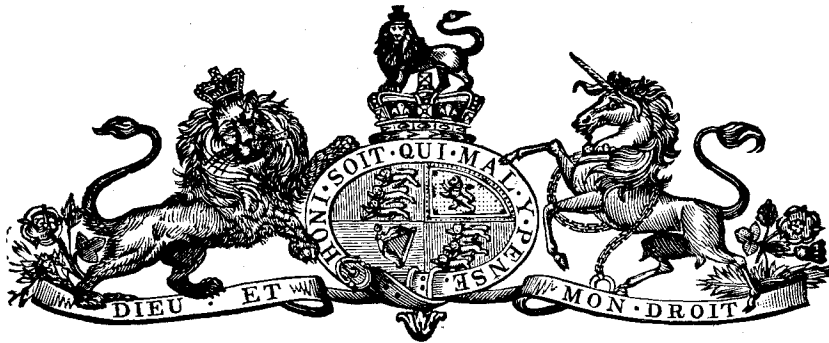


TASMANIA.



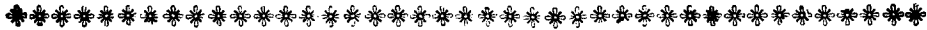
1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 12.

Amended Governor 34



AN ACT to make better provision for the A.D. 1889.
Inspection and Regulation of Machinery.

[28 October, 1889.]

WHEREAS it is expedient to make better provision for the PREAMBLE.
Inspection of Machinery in *Tasmania* :

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

1 This Act may be cited for all purposes as “The Inspection of Short Title.
Machinery Act, 1889.”

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

“Inspector” means and includes the Chief Inspector and any
Assistant Inspector of Machinery appointed under the
provisions of this Act :

“Machinery” means and includes every shaft, whether upright,
oblique, or horizontal, and every drum, wheel, strap, band,
or pulley by which the motion of the first motive power
is communicated to any machinery, and every machine,
gearing, contrivance, or appliance worked by steam or gas,

Inspection of Machinery.

A.D. 1889.

or compressed air, or water-power, of such kinds as by this Act are declared to be, or may be hereafter declared to be, subject to the provisions hereof :

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

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

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

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

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

Repeal.
48 Vict. No. 18.

3 “The Inspection of Machinery Act, 1884,” is hereby repealed ; and any Act or document referring to the said Act hereby repealed shall, for the purposes of such reference, be construed to refer to this Act :

Provided that this repeal shall not affect—

- (a) The past operation of the said Act hereby repealed, nor anything duly done or suffered under such Act ; nor
- (b) Any obligation or liability accrued or incurred under such Act ; nor
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against such enactment ; nor
- (d) Any investigation, legal proceeding, or remedy in respect of any such obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

PART I.*Inspection of Machinery generally.*Governor may
appoint Inspectors
of Machinery.

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

Inspection of Machinery.

Assistant Inspector, may appoint another duly qualified person to be Chief Inspector or an Assistant Inspector, as occasion may require. A.D. 1889.

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

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

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

8 The several kinds and descriptions of machinery and articles mentioned in the Schedule (1.) shall be deemed to be machinery for the purposes of this Act; and the Governor, by Proclamation in the *Hobart Gazette*, may from time to time declare that any other kinds of machinery shall be machinery subject to the provisions of this Act; and in any such case, and from and after a date to be fixed in and by such Proclamation, the machinery therein mentioned shall be deemed to be machinery subject to the provisions of this Act; and all such Proclamations shall be laid before both Houses of Parliament if Parliament is then sitting, and if Parliament is not then sitting then within Fourteen days after the commencement of the next Session. What to be deemed machinery for purposes of this Act.

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

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

10 No child shall be employed working any machinery; and no steam engine or boiler exceeding Eight nominal horse power shall at any time be left in charge or control of any person unless he is a male of at least Sixteen years of age, and holds such Certificate of service or competency as is hereinafter mentioned. Children and young persons not to be employed in certain cases.

In case of a breach of any of the provisions of this Section, the owner of any such machinery shall be liable to a penalty of not more than Five Pounds. Penalty.

Inspection of Machinery.

A.D. 1889.

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

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

Penalty.

In case of a breach of any of the provisions of this Section, the owner of any such machinery or of any such machine shall be liable to a penalty of not more than Five Pounds.

Certain parts of
machinery to be
fenced and
guarded.

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

Penalty.

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

Three preceding
Sections to apply
to all classes of
machinery.

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

Exceptions.

But no such owner shall be liable to the penalty mentioned in the Twelfth Section of this Act if the notice which he shall have received from an Inspector to fence, as hereinafter provided, shall have been cancelled as by this Act is provided, nor in case it shall be made to appear to the satisfaction of the Justices before whom any complaint on the prosecution for such penalty shall be heard that it was impossible to fence the several parts of machinery or mechanical powers therein mentioned.

Certificates of
Service granted to
persons having
charge of
machinery.

14 It shall be lawful for the Chief Inspector, upon payment of the fee prescribed in the Schedule (2), to grant a Certificate of Service under his hand to any person who has been in charge or had the control of any machinery worked or propelled by steam power for a period of One year prior to the passing of this Act.

Certificates of
Competency
granted to persons
having charge of
machinery.

15—(1.) The Chief Inspector is hereby empowered and required to examine, in such mode as he shall deem fit, every person who shall apply to him for a Certificate of Competency to take charge or control of any machinery worked or propelled by steam power; and the Chief Inspector, upon being satisfied that any such person has the requisite knowledge and experience to entitle him to be entrusted with the charge or control of any such machinery as aforesaid, shall, upon payment of the fee prescribed in the Schedule (2), grant to such person such a Certificate of Competency as aforesaid.

(2.) The Chief Inspector may authorise and direct any Assistant Inspector to examine any person applying for such Certificate of

Inspection of Machinery.

Competency as aforesaid, and upon being satisfied from the report of such Assistant Inspector that such person is entitled shall, upon payment of the prescribed fee, grant such a Certificate to such person. A.D. 1889.

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

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

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

18 If any person shall wilfully impede any such Inspector in the execution of any part of his duty under this Act, or if any owner or person in charge of any such machinery as last aforesaid shall refuse to give such explanation or information as aforesaid, every such person, and all persons aiding or assisting therein, shall, for every such offence, be liable to a penalty of not more than Twenty Pounds. Penalty for obstructing Inspectors.

19 Whenever an Inspector shall be of opinion that any machinery subject to the provisions of this Act, or that any driving-strap or band which he shall deem likely to cause bodily injury to any person engaged in the working thereof, is not securely fenced or otherwise sufficiently guarded, he shall give notice in writing to the owner specifying the part of the machinery he considers dangerous, according to the form in the Schedule (3) to this Act, or to the effect thereof, and the owner shall sign a duplicate copy of such notice in acknowledgment of his having received it; and if the owner do not, within a period of Ten days from the service upon him of such notice, comply with the terms thereof, or if he do not within the time limited by the next succeeding Section make application in writing for referring the question of fencing the machinery to which the notice refers to arbitration as therein provided, and with the least possible delay appoint an arbitrator for the purpose therein mentioned, he shall forfeit and pay a penalty of not more than Fifty Pounds. Inspector to give notice that part of machinery is dangerous.

20 If the owner shall think fit, he may make a written application to the Inspector at any time within Seven days after he shall have received such notice as aforesaid, that two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the owner in the said application and the other by the Inspector, with the least possible delay after he shall have received such application, and the arbitrators Procedure thereon.

Inspection of Machinery.

A.D. 1889.

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

Period within which machinery to be fenced.

21 If the opinion of the arbitrators appointed under the provisions of the last preceding Section shall be that it is possible and necessary to fence such machinery, it shall be the duty of the owner forthwith well and securely to fence and protect the same in a proper and substantial manner; and if any such owner shall for a period of one calendar month after the service upon him, in the manner provided by this Act, of a notice from the Inspector in the form or to the effect in the Schedule (4), neglect or fail so to fence and protect such machinery, he shall forfeit and pay a penalty of not more than Twenty Pounds.

PART II.*Provisions specially affecting Steam Boilers.*

Provisions of Part I. applicable to inspection of boilers.

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

Chief Secretary to provide Inspectors with standards.

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

Procedure on first inspection of boilers.

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

Inspection of Machinery.

to the state and condition thereof, and of all appliances used in connection therewith, and the fitness thereof for the particular purpose to which it is applied. A.D. 1889.

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

26 Every Inspector shall be supplied with a record-book to be kept by him in such manner as may be prescribed by regulations to be made as hereinafter provided. Inspector to keep records.

27 If any Inspector shall fail to keep such record-book in the manner he may be required by the Chief Secretary, he shall be liable to forfeit his office, and in addition thereto be liable to a penalty of not more than Twenty Pounds. Penalty on Inspector not keeping records.

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

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

30 If upon any inspection it shall appear to any Inspector that any boiler is unsafe, or that it would be dangerous to life or property if such boiler were to continue to be used in its then state, it shall be lawful for such Inspector to give the owner of such boiler a notice in writing, or partly in writing and partly in print, in the form or to the effect set forth in the Schedule (5), and such notice may either require such owner— Power to Inspector to give notice requiring owner to desist using boiler either wholly or partially.

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

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

And if any person to or upon whom any such notice shall have been delivered or served as hereinafter provided shall for a period of Seventy-two hours thereafter fail either wholly or partially to desist from working such boiler according to the exigency of such notice, such person shall be liable to a penalty of not more than Twenty Pounds. Penalty on disobeying notice.

Inspection of Machinery.

A.D. 1889.

Provisions of Sections 19, 20, & 21 to be applicable to cases in last preceding Section.

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

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

32 Whenever the owner of any boiler shall have effected any repairs to any boiler, or shall have added to or taken away from any boiler any fittings or appliances of any kind whatsoever, or in any manner altered the construction thereof, he shall forthwith give notice thereof to the Inspector; and if any person shall fail to comply with the provisions of this Section he shall be liable to a penalty of not more than Ten Pounds: Provided that this Section shall not extend to cases where repairs have been effected in accordance with a notice to effect repairs given by the Inspector under the powers hereinbefore contained.

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

Fees for inspection.

33 There shall be paid to the Inspector on making any inspection of machinery or of any boiler, and before grant of any Certificate as hereinafter provided, the fees prescribed in the Schedule (6): Provided always, that the Governor shall have power from time to time to diminish the amount of such fees as he shall think fit by notice published in the *Hobart Gazette*.

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

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

Penalty for receiving excessive fee.

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

How notices may be served.

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

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

36 Whenever an Inspector shall have inspected any boiler or machinery, and shall be satisfied, in the case of a boiler, that the same is in good repair and may be safely used for the purpose for which it is then used, and, in the case of any other machinery, that the same is

Inspection of Machinery.

securely fenced and guarded, he shall after receipt by him of the fee payable for such inspection give to the owner of such boiler or machinery a Certificate in the form or to the effect in the Schedule (7), and the owner shall, after receiving such Certificate, cause to be affixed on some conspicuous part of such boiler or machinery, or on such part thereof as may be approved by the Inspector, a written or printed notice, bearing the words in legible characters "Certified under 'The Inspection of Machinery Act, 1889;'" and if any person shall cause such notice to be affixed without having obtained such Certificate as aforesaid, he shall be liable to a penalty not exceeding Ten Pounds.

A.D. 1889.

37 If any owner of any boiler or machinery shall work the same, or cause the same to be worked, without having received in respect of such boiler or machinery a Certificate of Inspection in accordance with the provisions of this Act, he shall be liable to a penalty of not more than Ten Pounds.

Penalty for working same without Certificate.

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

Owner's name to be affixed to portable machinery.

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

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

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

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

Owner liable to penalty in the first instance.

Inspection of Machinery.

A.D. 1889.

Owners and mortgagees when not liable to Act.

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

Actual offender may be proceeded against in certain cases.

42 In any case where it shall appear to an Inspector at the time of discovering the offence that the owner had used all due diligence to enforce the execution of this Act, and also by what person the offence had been committed, and also that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the Inspector may proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the owner.

Inspector to give notice of intention to prefer complaint.

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

Notice of every accident to be sent to Inspector.

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

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

Recovery of penalties.
19 Vict. No. 8.
Appeal.

45 All offences against this Act shall be heard and determined, and all penalties shall be recovered, by and before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. And every person who deems himself aggrieved by any penalty

Inspection of Machinery.

imposed upon him under this Act may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

A.D. 1889.

19 Vict. No. 9.

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

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

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

Governor in Council may make Regulations for certain purposes.

For regulating the duties of Inspectors :

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

For prescribing a form of record book to be kept for the entry of particulars as to inspection of boilers and the mode in which the same shall be kept, and at what places and times the same shall be open to inspection :

And generally for carrying this Act into execution.

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

48 All Fees payable under this Act shall be paid into and form part of the Consolidated Revenue Fund of *Tasmania*, and shall be recoverable by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, upon the complaint of any Inspector or other person appointed by the Chief Secretary to collect the same, that any person by whom such fees are payable has failed or neglected or refused to pay the same.

Appropriation and recovery of fees.

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

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

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

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

SCHEDULE.

(1.)

ALL machinery and generators used in printing, or in flour-mills, saw-mills, bone-crushing mills, woollen mills, distilleries, foundries, factories, workshops, and all portable steam engines and all machinery and generators used in mining operations.

Inspection of Machinery.

A.D. 1889.

(2.)

Fees payable on granting Certificate of Service or Competency.

	£	s.	d.
For every Certificate of Service to an Engineer in charge of Mining Plant	0	10	0
For every Certificate of Competency to an Engineer in charge of Mining Plant	1	0	0
For every Certificate of Service to a Mining Engine-driver	0	10	0
For every Certificate of Competency to a Mining Engine-driver	0	10	0
For every other Certificate of Service.....	0	5	0
For every other Certificate of Competency.....	0	5	0

(3.)

To [*Name of Owner*], of

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

And I hereby further inform you that this notice is given under "The Inspection of Machinery Act, 1889."

Dated this _____ day of _____, 18 .
A.B.,
Inspector of Machinery.

(4.)

To [*Name of Owner*], of

I HEREBY give you notice that the Arbitrators acting in the matter of a certain notice given by the Inspector of Machinery to you on the _____ day of _____ last [*or instant*], having decided that it is necessary and possible to fence the machinery in such notice mentioned, I do hereby require you forthwith to cause the same to be fenced and protected in the manner required by the said notice: And I hereby further give you notice that by "The Inspection of Machinery Act, 1889," it is provided that if after receiving this notice you neglect or fail to fence the above-mentioned machinery you will be liable to a penalty of not more than Twenty Pounds. This penalty is over and above any liability you may incur at the suit of any person injured by such neglect.

Dated this _____ day of _____, 18 .
A.B.,
Inspector of Machinery.

(5.)

To [*Name of Owner*], of

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

This notice is given under the provisions of Part II. of "The Inspection of Machinery Act, 1889."

Dated this _____ day of _____, 18 .
A.B.,
Inspector of Machinery.

Inspection of Machinery.

(6.)

A.D. 1889.

Fees on Inspection of Machinery not having Boilers connected therewith.

For every inspection of any machinery under Part I. of this Act... One Pound.

Fees on Inspection of Boilers.

For every boiler of 10 nominal horse power or under One Pound.

For every boiler capable of working over 10 nominal horse power
and not exceeding 20 nominal horse power Two Pounds.

For every boiler capable of working over 20 nominal horse power... Three Pounds.

Provided that in any case where a person or company, having more than Three boilers in one Establishment, would otherwise be liable to pay more than Nine Pounds, such person or company shall not be required to pay more than Nine Pounds for the first Three boilers, and for each boiler in excess of Three boilers, One Pound.

(7.)

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

Dated this

day of

18

A.B.,

Inspector of Machinery.

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

Maker's name.

Purpose for which used.

Owner's name [*if a lessee or temporary owner, it should be so stated*].Other particulars [*if any, stating whatever may be necessary to identify the machine or boiler*].

