



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 43 of 1968

An Act to consolidate and amend the law relating to
boilers and pressure vessels and for other purposes.

[Assented to 19th December, 1968.]

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.****Short title.**

1. This Act may be cited as the "Boilers and Pressure
Vessels Act, 1968".

**Commence-
ment.**

2. This Act shall come into operation on a day to be fixed
by proclamation.

**Arrangement,
etc.**

3. This Act is arranged as follows :—

PART I.—PRELIMINARY, ss. 1-8.

PART II.—ADMINISTRATION—

**DIVISION 1.—CHIEF INSPECTOR AND INSPECTORS, ss.
9-11 :**

DIVISION 2.—ENGINE DRIVERS BOARD, ss. 12-15 :

PART III.—BOILERS AND PRESSURE VESSELS—

DIVISION 1.—DESIGN AND CONSTRUCTION, ss. 16-17 :

**DIVISION 2.—REGISTRATION OF BOILERS AND PRESSURE
VESSELS, ss. 18-23 :**

DIVISION 3.—INSPECTION, ss. 24-32 :

PART IV.—CERTIFICATES OF COMPETENCY, ss. 33-38.

PART V.—WELDING OF BOILERS AND PRESSURE VESSELS, ss. 39-43.

PART VI.—MISCELLANEOUS, ss. 44-52.

4. In this Act, unless the contrary intention appears— Definitions.

“Board” means the Enginedrivers Board established by section 13 of this Act :

“boiler” means—

(a) any vessel in which for any purpose steam is or is intended to be generated under a pressure greater than atmospheric pressure ;

or

(b) any vessel in which for any purpose liquid is or is intended to be heated under pressure greater than atmospheric pressure,

and in either case includes any economizer or superheater or any feed, blowdown or distribution pipelines, mountings, fittings, connections or ancillary plant or apparatus necessary for the safe working of any boiler but does not include any such vessel—

(i) used or intended to be used on any ship ;

(ii) used or intended to be used by the South Australian Railways Commissioner ;

or

(iii) used or intended to be used exclusively for domestic purposes :

“certificate of inspection” means a certificate of inspection issued under section 27 of this Act, and for the time being in force :

“certificate of registration” means a certificate of registration issued under section 21 of this Act and in relation to a registered boiler or registered pressure vessel means the certificate of registration issued in respect of that boiler or pressure vessel :

“certificate of competency” means a certificate of competency granted under section 35 of this Act and where that certificate of competency is expressed to be limited to specified apparatus means such a certificate only in relation to that apparatus :

“Chief Inspector” means the person appointed or holding office as the Chief Inspector of Boilers under section 9 of this Act and includes any person for the time being appointed to act in that office.

“crane” or “hoist” means a machine worked by power other than hand power and fitted with a jib over which passes a wire, rope or chain by which goods or materials can be raised, lowered and moved in conjunction with that raising or lowering and includes any supporting structure, machinery, equipment and gear connected with that wire, rope or chain, as the case may be :

“Inspector” means a person appointed or deemed to be appointed an Inspector of Boilers under section 9 of this Act and includes the Chief Inspector :

“internal combustion engine” includes a compression ignition engine, gas turbine engine and gas engine :

“owner”, in relation to a boiler or pressure vessel, includes the person for the time being in possession of the boiler or pressure vessel :

“pressure vessel” means any closed vessel, or vessel open to the atmosphere only by an uninterrupted vent, not heated by fire, the products of combustion or by electrical means and which is subject to pressure greater than atmospheric pressure, including pressure due to static head, by liquid, steam, air, vapour, gas or gaseous substance and includes all mountings, fittings, pipelines and ancillary apparatus necessary for the safe working of the vessel but does not include—

(a) any such vessel used or intended to be used in the operation of any ship ;

(b) any such vessel used or intended to be used by the South Australian Railways Commissioner;

(c) any receptacle commonly known as a pressure pack ;

or

(d) any such vessel or class of such vessels in relation to which it is declared by proclamation under section 8 of this Act that this Act shall not apply :

“registered boiler” or “registered pressure vessel” means a boiler or pressure vessel as the case may be in respect of which a certificate of registration has been issued and is in force :

“Secretary” means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person acting in that office or appointed to perform the duties of that office for the time being :

“steam engine” includes a steam turbine :

“welder’s certificate” means a welder’s certificate granted under section 42 of this Act and for the time being in force :

“welding supervisor’s certificate” means a welding supervisor’s certificate granted under section 42 of this Act and for the time being in force :

“winding engine” means a piece of mechanism used in mining operated by power other than hand power, not being a crane or hoist, fitted with a rotary drum having a cable, rope or chain attached thereto and used for raising or lowering men or materials.

5. The Acts mentioned in the schedule to this Act are repealed. Repeal.

6. This Act shall bind the Crown.

Crown bound
by Act.

7. Division 2 of Part III, and Part IV of this Act, shall not apply to or in relation to—

Non-application
of portions of
the Act to
certain boilers
etc.

(a) any boiler having—

(i) not more than fifty square feet of heating surface ;

or

(ii) electrical heating elements of not more than one hundred kilowatts of capacity ;

or

(b) any pressure vessel of not more than six cubic feet capacity,

when that boiler or pressure vessel is used or intended to be used for agricultural, horticultural, viticultural, dairying or pastoral purposes.

8. The Governor may by proclamation declare that this Act or specified portions of this Act shall not apply to and in relation to the pressure vessels or class of pressure vessels specified in the proclamation and thereupon this Act or those portions, as the case may be, shall not apply to and in relation to the pressure vessels or any pressure vessels of the class so specified, and the Governor may by proclamation amend, vary or revoke such a proclamation.

Exclusion of
certain pressure
vessels from
operation of
Act or portion
of Act.

PART II.

PART II.

ADMINISTRATION.

DIVISION 1.

DIVISION 1.—CHIEF INSPECTOR AND INSPECTORS.

Appointment
of Chief
Inspector and
Inspectors.

9. (1) Subject to section 10 of this Act, the Governor may appoint a Chief Inspector of Boilers and so many Inspectors of Boilers as may to him from time to time appear necessary.

(2) The persons who, immediately before the commencement of this Act, were holding the appointments of Chief Inspector of Boilers and inspector of boilers under the Steam Boilers and Enginedrivers Act, 1935-1952, shall be deemed to have been appointed as Chief Inspector of Boilers and Inspector of Boilers respectively under subsection (1) of this section and shall hold their appointments as such subject to this Act and the terms and conditions for the time being governing their respective appointments.

Prescribed
examination.

10. A person shall not be appointed under subsection (1) of section 9 unless he has passed the prescribed examination for such an appointment conducted in the prescribed manner.

Certificate of
identification.

11. (1) The Minister may provide for the Chief Inspector and each Inspector a certificate of identification as Chief Inspector or Inspector as the case may be.

(2) The production of a certificate referred to in subsection (1) of this section shall for the purposes of this Act or of any proceedings under this Act be *prima facie* evidence that the person producing that certificate is the Chief Inspector or an Inspector, as the case may be.

DIVISION 2.

DIVISION 2.—ENGINEDRIVERS BOARD

Dissolution of
former board
in operation
under former
Act.

12. The Enginedrivers' Board constituted by the Enginedrivers Act, 1924, and continued by the Steam Boilers and Enginedrivers Act, 1935-1952, is dissolved and the members thereof in office on the commencement of this Act shall vacate their respective offices.

Establishment
of Engine-
drivers Board.

13. (1) For the purposes of this Act, there shall be an Enginedrivers Board which shall consist of three persons each of whom holds or has held an appointment of Chief Inspector

or Inspector under this Act or of Chief Inspector of Boilers or inspector of boilers under the Steam Boilers and Enginedrivers Act, 1935-1952, who shall be appointed by the Governor as members of the Board.

(2) The Governor may appoint one of the members of the Board to be Chairman of the Board and one of the members of the Board to be Deputy Chairman of the Board.

(3) Any member of the Board appointed pursuant to this section shall hold office for the term specified in his notice of appointment which term shall not in any case exceed three years, but shall be eligible for re-appointment.

(4) The Governor may at any time revoke the appointment of a member of the Board and thereupon the office of that member shall become vacant.

(5) The members of the Board shall be paid such fees and allowances as the Governor may determine and a determination under this subsection may differentiate between members of the Board who are employed full time in the service of the State and members who are not so employed.

14. (1) Two members of the Board shall constitute a quorum for the transaction of the business of the Board and a matter before the Board shall be decided by a majority of the votes cast in accordance with this section.

Quorum, voting
and procedure.

(2) The Chairman of the Board shall preside over all meetings of the Board at which he is present and in the absence of the Chairman the Deputy Chairman shall so preside.

(3) The Chairman shall have a deliberative vote and, in the event of equality of votes, a casting vote.

(4) The powers and functions of the Board may be exercised and performed notwithstanding a vacancy in the office of one member of the Board.

(5) Subject to this Act, the Board may regulate its own proceedings.

PART II.DIVISION 2

Powers and
functions of
Board.

15. The Board shall have and may exercise and perform such powers and functions as are prescribed.

PART III.PART III.BOILERS AND PRESSURE VESSELS.DIVISION 1.DIVISION 1.—DESIGN AND CONSTRUCTION.

Manufacturer
to give notice
to Chief
Inspector.

16. (1) A person who intends to construct or manufacture any boiler or pressure vessel shall before commencing that construction or manufacture forward to the Chief Inspector two copies of the plans, specifications, drawings and design calculations in the English language showing the measurements of and describing the boiler or pressure vessel together with such other information in relation to that boiler or pressure vessel as may be prescribed.

(2) The Chief Inspector may by notice in writing served either personally or by post on the person referred to in subsection (1) of this section approve of the construction or manufacture of that boiler or pressure vessel subject to such conditions, if any, as he may specify in the notice and the Chief Inspector may by a like notice amend or vary the first-mentioned notice.

(3) In granting an approval under subsection (2) of this section or in amending or varying such a notice the Chief Inspector may have regard to any relevant standard of the Standards Association of Australia or any other relevant standard which, in the opinion of the Chief Inspector, will provide a result similar to the application of a standard of the Standards Association of Australia.

(4) A person shall not construct or manufacture any boiler or pressure vessel otherwise than in accordance with an approval for the time being in force under this section.

Penalty : Five hundred dollars.

PART III.
DIVISION 1.

17. (1) An Inspector may at any time during the course of the construction or manufacture or at the conclusion of the construction or manufacture of any boiler or pressure vessel direct the constructor or manufacturer of that boiler or pressure vessel to carry out such tests or examinations as the Inspector may require of that boiler or pressure vessel or of materials or parts used in the construction or manufacture of that boiler or pressure vessel for the purpose of ensuring that the construction or manufacture of the boiler or pressure vessel is in accordance with the approval for the time being in force under section 16 of this Act or as may be necessary to ensure the safe working of that boiler or pressure vessel and to inform the Inspector of the results of those tests or examinations.

Tests etc. in the course of construction.

(2) A constructor or manufacturer, as the case may be, shall not refuse or fail to comply with any direction given by an Inspector under subsection (1) of this section.

Penalty : Two hundred dollars.

(3) The fees payable by the constructor or manufacturer in connection with the tests and examinations referred to in subsection (1) of this section shall be paid as prescribed.

**DIVISION 2.—REGISTRATION OF BOILERS AND
PRESSURE VESSELS.**

DIVISION 2.

18. For the purposes of this Division, unless the contrary intention appears, “boiler” or “pressure vessel”, means a boiler or pressure vessel or any of a class of boilers or pressure vessels as the case may be, which is for the time being, by regulation under section 19 of this Act, required to be registered under this Act.

Boilers and pressure vessels.

19. The Governor may from time to time by regulation require that a boiler or pressure vessel or all boilers or all pressure vessels of a class of boilers or pressure vessels specified be registered under this Act.

Application of Part to certain boilers or pressure vessels.

20. (1) A person who is or becomes the owner of a boiler or pressure vessel, not being a registered boiler or registered pressure vessel, shall, not later than fourteen days after the day of—

Duty to register boiler or pressure vessel.

(a) the publication in the *Gazette* of a regulation under section 19 of this Act ;

or

PART III.
DIVISION 2.

(b) becoming the owner,

as the case may be, apply for the registration of that boiler or pressure vessel.

Penalty : Two hundred dollars.

(2) A person who is or who becomes the owner of a boiler or pressure vessel other than a registered boiler or registered pressure vessel shall not, except as directed by an Inspector, use or operate that boiler or pressure vessel until a certificate of registration has been issued in respect of that boiler or pressure vessel.

Penalty : Two hundred dollars.

Method of registration.

21. (1) A person applying for the registration of a boiler or pressure vessel shall forward to the Secretary—

(a) particulars in the prescribed form relating to the boiler or pressure vessel ;

and

(b) the prescribed fee.

(2) On receiving the prescribed particulars and the prescribed fee the Secretary may register that boiler or pressure vessel by issuing a certificate of registration in the prescribed form.

(3) The Secretary shall not issue a certificate of registration pursuant to this section unless he is satisfied from a report by the Chief Inspector that the boiler or pressure vessel, as the case may be, is safe for use.

(4) There shall be payable by the applicant for the registration of a boiler or pressure vessel fees in accordance with the prescribed scale for any test or examination of the boiler or pressure vessel made or caused to be made by the Chief Inspector for the purposes of giving a report pursuant to subsection (3) of this section.

Duty of owner of registered boiler or pressure vessel.

22. (1) The owner of a registered boiler or registered pressure vessel shall—

(a) within twenty-eight days of the removal of that registered boiler or registered pressure vessel, not being designed as a moveable boiler or pressure vessel, from one location to another, give to the Secretary notice in writing of the particulars of the removal ;

(b) within twenty-eight days of ceasing to be the owner of that registered boiler or registered pressure vessel, give to the Secretary particulars in writing of the change of ownership ;

and

- (c) within twenty-eight days of the registered boiler or registered pressure vessel being destroyed or otherwise permanently ceasing to be capable of being used as a boiler or pressure vessel, give the particulars in writing of the destruction or incapability, as the case may be.

Penalty : Twenty dollars.

(2) A person who becomes the owner of a registered boiler or registered pressure vessel shall, within twenty-eight days of becoming the owner of that registered boiler or registered pressure vessel give the Secretary particulars, in writing in the prescribed form, of his acquisition of the boiler or pressure vessel.

Penalty : Twenty dollars.

23. For the purposes of this Part, a certificate of registration of a boiler supplied under the provisions of section 8 of the Steam Boilers and Enginedrivers Act, 1935-1952, which was in force immediately before the commencement of this Act shall be deemed to be a certificate issued by the Secretary under subsection (2) of section 21 of this Act and the boiler in respect of which it is issued shall be deemed to be a registered boiler.

Certificates
granted under
previous Act.

DIVISION 3.—INSPECTION.

DIVISION 3.

24. (1) An Inspector may—

Powers of
Inspector.

- (a) with such assistants as he considers necessary, enter or be upon any place or premises where he has reasonable cause to believe a boiler or pressure vessel is being manufactured, constructed, installed, operated, used, repaired or altered in order to ascertain whether the provisions of this Act have been or are being complied with ;
- (b) take with him onto the place or into the premises referred to in paragraph (a) of this subsection a member of the police force when he has reasonable cause to believe that he may be hindered or disturbed in the execution of his powers or the performance of his functions under this Act ;
- (c) require any person whom he finds in or about the place or premises referred to in paragraph (a) of this subsection to answer any question in relation to any boiler or pressure vessel which is or has been upon or in that place or those premises ;

and

PART III.
DIVISION 3.

(d) exercise and perform such other powers and functions as are prescribed.

(2) In the exercise and performance of the powers and functions vested in him by this Act an Inspector may use the services of an interpreter and for the purposes of this Act any question or requisition put or made on behalf of the Inspector by that interpreter shall be deemed to have been put or made by the Inspector and the answer thereto shall be deemed to have been made to the Inspector.

Offences in relation to inspections.

25. A person shall not—

(a) hinder or disturb an Inspector, any person assisting an Inspector, or an interpreter in the exercise or performance of his powers or functions under this Act ;

(b) refuse or fail to comply with any direction which may be given under this Act ;

(c) refuse or fail to truthfully answer any question which may be asked of him under this Act ;

or

(d) directly or indirectly prevent a person appearing before or being questioned by an Inspector.

Penalty : One hundred dollars.

Inspection of boiler or pressure vessel.

26. (1) Subject to this section, an Inspector may make an inspection of a boiler or pressure vessel at any time and, for the purposes of such inspection, shall give to the owner of the boiler or pressure vessel such directions as to the dismantling of that boiler or pressure vessel as are prescribed or as may be necessary or desirable to facilitate that inspection.

(2) In the course of an inspection being carried out in accordance with subsection (1) of this section the Inspector may make or direct to be made such examinations and tests as he considers necessary or desirable.

(3) An owner shall not refuse or fail to comply with a direction given under subsection (1) of this section.

Penalty : One hundred dollars.

Certificate of inspection.

27. (1) Where an Inspector makes any inspection, under this Part, of a boiler or pressure vessel, he may issue a certificate of inspection in respect of that boiler or pressure vessel.

(2) The fee for the issue of a certificate of inspection under subsection (1) of this section shall be as prescribed and shall be paid to the Secretary by the owner of the boiler or pressure vessel to which it relates.

(3) A certificate of inspection issued pursuant to subsection (1) of this section shall expire on the day of expiry expressed therein.

(4) The Chief Inspector shall ensure that, as far as is practicable, in the case of each registered boiler or pressure vessel, the interval between inspections of—

(a) a boiler shall not exceed one year ;

and

(b) a pressure vessel shall not exceed two years.

28. (1) Where upon an inspection of a boiler or pressure vessel an Inspector is of the opinion that the boiler or pressure vessel would be likely to be or become dangerous to life or property if used in its present condition or if he is of the opinion that the boiler or pressure vessel is not in good repair he may give such directions, in writing, to the owner of that boiler or pressure vessel to take such action as is in the opinion of the Inspector necessary or desirable.

Directions of
Inspector.

(2) An owner to whom the directions in writing are given in accordance with subsection (1) of this section shall not refuse or fail to comply with those directions or cause those directions to be complied with.

Penalty : Two hundred dollars.

29. (1) A direction pursuant to subsection (1) of section 28 of this Act may, without limiting the generality of the power conferred by that section, provide that the owner shall—

Restriction
notice.

(a) desist absolutely from using the boiler or pressure vessel ;

(b) desist from working or using the boiler or pressure vessel until the requirements specified in the direction have been complied with to the satisfaction of an Inspector ;

or

(c) desist from working or using the boiler or pressure vessel except in accordance with the directions specified in the direction.

PART III.
DIVISION 3.

(2) An owner to whom a direction has been given pursuant to subsection (1) of section 28 of this Act shall not refuse or fail to take all reasonable steps to bring the substance of the direction to the attention of persons likely to be affected thereby.

Penalty : Two hundred dollars.

(3) A person shall not work or use a boiler or pressure vessel, or suffer or permit a boiler or pressure vessel to be worked or used in respect of which a direction pursuant to subsection (1) of section 28 of this Act is in force, in contravention of that direction.

Penalty : Two hundred dollars.

(4) It shall be a defence to a prosecution for an offence that is a contravention of subsection (3) of this section if the defendant shows that he had no knowledge of the existence of the direction referred to in that subsection and that he could not have, by the exercise of reasonable diligence, ascertained whether or not such a direction was in force in relation to that boiler or pressure vessel.

Suspension of
inspection
certificates.

30. A certificate of inspection issued in respect of a boiler or pressure vessel shall have no force or effect—

(a) between the time when the boiler or pressure vessel, not being designed as a moveable boiler or pressure vessel, in respect of which it is issued is removed from its location and the time when an Inspector has, on being satisfied that the boiler or pressure vessel in its new location is safe and fit for use, issued a new certificate of inspection in respect of that boiler or pressure vessel, as the case may be ;

(b) between the time any repairs, other than repairs carried out in the ordinary course of maintenance of the boiler or pressure vessel, or alterations are carried out on the boiler or pressure vessel to which it relates and the time when an Inspector has, on being satisfied that the boiler or pressure vessel is safe and fit for use has issued a new certificate of inspection in respect of that boiler or pressure vessel, as the case may be ;

or

(c) during the continuation of any prescribed circumstances.

Operation of
boiler or
pressure vessel
without
certificate in
force.

31. (1) A person shall not use or operate a registered boiler or a registered pressure vessel in respect of which there is not a certificate of inspection of full force and effect.

Penalty : Two hundred dollars.

(2) It shall not be a contravention of subsection (1) of this section if a registered boiler or registered pressure vessel is used at any time during the period of twenty-eight days immediately succeeding the date of expiry of a certificate of inspection issued in respect of that boiler or pressure vessel.

(3) For the purposes of this section and section 30 of this Act a certificate of inspection in the form of the sixth schedule to the Steam Boilers and Enginedrivers Act, 1935-1952, and in force immediately before the commencement of this Act shall be deemed to be a certificate of inspection issued under subsection (1) of section 27 of this Act for the balance of the period that it is expressed to be in force pursuant to that Act.

32. (1) An inspection of any document or certificate held by the Secretary in relation to a boiler or pressure vessel may be made by the person who was the owner of the boiler or pressure vessel at the time to which the document or certificate was lodged or by a person authorized by that owner but not by any other person.

Records of
inspections etc.

(2) The Secretary may, on payment of the prescribed fee by a person entitled under subsection (1) of this section to make an inspection under that section, furnish a copy of any document, or certificate referred to in that section to that person.

PART IV.**PART IV.****CERTIFICATES OF COMPETENCY.**

Non-application of Part to certain boilers and pressure vessels etc.

33. Subject to subsection (3) of section 34 of this Act, this Part shall not apply to or in relation to—

- (a) any motor vehicle, vehicle or locomotive driven or propelled by an internal combustion engine or by electricity ;
 - (b) any steam engine of less than one hundred and fifty horse power.
 - (c) any internal combustion engine having an area of cylinder or a combined area of cylinders not exceeding one hundred and fourteen square inches ;
 - (d) any boiler which has not more than fifty square feet of heating surface ;
 - (e) any boiler which has electrical heating elements of not more than one hundred kilowatts capacity ;
 - (f) any non-steaming type hot water boiler where the temperature of the water at the outlet does not exceed two hundred and fifty degrees fahrenheit.
- or
- (g) any locomotive the property of the South Australian Railways Commissioner.

Only holders of certificates of competency to operate certain apparatus.

34. (1) A person shall not use, operate or be in charge of, as the case may be, any of the following apparatus :—

- (a) any internal combustion engine ;
 - (b) any steam engine ;
 - (c) any winding engine ;
 - (d) any steam boiler ;
 - (e) any non-steaming type of hot water boiler where the temperature of the water at the outlet exceeds two hundred and fifty degrees fahrenheit ;
 - (f) any crane or hoist ;
- and
- (g) any boiler or boiler of a class to which, by virtue of subsection (3) of this section, this Part for the time being applies,

unless he holds a certificate of competency authorizing him to

use, operate or be in charge of, as the case may be, that apparatus or apparatus of the same kind as that apparatus.

Penalty : One hundred dollars.

(2) A person shall not suffer or permit another person to use, operate or be in charge of, as the case may be, any apparatus in contravention of subsection (1) of this section.

Penalty : One hundred dollars.

(3) The Governor may by proclamation declare a boiler or a class of boilers, as the case may be, to be a boiler or a class of boilers to which this Part shall apply and upon the expiration of twelve months from the day of publication of that proclamation in the *Gazette*, subject to subsection (4) of this section, this Part shall apply to that boiler or class of boilers accordingly.

(4) The Governor may by proclamation amend vary or revoke a proclamation referred to in subsection (3) of this section.

35. (1) The Board may grant certificates of competency of any of the following categories—

Categories of
certificate of
competency.

- (a) Winding enginedriver's certificate :
- (b) First-class enginedriver's certificate :
- (c) Second-class enginedriver's certificate :
- (d) Locomotive and traction enginedriver's certificate :
- (e) Internal combustion enginedriver's certificate :
- (f) Boiler attendant's certificate :
- (g) Crane and hoist driver's certificate.

and

- (h) a restricted certificate of competency in any of the categories referred to in paragraphs (a) to (g) inclusive of this subsection.

(2) For the purposes of section 34 of this Act a certificate of competency of any category referred to in paragraphs (a) to (g) inclusive of subsection (1) of this section authorizes the holder thereof to use, operate or be in charge of (as may be specified in the certificate) such apparatus as is prescribed in relation to that certificate or apparatus of the same kind as that apparatus.

(3) For the purposes of section 34 of this Act a certificate of competency of a category referred to in paragraph (h) of subsection (1) of this section authorizes the holder thereof to use, operate or be in charge of (as may be specified in the certificate) such apparatus as may be specified in the certificate.

(4) The Board may, in its discretion, by notice to the holder of a certificate of competency referred to in paragraph (h) of subsection (1) of this section vary or amend that certificate and upon the giving of that notice the certificate shall be so amended or varied but the Board may, in lieu of exercising its powers under this subsection require the holder of such a certificate to apply for another certificate of competency.

Application for
certificate of
competency.

36. (1) An applicant for a certificate of competency of a category set out in section 35 of this Act shall—

(a) pay the prescribed fee ;
and

(b) satisfy the Board that—

(i) he possesses the prescribed qualifications for the grant of that certificate ;

and

(ii) he has otherwise complied with the conditions (if any) prescribed in relation to the grant of that certificate.

(2) On being satisfied as to the matters referred to in paragraph (b) of subsection (1) of this section the Board may grant to the applicant a certificate of competency in the category applied for.

(3) If the Board is not satisfied as to the matters referred to in paragraph (b) of subsection (1) of this section but is satisfied that the applicant possesses the prescribed qualifications for and has otherwise complied with the conditions (if any) prescribed in relation to the grant of any other certificate or certificates referred to in section 35 of this Act then the Board may without further fee grant to the applicant such certificate or such certificates.

Cancellation of
certificate.

37. (1) The Board may after due inquiry and for good cause cancel or suspend a certificate of competency granted or deemed to be granted under this Part.

(2) On and after that cancellation or during any period of suspension the person to whom the certificate of competency referred to in subsection (1) of this section was granted shall for the purposes of this Act not be the holder of a certificate of competency of the category cancelled or suspended as the case may be.

38. (1) For the purposes of this Act and subject to this section, a person, who immediately before the commencement of this Act held a certificate granted or deemed to have been held under the Steam Boilers and Enginedrivers Act, 1935-1952, of the category specified in the first column of the table to this subsection, shall be deemed to have been granted a certificate of competency under and in accordance with this Part of the category specified in the second column of that table opposite the specification of that first mentioned certificate—

Certificates
granted under
former Act.

First Column.	Second Column.
Winding enginedriver's certificate.	Winding enginedriver's certificate.
First-class enginedriver's certificate.	First-class enginedriver's certificate.
Second-class enginedriver's certificate.	Second-class enginedriver's certificate.
Third-class enginedriver's certificate.	Boiler attendant's certificate.
Locomotive and traction enginedriver's certificate.	Locomotive and traction enginedriver's certificate.
Crane and hoist driver's certificate.	Crane and hoist driver's certificate.
Internal combustion enginedriver's certificate.	Internal combustion enginedriver's certificate.
Boiler attendant's certificate.	Boiler attendant's certificate.

(2) Where a certificate specified in the first column of the table in subsection (1) of this section was, immediately before the commencement of this Act, subject to an endorsement made pursuant to subsection (1) of section 58 of the Steam Boilers and Enginedrivers Act, 1935-1952—

(a) having the effect of restricting the privileges conferred by that certificate then subsection (1) of this section shall have effect as if—

(i) the certificate of competency of the category specified in the second column of that table opposite the specification of the certificate in the first column of that table were a restricted certificate of the category so specified ;

and

(ii) the endorsement to which the certificate was so subject were a specification of apparatus expressed in relation to that restricted certificate of competency pursuant to subsection (3) of section 35 of this Act ;

or

(b) having the effect of extending the privileges conferred by that certificate, then subsection (1) of this section shall have effect as if no such extension were made.

PART V.

WELDING OF BOILERS AND PRESSURE
VESSELS.

39. For the purposes of this Part a "prescribed welding operation" means a welding operation prescribed for the purposes of this Act.

Definition of "prescribed welding operation".

40. (1) On and after the day appointed for the purposes of this Part pursuant to subsection (2) of this section a person shall not undertake a prescribed welding operation on a boiler or pressure vessel unless—

Undertaking of a prescribed welding operation.

(a) that operation is undertaken under the personal supervision of the holder of a welding supervisor's certificate where the holder of that certificate is not purporting to supervise a greater number of persons than he is authorized by the regulations so to do ;

or

(b) he is the holder of a welder's certificate.

Penalty : One hundred dollars.

(2) The Governor may by proclamation appoint a day being a day which occurs not less than twelve months after the commencement of this Act to be the day appointed for the purposes of this Part.

41. A person shall not suffer or permit a prescribed welding operation on a boiler or pressure vessel to be undertaken in contravention of section 40 of this Act.

Prohibition on the employment of certain persons on prescribed welding operations.

Penalty : One hundred dollars.

42. (1) An applicant for a welding supervisor's certificate or a welder's certificate shall—

Grant of certificate.

(a) pay the prescribed fee ;

and

(b) satisfy the Chief Inspector that—

(i) he possesses the prescribed qualifications for the grant of the certificate applied for ;

and

(ii) that he has otherwise complied with the conditions (if any) prescribed in relation to the grant of that certificate.

(2) On being satisfied as to the matters referred to in paragraph (b) of subsection (1) of this section the Chief Inspector may grant to an applicant a certificate of the kind applied for and in the prescribed form.

PART V.

Cancellation or
suspension of
certificate.

43. (1) The Chief Inspector may after due inquiry and for good cause cancel or suspend a welding supervisor's certificate or a welder's certificate.

(2) On and after the cancellation or during the period of suspension the person to whom a certificate referred to in subsection (1) of this section was granted, shall, for the purposes of this Act, not be the holder of that certificate.

PART VI.

MISCELLANEOUS.

44. (1) A person aggrieved by a decision under this Act of the Secretary, Chief Inspector, an Inspector or the Board or any member thereof may within the prescribed time and in the prescribed manner appeal to the Minister. Appeals to Minister.

(2) The Minister on receiving an appeal under and in accordance with subsection (1) of this section may—

(a) hear and determine the appeal ;

or

(b) appoint some competent person to hear and determine the appeal.

(3) The Minister or the person appointed under paragraph (b) of subsection (2) of this section shall have power to—

(a) confirm ;

(b) reverse ;

or

(c) vary,

the decision appealed from and the power to vary the decision appealed from shall, without limiting the generality of that power, include the power to substitute for the decision appealed from any decision that the person whose decision is appealed from could have made.

45. Where an explosion of or damage to a boiler or pressure vessel occurs or where an injury or death arises out of the use or operation of a boiler or pressure vessel the owner of the boiler or pressure vessel, as the case may be, shall not fail to notify, as soon as is practicable but in any case within twenty-four hours, an Inspector of the circumstances surrounding the explosion, damage, injury or death as the case may be. Damage etc. to boilers or pressure vessels.

Penalty : One hundred dollars.

46. Where an explosion or damage, injury or death referred to in section 45 of this Act occurs a person shall not, except for the purpose of saving life or relieving human suffering, or as authorized by law, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with that occurrence until permission to do so is given by an Inspector. Wreckage not to be removed except with permission of Inspector.

Penalty : One hundred dollars.

PART VI.

Inspector may remove and retain parts of boiler or pressure vessel.

47. An Inspector investigating any explosion, damage, injury or death referred to in section 45 of this Act may remove and retain for such period as to him seems necessary or desirable any part of the boiler or pressure vessel in connection with which the explosion, damage, injury or death occurred.

Secretary, Chief Inspector, etc. not liable for acts done *bona fide*.

48. No matter or thing done by—

- (a) the Secretary ;
- (b) the Chief Inspector ;
- (c) an Inspector ;
- or
- (d) the Board or any member thereof,

in good faith in the execution or performance of his or its powers or functions under this Act shall, subject him or it, as the case may be, or the Crown to any liability in respect thereof.

Breaches, etc. of Act.

49. (1) Any person who commits any breach of or who neglects to comply with any of the provisions of this Act or with any requirement lawfully made under any provision of this Act shall be guilty of an offence against this Act.

(2) Any person who is guilty of an offence against this Act for which no penalty is specifically provided, shall be liable to a penalty not exceeding one hundred dollars.

(3) Any person who is guilty of an offence against this Act which is a continuing offence shall be liable in addition to any other penalty provided for by or under this Act, to a penalty not exceeding fifty dollars for every day, after the first day, upon which that offence continues.

Offences to be summary offences.

50. All proceedings for offences against this Act shall be disposed of summarily.

Regulations.

51. (1) The Governor may make such regulations as are necessary or expedient for giving full effect to the objects of this Act and for prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed, and in particular but without limiting the generality of the foregoing, in respect of the following matters—

- (a) for regulating the provision and the contents of any descriptions, plans, drawings, specifications relating to the construction, manufacture, addition to or alteration of any boiler or pressure vessel ;
 - (b) for prescribing any matter or thing in relation to the construction, manufacture, installation, operation, identification, repair or alteration of or addition to any boiler or pressure vessel ;
 - (c) for prescribing the fees payable pursuant to this Act ;
 - (d) for prescribing any matter or thing in relation to the issue, grant, suspension, variation, revocation or cancellation of—
 - (i) certificates of registration ;
 - (ii) certificates of inspection ;
 - (iii) certificates of competency ;
 - (iv) welding supervisor's certificates ;and
 - (v) welder's certificates ;
 - (e) for prescribing any matter or thing in relation to the undertaking of a prescribed welding operation as defined for the purposes of Part V of this Act ;
 - (f) for prescribing any matter or thing in relation to the registration of boilers or pressure vessels ;
 - (g) for prescribing the manner in which any test or examination may be carried out on any boiler or pressure vessel ;
 - (h) for prescribing the form and subject matter of examinations for Inspectors which are required to be taken ;
 - (i) for prescribing penalties not exceeding one hundred dollars for breaches of or failure to comply with the regulations ;
- and
- (j) for prescribing any matter or thing in relation to the exercise and performance of powers and functions of the Board.

(2) A regulation made under this section may refer to or incorporate any standard of the Standards Association of Australia.

**Financial
provision.**

52. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. W. HARRISON, Governor.

SCHEDULE.

Steam Boilers and Enginedrivers Act, 1935.

Steam Boilers and Enginedrivers Act Amendment Act, 1952.