

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
19th October, 1927.*

Hon. Mr. Anderson.

INSPECTION OF MACHINERY AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Inspection of Machinery Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Title.

1. (1) This Act may be cited as the Inspection of Machinery Amendment Act, 1927, and shall be read together with and deemed part of the Inspection of Machinery Act, 1908 (hereinafter referred to as the principal Act).

Short Title and commencement.

10 (2) This Act shall come into operation on the first day of April, nineteen hundred and *twenty-eight*.

2. (1) The owner or other person at whose request the first inspection of any boiler, lift, or crane is made shall, not later than the date of making application for such inspection, forward to the Chief Inspector of Machinery a drawing of the boiler, lift, or crane containing all such dimensions and other particulars as may be necessary to enable the Chief Inspector to determine whether or not any regulations made pursuant to the *next succeeding* subsection have been complied with.

Drawings of boilers lifts, and cranes to be submitted to Chief Inspector of Machinery.

20 (2) The Governor-General may from time to time, by Order in Council, make regulations,—

(a) Prescribing standard conditions to be observed in the design and construction of boilers, lifts, and cranes so as to secure the safe working thereof:

- (b) Prescribing the fees to be paid in respect of examination by the Chief Inspector of Machinery of drawings of boilers, lifts, and cranes.

Section 2 of principal Act amended.

3. (1) Section two of the principal Act as amended by section two of the Inspection of Machinery Amendment Act, 1908, is hereby further amended by repealing the definitions of "boiler" and "machinery," and substituting the following definitions:— 5

" 'Boiler' includes—

" (a) Any boiler or vessel in which steam is used or applied above atmospheric pressure for any purpose: 10

" (b) Any vessel (other than a container for transport) used as a receiver for compressed air or gas the pressure of which exceeds thirty pounds to the square inch:

" (c) Any vessel used as an economizer, or super-heater: 15

" (d) The setting, and all fittings and mountings, steam and other pipes, feed-pumps and injectors, and other equipment necessary to maintain the efficiency of the boiler:

" 'Machinery' means and includes every shaft (whether upright, oblique, or horizontal) and every drum, wheel, belt, chain, rope, band, or pulley by which the motion of the first moving-power is communicated to any machinery; and every machine, gearing, contrivance, or appliance worked by steam or water-power, or by electricity, gas, gaseous products, or compressed air, or in any other manner by which motive power may be obtained for any purpose." 25

(2) Nothing in the principal Act shall apply to—

(a) Any machinery driven by manual or animal power; or

(b) Any machinery the motive power of which does not exceed one horse-power; or 30

(c) Any boiler or machinery which is declared by the Governor-General by Order in Council in that behalf not to be subject to the provisions of the principal Act.

(3) Any Order in Council under paragraph (c) of the *last preceding* subsection may apply generally to any particular class of boilers or machinery irrespective of the purpose for which they are used, or to such boilers or machinery only while used exclusively for any specified purpose or purposes. 35

Consequential repeal.

(4) Section two of the Inspection of Machinery Amendment Act, 1908, is hereby consequentially repealed. 40

Inspector to keep records and report to Secretary.

4. (1) Every Inspector shall keep such records of all his proceedings, and shall from time to time report the same to the Secretary with such particulars and information, as the Secretary may require. 45

Repeal.

(2) This section is in substitution for section eight of the principal Act, and that section is hereby accordingly repealed.

Young persons not to be employed in certain cases.

5. (1) A person under the age of fourteen years shall not be employed in working or assisting to work at or with any machinery.

(2) A person under the age of fifteen years shall not be allowed to clean any part of the gearing of any machinery while the same is in motion, nor to work between the fixed and traversing part of 50

any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel, or other mechanical power.

(3) No steam-boiler, or steam-, gas-, or oil-engine shall at any time be left in charge or control of any person unless, in the case of a male, he is at least eighteen years of age, or, in the case of a female, she is at least twenty years of age.

(4) No hydraulic, electric, or other lift of any kind, other than a lift worked by manual power, shall be worked at any time unless it is in charge of a male attendant of at least eighteen years of age, or a female attendant of at least twenty years of age :

Provided that the Minister may at any time, on being satisfied that no attendant is necessary for the safe working of any particular class of lifts, exempt, by notice in the *Gazette*, that class of lifts from the requirements of this subsection, and any exemption so granted may, by a like notice, be at any time withdrawn.

(5) In the case of a breach of any of the provisions of this section, the owner of the machinery shall be liable to a fine not exceeding twenty pounds and not less than five pounds.

(6) This section is in substitution for section twelve of the principal Act, and that section and section three of the Inspection of Machinery Amendment Act, 1908, are hereby accordingly repealed.

Repeals.

6. (1) Where any machinery subject to the provisions of this Act, or any appliance or contrivance connected or used with such machinery or any part thereof, is, or appears to an Inspector, by reason of any fault or defect therein or of insufficient fencing or guarding thereof, to be so dangerous as to be likely to cause loss of life or bodily injury to any person, he may give to the owner of such machinery a notice to that effect.

Faulty, defective, and insufficiently guarded machinery.

(2) Such notice shall specify the fault or defect required to be remedied, or the guarding or fencing required to be provided, and may either require the owner—

(a) To desist from working or using such machinery or any appliance or contrivance used or connected therewith until the requirements of the Inspector as specified in such notice have been complied with ; or

(b) To have such machinery, appliance, or contrivance altered, or fenced, or guarded, or the faulty or defective part renewed or repaired within a certain time to be stated in such notice.

(3) The owner shall sign a duplicate copy of such notice in acknowledgment of his having received it.

(4) If the owner does not comply with the terms of such notice he shall be liable to a fine of not less than ten pounds.

(5) Sections fourteen and fifteen of the principal Act, section five of the Inspection of Machinery Amendment Act, 1914, and the form numbered (1) in the Third Schedule to the principal Act are hereby repealed.

Repeals.

7. Section twenty-one of the principal Act is hereby amended by adding the following proviso :—

Section 21 of principal Act amended.

“ Provided further that the Minister may exempt from the periodical inspection required by this section boilers or any class of boilers used for domestic purposes only which do not exceed two cubic feet in capacity, and of which the working-pressure does not exceed ten pounds to the square inch.

Section 23 of principal Act amended.

8. (1) Subsection one of section twenty-three of the principal Act is hereby amended by omitting the words "in the form numbered (2) in the Third Schedule hereto."

Repeal.

(2) The form numbered (2) in the Third Schedule to the principal Act is hereby repealed. 5

Section 24 of principal Act amended.

9. (1) Section twenty-four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections:—

"(1) The owner shall before—

"(a) Effecting any important structural repairs to a boiler; or 10

"(b) Adding to or taking away from a boiler any fittings or appliances; or

"(c) In any manner altering the construction of a boiler,— give to the Inspector notice in writing setting forth full particulars of the proposed work. 15

"(1A) The person by whom or by whose direction any such work as aforesaid is actually done shall, on completion thereof, furnish a report to the Inspector giving full particulars of the nature of the work done, together with such other particulars in relation thereto as the Inspector may require." 20

Consequential repeal.

(2) So much of the Second Schedule to the Inspection of Machinery Amendment Act, 1914, as relates to section twenty-four of the principal Act is hereby consequentially repealed.

Section 25 of principal Act amended.

10. Subsection one of section twenty-five of the principal Act is hereby amended by omitting the word "knowingly," and by omitting the words "granted by an Inspector and." 25

Fees for inspection.

11. (1) The fees payable in respect of inspections of machinery or boilers shall be such as may from time to time be prescribed by regulations in that behalf.

Repeals.

(2) This section is in substitution for section twenty-seven of the principal Act, and that section and section twelve of and the First Schedule to the Inspection of Machinery Amendment Act, 1914, are hereby repealed. 30

(3) Until other provision is made in that behalf by regulations under this section the fees set out in the First Schedule to the Inspection of Machinery Amendment Act, 1914, in respect of the several matters therein referred to shall, notwithstanding the repeal of the said Schedule, be deemed to have been duly prescribed under this section. 35

Inspectors not to receive fees or other consideration.

12. (1) Every Inspector commits an offence, and is liable to a fine of not less than *fifty* pounds, and, in addition, to forfeit his office, who, without the written authority of the Secretary, demands or receives, directly or indirectly, from any person any money or other valuable consideration in respect of any duties performed by him pursuant to this Act, or in respect of the sale or purchase of any boiler or machinery. 45

Repeal.

(2) This section is in substitution for section twenty-eight of the principal Act, and that section is hereby accordingly repealed.

Special inspections of machinery or boilers.

13. (1) Any person who desires a special inspection or test of any machinery or boiler may make application therefor to an Inspector.

(2) There shall be payable in respect of any such inspection or test such special fee as the Minister determines in that behalf, together with all expenses incurred in making such inspection or test. 50

14. (1) When an Inspector has inspected any boiler or machinery and is satisfied—

Certificate of inspection.

(a) 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 or intended to be used; or

(b) In the case of a lift, that the same is securely guarded and is in good repair, and may be safely used for the purpose for which it is then used or intended to be used; or

(c) In the case of any other machinery, that the same is adequately fenced and guarded, and is in good repair, and may be safely used for the purpose for which it is then used or intended to be used,—

he shall report to the Secretary accordingly, who, if satisfied that all the requirements of the principal Act have been complied with, shall, on payment of the prescribed fee, issue to the owner a certificate in such form as the Minister from time to time approves.

(2) This section is in substitution for section twenty-nine of the principal Act, and that section and the forms in the Third Schedule to the principal Act numbered (3), (4), and (5) respectively and section six of the Inspection of Machinery Amendment Act, 1914, are hereby repealed.

Repeals.

15. Section thirty-one of the principal Act is hereby amended as follows:—

Section 31 of principal Act amended.

(a) By omitting from subsection one the words “for any period the Inspector thinks fit, which period shall be stated on the certificate,” and substituting the words “for the period stated in the certificate”:

(b) By omitting from the proviso to subsection two the word “Inspector,” and substituting the words “the Secretary on the report of an Inspector.”

16. All machinery shall be inspected at intervals as follows:—

When machinery to be inspected.

(a) Machinery used solely for threshing, chaff-cutting, or crushing grain and not worked for more than six months in any year shall be inspected at least once in every two years.

(b) Lifts shall be inspected at intervals of not more than six months.

(c) All other machinery shall be inspected at least once in each year.

17. (1) Save as provided in subsection *three* of this section the certificate granted to the owner of any machinery shall remain in force for such period as may be stated in the certificate in that behalf.

Duration of certificate of machinery.

(2) Such period shall not exceed—

(a) Six months in the case of a lift; or

(b) Two years in the case of machinery used solely for threshing, chaff-cutting, or crushing grain, and not worked for more than six months in any one year; or

(c) One year in the case of any other class of machinery.

(3) The Secretary may, on the report of an Inspector, at any time cancel or suspend any certificate if any material alteration is made in or to the machinery, or if the machinery is not at all times kept securely fenced and guarded and in good repair, and fit to be safely used for the purpose for which it is used, or in any other case in which he deems such cancellation or suspension to be necessary in the interests of safety.

- Repeal. (4) This section is in substitution for section thirty-two of the principal Act, and that section is hereby accordingly repealed.
- Temporary use of machinery without machinery certificate. 18. Notwithstanding anything to the contrary in this Act or the principal Act, the owner of any machinery may, pursuant to a permit in that behalf under the hand of an Inspector, use such machinery before it is first inspected under the principal Act, or after the expiration of the period for which any certificate in respect thereof has been granted, but for such time only and subject to such conditions as may be specified in such permit. 5
- Repeal. 19. Subsection two of section thirty-three of the principal Act is hereby repealed. 10
- Inspector to be notified of accident. 20. (1) Where loss of life or serious bodily injury to any person occurs by reason of the explosion of a boiler, or as the result of an accident caused by machinery, the owner of the boiler or machinery shall, within twenty-four hours after such explosion or accident, send notice thereof to an Inspector at his office or usual place of residence, and the Inspector shall forthwith transmit such notice to the Secretary. 15
- (2) So soon as practicable after receiving such notice or otherwise becoming aware of such explosion or accident the Inspector, or some other Inspector, shall go to the place where the explosion or accident occurred, and make such inquiry as he thinks fit as to the cause of the explosion or accident, and for that purpose may examine the owner of the boiler or machinery and all persons employed about the boiler or machinery, and shall report to the Secretary the result of such inquiry. 25
- (3) It shall not be lawful for any person to do any act likely to prevent the discovery of the cause of the explosion or accident until the Inspector has visited the scene thereof and completed his inquiry: Provided that nothing in this subsection shall prohibit the owner from doing anything reasonably necessary to prevent further damage or injury to any person or property or from disconnecting a boiler from others connected with it. 30
- (4) Every person commits an offence and is liable on summary conviction to a fine of not less than *ten* pounds who— 35
- (a) Fails to give the notice required by subsection *one* hereof; or,
- (b) Except as authorized in the proviso to the *last preceding* subsection, does or causes to be done any act likely to prevent the discovery of the cause of the explosion or accident.
- Repeal. (5) This section is in substitution for section thirty-nine of the principal Act, and that section is hereby accordingly repealed. 40
- Section 48 of principal Act amended. 21. (1) Section forty-eight of the principal Act is hereby amended as follows :— 45
- (a) By omitting from subsection one the words “conducted by,” and substituting the words “conducted under the general direction of.”
- (b) By repealing subsection four, and substituting the following subsections,—
- “ (4) All applications for examination shall be forwarded to the Secretary, accompanied by the prescribed fee.
- “ (4A) Every applicant for examination for a certificate in respect of any winding machinery by means of which persons are in any mine or coal-mine drawn up or lowered down any 50

shaft, pit, or inclined plane, or drawn along any level, or by means of which material is raised or lowered in the sinking of a shaft in a mine or coal-mine, shall be at least twenty-one years of age, be possessed of or entitled to such other certificate under this Act, and have had such experience as assistant to a certificated engine-driver in charge of winding machinery as may be prescribed, and shall, in addition to the prescribed fee, forward such proof of such experience as aforesaid as may be prescribed."

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10 (c) By omitting from subsection five the words "Board shall," and substituting the words "Secretary on the recommendation of the Board and on being satisfied that the provisions of this Act have been complied with shall."

15 (d) By inserting in subsection seven, before the word "Board," the words "Secretary on the recommendation of the."

(2) Section eighteen of the Inspection of Machinery Amendment Act, 1908, is hereby consequentially repealed. Repeal.

20 22. (1) Where it appears to the Board of Examiners that any person being the holder of a certificate under the principal Act is guilty of any offence or misconduct which would render him unfit to be trusted to efficiently perform his duties as such holder, or has failed, on the inspection of any machinery of which he is in charge, to notify the Inspector of any defects which he knows, or believes, to exist in that machinery, the Secretary may call upon
25 such person to show cause why his certificate should not be cancelled or suspended.

(2) If such person fails to show cause, the Secretary, on the recommendation of the Board, shall report the matter to the Minister, who may cancel such certificate or suspend it for such period as he
30 thinks fit, and during any such period of suspension such person shall be deemed not to be the holder of such certificate.

(3) Every person whose certificate is cancelled or suspended as aforesaid shall deliver such certificate to the Secretary, and if he fails so to deliver it on demand by the Secretary he commits an offence and is
35 liable to a fine of *twenty* pounds.

(4) This section is in substitution for section fifty of the principal Act, and that section is hereby accordingly repealed. Repeal.

23. Section fifty-two of the principal Act is hereby amended as follows:— Section 52 of principal Act amended.

40 (a) By omitting the word "Board" wherever it occurs in subsection two, and in each case substituting the word "Secretary."

(b) By repealing subsection three, and substituting the following subsection:—

45 " (3.) Every person who, after notice by the Secretary that any such certificate has been cancelled, uses such certificate, or fails to return the same to the Secretary, commits an offence, and is liable to a fine not exceeding *twenty* pounds."

50 24. Section sixty-one of the principal Act is hereby amended by repealing paragraphs (b), (c), and (d) thereof. Section 61 of principal Act amended.

Section 62 of
principal Act
amended.

25. Section sixty-two of the principal Act is hereby amended by adding the words "or the powers of inspection and regulation of machinery, air-cylinders, and braking systems of tramways contained in the Tramways Act, 1908."

Section 10 of
Amendment Act,
1908, amended.

26. Section ten of the Inspection of Machinery Amendment Act, 1908, is hereby amended by omitting the words "or portable boiler," and substituting the words "or any traction-engine or steam-wagon or any portable boiler."

Provisions as to
motor-vehicles and
steam-wagons.

27. (1) Subject to the exemptions mentioned in section sixty-two of the principal Act, and save as provided in the *next succeeding* subsection, all the provisions of the principal Act with respect to boilers and machinery shall apply to—

- (a) Motor-vehicles not driven by steam which are used for transmitting power to any stationary machinery, or as tractors running on rails; and
- (b) Motor-cars driven by steam, unless they are so constructed as not to emit smoke, steam, or visible vapour, except from any temporary or accidental cause; and
- (c) Steam-wagons:

and for the purposes of those provisions all such vehicles shall be deemed to be boilers and machinery subject to the principal Act.

(2) The provisions of the principal Act or this Act with respect to engine-drivers shall not apply to drivers of the vehicles mentioned in paragraphs (a) and (b) of the *last preceding* subsection while such vehicles are being driven or moved from place to place by their own motive-power and machinery, but shall apply to drivers of steam-wagons, and every person who is in charge of any such wagon while it is being so driven or moved shall be the holder of a traction-engine driver's certificate, or of a locomotive- and traction-engine driver's certificate.

(3) The decision of the Chief Inspector of Machinery as to whether or not a vehicle is a steam-wagon shall be final.

Repeals.

(4) This section is in substitution for section twenty-four of the Inspection of Machinery Amendment Act, 1908, and that section and so much of the Second Schedule to the Inspection of Machinery Amendment Act, 1914, as refers to that section are hereby accordingly repealed.

Section 7 of
Amendment Act,
1914, amended.

28. (1) The holder of a certificate under subsection one of section seven of the Inspection of Machinery Amendment Act, 1914, shall also be entitled to drive and have charge of any log-hauling engine and its boiler.

(2) The holder of a traction-engine driver's certificate under the said section seven shall, in respect of any steam traction-engine which he owns or which he is employed to drive while it is used as a traction-engine, also be entitled to drive and have charge of such traction-engine while it is used as a steam stationary engine.

Recovery of unpaid
fees.

29. (1) All unpaid fees shall be recoverable in any Court of competent jurisdiction by the Secretary on behalf of the Crown by suit in his official name.

(2) In any action in a Magistrate's Court for the recovery of fees the Secretary may, if he thinks fit, appear by some officer of the Marine Department, and the statement of any person so appearing that he is

such an officer and that he appears for the Secretary shall be sufficient evidence of the facts so stated and of his authority in that behalf.

(3) Nothing in this section shall be so construed as to limit or affect the operation of the Crown Suits Act, 1908, and the rights of recovery conferred upon the Crown by that Act and by this section shall co-exist and may be exercised independently of one another and fees may be recovered accordingly.

30. The Acts mentioned in the Schedule hereto are hereby amended in the manner and to the extent indicated therein.

Other amendments of principal Act, &c.

SCHEDULE.

Schedule.

Title of Act.	Extent of Amendment.
1908, No. 88.—The Inspection of Machinery Act, 1908	Sections 3, 20, 26, 45, and 47: By repealing these sections. Section 49: By omitting the word "Board" where it first occurs, and substituting the word "Secretary."
1908, No. 224.—The Inspection of Machinery Amendment Act, 1908	Section 22: By omitting the word "Board" from subsection (1) as set out in section 11 of the Inspection of Machinery Amendment Act, 1914, and substituting the word "Secretary."
1914, No. 53.—The Inspection of Machinery Amendment Act, 1914	Section 7: By omitting from subsection (3) the words "and obtain from," and substituting the words "prescribed by"; and by inserting in the same subsection, after the words "the principal Act," the words "and shall obtain from the Secretary." By omitting from subsection (4) the word "Board," and substituting the word "Secretary."