U.K.  
45 & 46 Vict.  
c. 22, s. 6.

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

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

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

Cf. U.K.  
53 & 54 Vict.  
c. 35, s. 4.

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

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

(7) The special magistrate may make such order as he thinks fit respecting the payment of the costs and expenses of the inquiry. Any such order may, on the application of any person entitled to the benefit thereof, be enforced in a summary manner as if it were a penalty imposed under this Act.

## DIVISION VI.

## DIVISION VI.—MISCELLANEOUS.

Young person  
not to be in  
charge of  
a boiler.

1064, 1911,  
s. 40,  
1131, 1913,  
s. 13.

44. (1) No boiler shall at any time be in charge or under the control of any person under the age of twenty-one years.

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

Power to  
exempt.

1064, 1911,  
s. 41.

45. The Governor may at any time by proclamation—

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

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

Owner liable  
in first  
instance.

1064, 1911,  
s. 42.

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

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

Power to  
proceed  
against actual  
offender.

1064, 1911,  
s. 43.

47. Where it appears to an inspector at the time of discovering an offence with respect to any boiler that the owner had used due diligence to enforce the execution of this Act, and also by what person the offence was committed and that



it was committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the inspector may proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the owner.

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

When owners  
not liable.  
1064, 1911,  
s. 44.

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

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PART III.

PART III.

EXAMINATION AND CERTIFICATES OF  
ENGINEDRIVERS.

49. (1) This Part shall not apply to any engine or boiler—
- (a) the property of or vested in or in the use of the South Australian Railways Commissioner;
  - (b) used or employed in the working of any 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) of any ship or boat;
  - (d) owned or hired by any agriculturist and used on any farm for agricultural, horticultural, viticultural, or dairy purposes: Provided it has not more than fifty square feet of heating surface;
  - (e) owned or hired by any pastoralist and used on any station for pastoral purposes;
  - (f) used exclusively for domestic purposes in a private dwelling house; or
  - (g) of less than six horse-power.

Application of  
Part.  
1618, 1924,  
s. 6.

- (2) This Part does not apply to—
- (a) any motor car or any other vehicle driven or propelled by an internal combustion engine or by electricity;
  - (b) any vehicle driven or propelled by steam the weight of which unladen does not exceed three tons;
  - (c) any internal combustion engine or engines having an area of cylinder or combined area of cylinders not exceeding one hundred and fourteen square inches;
  - (d) any steam pump erected on any mine or other premises, and not capable of pumping more than six thousand gallons per hour; or
  - (e) a lift within or attached to any building or structure.

Only holders of certificates to be in charge of engines and boilers.  
1618, 1924,  
s. 7.

**50.** (1) Subject to section 71, no person shall be employed, or shall act, as an enginedriver in charge of any engine to which this Part applies, or as an attendant in charge of any boiler to which this Part applies, unless he holds a certificate of the class prescribed by this Part for the engine or boiler in question.

(2) Subject to section 71, no person shall be employed to have charge of, or shall have 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, unless he is the holder of a winding enginedriver's certificate under this Part.

Enginedrivers' Board.  
1618, 1924,  
s. 8.

**51.** (1) The Enginedrivers' Board constituted by the Enginedrivers Act, 1924, is hereby continued.

(2) The Enginedrivers' Board shall consist of three members, to be appointed by the Governor, namely:—

The Chief Inspector of Boilers; and

Two qualified persons, one of whom shall hold a winding enginedriver's certificate, or a certificate equivalent thereto.

(3) The chief inspector shall be chairman of the Enginedrivers' Board, and shall have a casting as well as a deliberative vote.

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

(5) The board shall meet at such times and conduct their business in such manner as they may decide, or as may be prescribed.

(6) In this Part "board" means the Enginedrivers' Board.

**52.** The board shall have power to grant certificates of competency of the following classes, namely:—

Certificates of competency.  
1618, 1924,  
s. 9.

- I. Winding enginedriver's certificate:
- II. First-class enginedriver's certificate:
- III. Second-class enginedriver's certificate:
- IV. Third-class enginedriver's certificate:
- V. Locomotive and traction enginedriver's certificate:
- VI. Crane and hoist driver's certificate:
- VII. Internal combustion enginedriver's certificate:
- VIII. Boiler attendant's certificate.

**53.** (1) Subject to this Part, all certificates of competency shall be granted only after examination by the board.

Examinations for certificates of competency.  
1618, 1924,  
s. 10.

(2) Examinations for certificates of competency shall be under the direction and control of the board, and shall be held at such places and at such times as may be prescribed.

(3) Upon an applicant passing the prescribed examination, and upon the board being satisfied of his fitness in all other respects as mentioned in section 56, the board may grant and issue to the applicant a certificate of competency as mentioned in the said section.

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

**54.** Every certificate of service granted without examination pursuant to section 11 of the Enginedrivers Act, 1924, shall convey the same privileges as a certificate of competency of the same class.

Certificates of service.  
1618, 1924,  
s. 11.

**55.** No applicant for a certificate shall be examined by the board unless he produces to the board the certificate of a duly qualified medical practitioner that he is not subject to deafness, defective sight, epilepsy, or other physical defect or infirmity which would render him unfit for duty as an enginedriver of the particular class in which he is applying for a certificate, or as a boiler attendant, as the case may be.

Medical certificate necessary before examination.  
1618, 1924,  
s. 12.

Grant and  
issue of  
certificate.  
1818, 1924,  
s. 13.

**56.** (1) Before the board grants to any applicant a certificate under this Part, the applicant shall satisfy the board—

- (a) as to his sobriety, experience, ability, and general good conduct;
- (b) that he is not subject to deafness, defective sight, epilepsy, or other physical infirmity which would render him unfit to be trusted to perform efficiently his duty as the holder of the certificate applied for;
- (c) that he is a British subject; and
- (d) that his knowledge of the English language is sufficient to enable him to perform the duties required of the holder of the certificate applied for.

(2) Upon the board being so satisfied and upon payment by the applicant of the prescribed fee for the certificate, the board may issue to him a certificate of the appropriate class and in the prescribed form.

Status of  
certificates.  
1818, 1924,  
s. 14.

**57.** (1) A winding enginedriver's certificate shall entitle the holder thereof to drive and have charge of any winding machinery, whether on or below the surface of a mine or elsewhere, and of any stationary engine to which a first-class enginedriver's certificate applies.

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

(3) A second-class enginedriver's certificate shall entitle the holder thereof to drive and have charge of any stationary steam engine or engines to which this Part applies (other than the principal winding machinery on or below the surface of a mine), the area of cylinder or combined area of cylinders of which does not exceed five hundred square inches, and of its or their boilers and attendant machinery, 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 enginedriver's certificate shall entitle the holder thereof to drive and have charge of any stationary engine or engines to which this Part applies (other than the principal winding machinery on or below the surface of a mine), 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 enginedriver's certificate shall entitle the holder thereof to drive and have charge of any locomotive or traction engine to which this Part applies, and of its boiler, whilst the engine is being propelled or moved from place to place by its own motive power and machinery, and of any stationary engine or engines to which a third-class enginedriver's certificate applies, and of its or their boilers.

(6) A crane and hoist driver's certificate shall entitle the holder thereof to drive and have charge of any crane or hoist, and, in the case of steam operated appliances, of its or their boilers, subject to anything prescribed. A crane and hoist driver's certificate shall not entitle the holder thereof to drive or have charge of any machinery used on or in a mine.

(7) An internal combustion enginedriver's certificate shall entitle the holder thereof to drive and have charge of any internal combustion engine or engines to which this Part applies (other than the principal winding machinery on or below the surface of a mine).

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

(9) A certificate of any of the classes mentioned in subsections (1) to (5) inclusive shall entitle the holder thereof to have charge of any boiler to which this Part applies.

(10) The provisions of this section shall apply in respect of any winding machinery, whether the motive power be steam, air, water, gas, oil, or electricity.

58. (1) Notwithstanding anything contained in this Part, the board may extend or restrict the privileges conferred by any certificate as it deems advisable. A memorandum of every such extension or restriction shall be endorsed on the face of the certificate.

Restriction or  
extension of  
certificates.  
1618, 1924,  
s. 15.

(2) Any such restriction 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 class certificate shall be entertained until such restriction has been cancelled.

Reciprocity.  
1618, 1924.  
s. 16.

59. (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 resident in South Australia, and is a person of good repute, and is the holder of a corresponding certificate of equal class, granted after examination by any duly constituted and recognised authority within or without the State.

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

(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 South Australia, and is a person of good repute, and is the holder of a certificate as an enginedriver or boiler attendant granted without examination by any duly constituted and recognised authority without the State, a certificate of such class as the board thinks fit.

(3) In the case of a winding enginedriver's certificate, the board may, before granting the certificate, require the applicant to furnish satisfactory evidence as to his knowledge of the provisions relating to winding, and of the signal code, under the Mines and Works Inspection Act, 1920, and satisfactory evidence as to his qualifications and character.

Recognition of  
marine engi-  
neer's certifi-  
cates.  
1618, 1924.  
s. 17.

60. On payment of the prescribed fees and on proof to the satisfaction of the board that the applicant is resident in South Australia, and is a person of good repute, and upon production of satisfactory testimonials and of a certificate granted after examination by the Board of Trade of the United Kingdom, or by any duly constituted and recognised body in His Majesty's dominions having authority from the said Board of Trade to grant certificates the board may grant without examination the following certificates of competency:—

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

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

**61.** In any case where any applicant for a certificate has failed to satisfy the board that he is a fit person to receive that certificate, but the board is satisfied that the applicant is a fit person to be granted a certificate other than that for which he has applied, the board may, in its discretion and with the consent of the applicant, grant to him such certificate as in the opinion of the board he is qualified to hold.

Power to issue certificate other than that applied for.  
1618, 1924, s. 18.

**62.** (1) Notwithstanding anything contained in this Part but subject to anything prescribed, the chairman of the board, or his deputy, on being satisfied that any person—

Interim certificates.  
1618, 1924, s. 19.

(a) intends to apply for a certificate of a particular class at the next examination to be held of applicants for certificates of that class; or

(b) is the holder of a certificate as an enginedriver or boiler attendant granted without the State; and

(c) is qualified to hold that certificate,

may, on payment of the prescribed fees, grant to that person a certificate, to be called an interim certificate, which shall enable the holder thereof to drive and have charge of an engine of the class specified in such certificate or of a boiler, as the case may be, for the period therein mentioned and subject to any conditions therein stated.

(2) The fact that a person is the holder of an interim certificate shall not, of itself, entitle him to obtain any other certificate for which he may apply.

(3) The holder of any interim certificate shall return the same to the board on demand by the board.

**63.** (1) The holders of certificates of the classes mentioned in the following table which have been granted and were at the second day of January, nineteen hundred and twenty-five, in force under The Steam Boilers and Enginedrivers Act, 1911, or The Steam Boilers and Enginedrivers Act Amendment Act, 1913, shall be deemed to be the holders of equivalent certificates granted and in force under this Part according to the said table, and the said certificates under the said Acts

Saving of existing certificates.  
1618, 1924, s. 20.

## Steam Boilers and Enginedrivers Act, [Vol. 8 1935.

shall be deemed to be the said equivalent certificates granted and in force under this Part:—

Class of certificate granted under The Steam Boilers and Enginedrivers Act, 1911, or The Steam Boilers and Enginedrivers Act Amendment Act, 1913.	Equivalent certificate under this Part.
First-class certificate, if unrestricted ..	Winding enginedriver's certificate.
Second-class certificate, if unrestricted ..	First-class enginedriver's certificate.
Third-class certificate, if unrestricted ..	Third-class enginedriver's certificate.
Locomotive and traction enginedriver's certificate, if unrestricted .. . . .	Locomotive and traction engine-driver's certificate.
Boiler attendant's certificate .. . . .	Boiler attendant's certificate.
Limited certificate .. . . .	A certificate of the lowest class which would entitle the holder to drive and have charge of an engine of the class specified in the original limited certificate, but subject to any restriction necessary to preserve the effect of any limitation expressed in such limited certificate.

(2) The provisions of subsection (1) shall not apply in respect of the holder of any certificate granted under The Steam Boilers and Enginedrivers Act, 1911, or The Steam Boilers and Enginedrivers Act Amendment Act, 1913, or in respect of any such certificate unless and until the holder has made application for, and has been granted by the board, an equivalent transfer certificate under the provisions of subsection (3).

(3) The holder of any certificate under The Steam Boilers and Enginedrivers Act, 1911, or The Steam Boilers and Enginedrivers Act Amendment Act, 1913, who produces to the board satisfactory evidence that he is resident in South Australia, and is a person of good repute, may, upon payment of the prescribed fees and upon delivery of his original certificate for cancellation by the board, be granted by the board an equivalent certificate or certificates under this Part, and such certificates shall be called transfer certificates. In the case of a limited certificate, any restriction necessary to preserve the effect of any limitation expressed in that limited certificate shall be endorsed on the face of the equivalent certificate or certificates granted by the board under this subsection, and any such endorsement shall be of the same effect as if endorsed under section 58.

Duplicate certificate in case of loss. 1618, 1924, s. 21.

**64.** (1) If any certificate is lost or destroyed the person to whom it was granted may make a statutory declaration with respect thereto, and thereupon the board if satisfied with the declaration, and on payment of the prescribed fees, may issue a fresh certificate to the person entitled to hold the same.



(2) The fresh certificate shall be endorsed, setting out the reasons for the issue thereof, and shall be available as if it were the original certificate.

65. (1) Where it appears to the board that the holder of a certificate is guilty of any offence against this Act or of any misconduct in respect of his duties as such holder, or has developed any symptom of epilepsy or any other defect or infirmity which would render him unfit to be trusted to perform efficiently his duties as such holder, the board may call upon him to appear before such persons as the Minister appoints to show cause why his certificate should not be suspended or cancelled.

Disqualifica-  
tion of holder  
of certificate.  
1618, 1924,  
s. 22.

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

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

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

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

66. The board shall keep, or cause to be kept, a register of all certificates granted, issued, cancelled, or suspended under this Part, and of all dealings with respect to those certificates.

Register to be  
kept.  
1618, 1924,  
s. 23.

67. (1) Any person who—

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

Acting  
without  
certificate or  
when in-  
capacitated.  
1618, 1924,  
s. 24.

(b) acts as an attendant in charge of any boiler for which a certificated attendant is required by this Part, without being the holder of such certificate for the time being in force as under this Part would entitle him to have charge of the boiler;

- (c) acts as enginedriver in charge of or has 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, without being the holder of a winding enginedriver's certificate for the time being in force under this Part;
- (d) whether or not the holder of a certificate as required by this subsection, acts in any such capacity as mentioned in the preceding paragraphs of this subsection when he is wholly or partially deaf, or his sight is defective, or he is subject to epilepsy or any physical defect or infirmity rendering him unfit to act in that capacity;
- (e) employs, or causes or permits to be employed, in any such capacity as mentioned in paragraphs (a), (b), and (c) of this subsection any uncertificated person, or (knowing the defect or infirmity to exist) any person subject to any such defect or infirmity as aforesaid; or
- (f) being the holder of a certificate under this Part or the Enginedrivers Act, 1924, or The Steam Boilers and Enginedrivers Act, 1911, or The Steam Boilers and Enginedrivers Act Amendment Act, 1913, refuses or neglects to produce that certificate when the production thereof is demanded by an inspector,

shall be guilty of an offence against this Part.

(2) Any person who is the holder of a certificate and who drives or takes charge of any engine or boiler which his certificate does not entitle him to drive or take charge of shall, in addition to any other penalty to which he may be liable, be liable to have his certificate suspended or cancelled by the board.

Improperly  
obtaining  
certificate.  
1618, 1924,  
s. 25.

**68.** (1) Any person who obtains any certificate under this Part by fraud or misrepresentation shall be guilty of an offence against this Act and liable to imprisonment for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

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

(3) Any person who uses any certificate after notice by the board that the same has been cancelled, or who, during the

period of suspension, uses any certificate after notice by the board that the same has been suspended, shall be guilty of an offence against this Part.

69. Any person who gives to any other person an untrue testimonial as to service as an enginedriver or boiler attendant shall be guilty of an offence against this Part.

False testimonial.  
1618, 1924,  
s. 26.

70. (1) Any person guilty of any offence against this Part for which no penalty is specially imposed shall be liable to a penalty not exceeding twenty pounds.

Penalty for offences.  
1618, 1924,  
s. 27.

(2) Any person guilty of any offence against this Part shall, if the offence is a continuing offence, be liable, in addition to any other penalty imposed by this section or any other provision of this Act, to a penalty not exceeding one pound for every day upon which such offence continues after the first day.

71. (1) The Governor may at any time, by proclamation, exempt from the operation of this Part, or of any specified provisions of this Part, for such time as he thinks fit, persons employed or acting as enginedrivers in charge of engines or attendants in charge of boilers in any specified part of the State.

Power to exempt.  
1618, 1924,  
s. 28.

(2) Any such proclamation may apply to engines or to boilers generally, or to engines or boilers of any specified class or classes.

72. (1) In addition to any other power by any other section of this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Part, or for better effecting the objects and purposes of this Part, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

Regulations.  
1618, 1924,  
s. 29.

- i. Regulating the proceedings of the board;
- ii. Prescribing the places and times of holding examinations;
- iii. Prescribing the remuneration of members of the board;
- iv. Prescribing the fees to be paid by applicants for examination, and by applicants for certificates of service, and for certificates issued by virtue of certificates granted outside the said State, and

fees to be paid for certificates and duplicates thereof, but so that no such fee shall exceed one pound;

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

(2) Any such regulation may impose a penalty not exceeding ten pounds for any breach of the same or of any other regulation.

## PART IV.

## PART IV.

## GENERAL.

Appeal Board.  
1064, 1911,  
s. 55,  
1601, 1923,  
s. 2,  
1618, 1924,  
s. 4.

**73.** (1) A board to be called the Appeal Board is hereby continued consisting of the Chief Inspector of Boilers, one person holding a first-class enginedriver's certificate and appointed by the Governor, the Chief Mechanical Engineer, the Professor of Engineering at the Adelaide University, and the Instructor in Mechanical Engineering at the School of Mines and Industries. The said board shall appoint one of the members thereof to be chairman thereof.

(2) The said board shall hold examinations of applicants for office as inspectors, and may grant or refuse a certificate to any person so examined.

(3) The Minister may make rules—

- (a) regulating the proceedings of the said board;
- (b) prescribing the places and times of holding examinations;
- (c) prescribing the remuneration of members of the said board;
- (d) prescribing the fees to be paid by applicants for examination, and fees to be paid for certificates and duplicates thereof, but so that no such fee shall exceed one pound;
- (e) regulating the conduct of examinations;
- (f) prescribing the forms of certificates;

- (g) prescribing the qualifications and standards to be required of applicants for examination; and
- (h) prescribing generally all such matters as the Minister deems necessary to prescribe concerning the functions of the said board.

Every such rule shall be observed by the said board.

74. (1) Any person who obtains or attempts to obtain any certificate under any Part of this Act other than Part III., by fraud or misrepresentation shall be guilty of an offence against this Act and liable to imprisonment for any term not exceeding six months, or to a penalty not exceeding fifty pounds.

Obtaining certificate improperly.  
1064, 1911, s. 56.

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

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

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

Application of Act to motors.  
1064, 1911, s. 57, 1618, 1924, s. 4.

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

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

Owner's name on portable engine or boiler.  
1064, 1911, s. 58.

77. Nothing in this Act, or in any certificate granted under this Act, shall relieve the owner of any engine or boiler or

Responsibility of owner, &c., maintained.  
1064, 1911, s. 59.

any person driving or in charge of any engine or boiler from liability to or in any action or matter, or from liability to any civil or criminal proceeding; but all rights of parties and all liabilities of all such owners and persons and of all other persons in respect of any boiler or engine shall, except as expressly provided by this Act, remain unaffected by this Act.

Offences  
generally.  
1064, 1911,  
s. 60.

**78.** Any person who commits any breach of or neglects to comply with any of the provisions of this Act shall be guilty of an offence against this Act.

Penalties.  
1064, 1911,  
s. 61.

**79.** (1) Any person guilty of any offence against this Act for which no penalty is specially imposed shall be liable to a penalty not exceeding ten pounds.

(2) Any person guilty of any offence against this Act shall, if the offence is a continuing offence, be liable, in addition to any other penalty imposed by this section or any other provision of this Act, to a penalty not exceeding one pound for every day upon which such offence continues after the first day.

Service of  
notices.  
1064, 1911,  
s. 62.

**80.** (1) Any notice, order, or other document required to be given or served under this Act may be given or served by being delivered personally to, or being left at the usual or last known place of residence or business of, the person to or upon whom it is to be given or served, or by being sent through the post in a prepaid letter addressed to the person at his usual or last known place of residence or business.

(2) Where any such notice, order, or document is required to be given to or served upon any owner, the giving or serving thereof as aforesaid to or upon the manager, foreman, conductor, or agent of the owner, shall be sufficient giving or service thereof.

Protection of  
inspectors  
from liability.  
1064, 1911,  
s. 63.

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

Proof in  
proceedings.  
1064, 1911,  
s. 64.

**82.** The following provisions shall have effect with reference to any proceeding for an offence against this Act, and to any proceeding for any breach of or neglect to comply with any of the provisions of this Act:—

- i. It shall be sufficient to state the name of the ostensible owner of a boiler, or the title of the firm or company

or corporation by which the owner of a boiler is usually known:

- ii. The onus of proof that the person, firm, company, or corporation named in a complaint is not the owner of the boiler shall be on the defendant:
- iii. The onus of proof that the provisions of this Act with regard to the registration of boilers, and the marking of the registered numbers and makers' names on boilers, and with regard to obtaining and exhibiting certificates of inspection, have been complied with as to any particular boiler, shall be on the defendant:
- iv. The onus of proof that a boiler or engine was not, on the date mentioned in a complaint, in the place mentioned in the complaint shall be on the defendant:
- v. The authority of any inspector or other officer of the said State to take any proceedings or to do any act shall be presumed until the contrary is shown.

**83.** All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings.  
1064, 1911,  
s. 65.

**84.** The Governor may from time to time make regulations—

Regulations.  
1064, 1911,  
s. 68.

- (a) regulating the duties of the chief inspector and of inspectors:
- (b) prescribing forms of notices or other forms to be given or used under this Act in cases where forms are not set out in the schedules to this Act, or in substitution for any forms so set out:
- (c) prescribing fees to be paid under this Act in cases where the fees are not provided for in the schedules to this Act, or in substitution for any fees so provided for:
- (d) prescribing requirements and conditions to be complied with by persons in charge of boilers in order to secure the safe working thereof:
- (e) prescribing generally all such matters and things as may be necessary or convenient for giving effect to this Act:

(f) prescribing penalties for breaches of regulations, not exceeding in any case the sum of ten pounds.

Testing  
validity of  
regulations.  
1064, 1911,  
s. 69.

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

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

(3) Subject to subsection (2) of section 38 of the Acts Interpretation Act, 1915, all regulations, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) Subject to subsection (2) of section 38 of the Acts Interpretation Act, 1915, no regulation shall be challenged or disputed in any manner other than as provided by this section.

Financial  
provision.  
1064, 1911,  
s. 70.

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

## SCHEDULES.

### THE FIRST SCHEDULE.

#### SCHEDULE OF ACTS REPEALED.

Number and Year of Act.	Short Title.
No. 1064 of 1911 ..	The Steam Boilers and Enginedrivers Act, 1911
No. 1131 of 1913 ..	The Steam Boilers and Enginedrivers Act Amendment Act, 1913
No. 1601 of 1923 ..	Steam Boilers and Enginedrivers Act Amendment Act, 1923
No. 1618 of 1924 ..	Enginedrivers Act, 1924
No. 2028 of 1931 ..	Steam Boilers and Enginedrivers Act, 1931



THE SECOND SCHEDULE.

Steam Boilers and Enginedrivers Act, 1935.

Sections 6 and  
7, 1064, 1911,  
First Schedule.

*Particulars of Boiler.*

To the Chief Inspector of Boilers.

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

Name and address of owner—  
Where boiler is situated—  
Form or class of boiler—  
Age of boiler—  
Horsepower—  
Dimensions and construction of boiler—  
Pressure at which safety valve blows off—  
Purpose for which used (*or to be used*)—  
Name of maker—  
Date when boiler was last examined by an expert, and name and address of such expert—  
Date when boiler was last cleaned—

Dated this                    day of                    , 19                    .

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

Address—  
\_\_\_\_\_

THE THIRD SCHEDULE.

Steam Boilers and Enginedrivers Act, 1935.

Section 8,  
1064, 1911,  
Second  
Schedule.

*Certificate of Registration of Boiler.*

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

*Particulars of Boiler.*

Name and address of owner—  
Where boiler is situated—  
Form or class—  
Horsepower—  
Dimensions and construction—  
Pressure at which safety valve is said to blow off—  
Purpose for which used (*or to be used*)—  
Maker's name—

Dated this                    day of                    , 19                    .

[*Signature*]                    Chief Inspector of Boilers.

\_\_\_\_\_

THE FOURTH SCHEDULE.

Steam Boilers and Enginedrivers Act, 1935.

Section 32,  
1064, 1911,  
Third  
Schedule.

*Notice to Owner that Boiler is Unsafe.*

To [*name of owner*] of [*address*]

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

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

Dated this                    day of                    , 19                    .

[*Signature*]                    , Inspector.

Section 8.  
1064, 1911,  
Fourth  
Schedule.

## THE FIFTH SCHEDULE.

### *Fee on Registration.*

On registration of any boiler . . . . . 5s.

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Section 36.  
1064, 1911,  
Fifth  
Schedule.

## THE SIXTH SCHEDULE.

Steam Boilers and Enginedrivers Act, 1935.

### *Certificate of Inspection.*

This is to certify that, in accordance with the Steam Boilers and Enginedrivers Act, 1935, the boiler mentioned at the foot hereof has been inspected by me, and that the same is in good repair and may be used for the purpose (or purposes) stated below up to a pressure of \_\_\_\_\_ pounds per square inch.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

[Signature]

Inspector of Boilers.

### *Description of Boiler.*

Official registered number—

Description of boiler—

Maker's name—

Authorised working pressure [*in pounds per square inch*]—

Purposes for which may be used—

Owner's name and address—

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

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

## Regulations.

The following regulations were in force under this Act on 8th November, 1937:—

### RELATING TO THE EXAMINATION OF BOILERS—

*Gazette*—11th February, 1932, p. 257.

12th March, 1936, p. 593.

### RELATING TO THE ENGINEDRIVERS BOARD AND EXAMINATIONS—

*Gazette*—2nd April, 1925, p. 578.

23rd September, 1937, p. 765.

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## STILL-BIRTHS

see Births and Deaths Registration.