



ANNO TRICESIMO QUARTO

**ELIZABETHAE II REGINAE****A.D. 1985**

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**No. 37 of 1985****An Act to amend the Boilers and Pressure Vessels Act, 1968.***[Assented to 18 April 1985]*

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

Short title.

1. (1) This Act may be cited as the "Boilers and Pressure Vessels Act Amendment Act, 1985".

(2) The Boilers and Pressure Vessels Act, 1968, is in this Act referred to as "the principal Act".

Commencement.

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

Amendment of  
s. 4—  
Interpretation.

3. Section 4 of the principal Act is amended—

(a) by striking out from the definition of "certificate of registration" the passage "section 21 of this Act" and substituting the passage "section 18";

and

(b) by inserting after the definition of "the Director" the following definition:

"expert report" means a report by a person whose qualifications and experience are such that he is, in the opinion of the Chief Inspector, an expert on the subject to which the report relates.

Repeal of s. 16  
and substitution  
of new section.

4. Section 16 of the principal Act is repealed and the following section is substituted:

Approval of  
design and  
construction.

16. (1) A person shall not—

(a) construct or manufacture a boiler or pressure vessel;

or

(b) install a boiler or pressure vessel constructed or manufactured outside this State,

otherwise than in accordance with the approval of the Chief Inspector.  
Penalty: Five thousand dollars.

(2) The Chief Inspector may, by notice in writing—

(a) approve the construction, manufacture or installation of a boiler or pressure vessel, subject to such conditions, if any, as he may specify in the notice;

or

(b) add to, vary or revoke the conditions of an approval under paragraph (a).

(3) The Chief Inspector shall not issue a notice under subsection (2) unless the person who intends to construct, manufacture or install the boiler or pressure vessel has forwarded to the Chief Inspector—

(a) two copies of the plans, specifications, drawings and design calculations relating to the boiler or pressure vessel;

(b) in the case of a boiler or pressure vessel of a prescribed class—an expert report on the adequacy of the design of the boiler or pressure vessel;

and

(c) such other information in relation to the boiler or pressure vessel as the Chief Inspector may require.

(4) In determining whether or not to issue a notice under subsection (2), the Chief Inspector may have regard to a relevant standard of the Standards Association of Australia or any other standard that, in the opinion of the Chief Inspector, is relevant to a boiler or pressure vessel of the kind under consideration.

(5) The Chief Inspector shall not issue a notice under subsection (2) in relation to a boiler or pressure vessel referred to in subsection (3) (b) unless he is satisfied that the person who prepared the expert report required under that subsection had no pecuniary interest in the design, construction, manufacture or installation of the boiler or pressure vessel.

5. Section 17 of the principal Act is amended by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of  
s. 17—  
Tests, etc., in the  
course of  
construction.

6. Section 18 of the principal Act is amended by striking out from subsection (1) the passage “five hundred dollars” and substituting the passage “five thousand dollars”.

Amendment of  
s. 18—  
Registration of  
boilers and  
pressure vessels.

7. Section 25 of the principal Act is amended by striking out the passage “One thousand dollars” and substituting the passage “Five thousand dollars”.

Amendment of  
s. 25—  
Offences in  
relation to  
inspections.

8. Section 26 of the principal Act is amended by striking out from subsection (3) the passage “One thousand dollars” and substituting the passage “Five thousand dollars”.

Amendment of  
s. 26—  
Inspection of  
boiler or pressure  
vessel.

9. Section 27 of the principal Act is repealed and the following section is substituted:

Repeal of s. 27  
and substitution  
of new section.

27. (1) Subject to subsection (2), a person shall not—

Certificate of  
inspection.

(a) operate a registered boiler or registered pressure vessel;

or

(b) cause or permit a registered boiler or registered pressure vessel to be operated,

unless a certificate of inspection issued by an Inspector is in force in relation to the boiler or pressure vessel.

Penalty: Five thousand dollars.

(2) No offence is committed against subsection (1) by reason of the operation of a registered boiler or registered pressure vessel after the date of expiry of the relevant certificate of inspection but within twenty-eight days of that date.

(3) An Inspector shall not issue a certificate of inspection in respect of a boiler or pressure vessel unless he is satisfied that the boiler or pressure vessel is in good repair and may be safely operated.

(4) A certificate of inspection of a boiler or pressure vessel shall expire at the end of the period for which it was issued, being—

(a) in the case of a boiler, a period not exceeding twelve months;

and

(b) in the case of a pressure vessel—a period not exceeding twenty-four months.

(5) Where the Chief Inspector is satisfied by an expert report made on the basis of a full and proper inspection of a boiler or pressure vessel that the boiler or pressure vessel is in good repair and may be safely operated, he may, by notice in writing to the owner of the boiler or pressure vessel, exempt the boiler or pressure vessel from the operation of subsection (1) for a period, not exceeding twenty-four months, specified in the notice.

(6) An expert report made for the purposes of this section must—

(a) be in writing;

(b) contain the prescribed particulars and such other information in relation to the boiler or pressure vessel as the Chief Inspector may require;

and

(c) be signed by the person making the report and countersigned by the owner of the boiler or pressure vessel or on his behalf by an officer or employee of the owner.

Amendment of  
s. 28—  
Directions of  
Inspector.

**10.** Section 28 of the principal Act is amended by striking out from subsection (2) the passage “One thousand dollars” and substituting the passage “Twenty thousand dollars”.

Amendment of  
s. 29—  
Restriction notice.

**11.** Section 29 of the principal Act is amended by striking out from subsections (2) and (3) the passage “One thousand dollars” and substituting, in each case, the passage “Five thousand dollars”.

Amendment of  
s. 33—  
Non-application  
of Part to certain  
boilers and  
pressure vessels,  
etc.

**12.** Section 33 of the principal Act is amended by striking out paragraph (c) and substituting the following paragraph:

(c) any internal combustion engine—

(i) of which the maximum power output does not exceed one megawatt;

or

(ii) that has fully automatic controls approved by the Chief Inspector;

13. Section 34 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Five hundred dollars” and substituting the passage “One thousand dollars”;

and

(b) by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 34—  
Only holders of certificates of competency to operate certain apparatus.

14. Section 40 of the principal Act is amended by striking out from subsection (1) the passage “Five hundred dollars” and substituting the passage “One thousand dollars”.

Amendment of s. 40—  
Undertaking prescribed welding operations.

15. Section 41 of the principal Act is amended by striking out the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 41—  
Prohibition of the employment of certain persons on prescribed welding operations.

16. Section 45 of the principal Act is amended by striking out the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 45—  
Damage, etc., to boilers or pressure vessels.

17. Section 46 of the principal Act is amended by striking out the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

Amendment of s. 46—  
Wreckage not to be removed except with the permission of Inspector.

18. The following section is inserted after section 48 of the principal Act:

Insertion of new s. 48a.

48a. (1) Where a person by whom an expert report is prepared for the purposes of this Act—

Expert reports.

(a) deliberately makes a false or misleading statement in the report;

or

(b) is negligent in preparing the report, or in carrying out any inspection or other necessary work on which the report is based,

he shall be guilty of an offence and liable to a penalty not exceeding twenty thousand dollars.

(2) If the Chief Inspector is not satisfied as to the accuracy or sufficiency of an expert report made for the purposes of this Act—

(a) he may require further expert reports to be provided;

or

(b) he may require an Inspector to make a report on the subject to which the expert report relates.

Amendment of  
s. 49—  
Breaches, etc., of  
Act.

**19. Section 49 of the principal Act is amended—**

- (a) by striking out from subsection (2) the passage “five hundred dollars” and substituting the passage “five thousand dollars”;
- and
- (b) by striking out from subsection (3) the passage “two hundred dollars” and substituting the passage “five hundred dollars”.

Amendment of  
s. 51—  
Regulations.

**20. Section 51 of the principal Act is amended—**

- (a) by striking out paragraph (c) of subsection (1) and substituting the following paragraph:
  - (c) prescribe the fees to be paid—
    - (i) for the inspection of plans, drawings, specifications, design calculations and reports;
    - (ii) in respect of any application under this Act;
    - or
    - (iii) in respect of any certificate granted under this Act;;
- (b) by striking out from paragraph (i) of subsection (1) the passage “five hundred dollars” and substituting the passage “five thousand dollars”;
- and
- (c) by striking out subsection (2) and substituting the following subsection:
  - (2) A regulation made under this section may refer to or incorporate, in whole or in part, a standard or code of practice as in force at a particular time, or as in force from time to time, of the Standards Association of Australia or any other prescribed body.

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

D. B. DUNSTAN, Governor