

SOUTH AUSTRALIA

BOILERS AND PRESSURE VESSELS ACT, 1968

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1993.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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BOILERS AND PRESSURE VESSELS ACT, 1968

being

Boilers and Pressure Vessels Act, 1968, No. 43 of 1968
[Assented to 19 December 1968]¹

as amended by

Boilers and Pressure Vessels Act Amendment Act, 1971, No. 26 of 1971 [Assented to 22 April 1971]²

Boilers and Pressure Vessels Act Amendment Act, 1978, No. 85 of 1978 [Assented to 30 November 1978]³

Boilers and Pressure Vessels Act Amendment Act, 1985, No. 37 of 1985 [Assented to 18 April 1985]⁴

Statutes Amendment (Chief Inspector) Act 1993 No. 1 of 1993 [Assented to 25 February 1993]⁵

¹ Came into operation 1 June 1970: *Gaz.* 21 May 1970, p. 1844.

² Came into operation 1 December 1972: *Gaz.* 2 November 1972, p. 2134.

³ Came into operation 1 March 1980: *Gaz.* 31 January 1980, p. 193.

⁴ Came into operation 31 December 1985: *Gaz.* 24 October 1985, p. 1175.

⁵ Came into operation 1 July 1993: *Gaz.* 17 June 1993, p. 1974.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

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

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

PRELIMINARY

Short title

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

Commencement

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—ENGINEDRIVERS BOARD, ss. 12-15:

DIVISION 3—DELEGATION OF DIRECTOR'S POWERS, s. 15a.

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.

Interpretation

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

"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

3.

- (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 18 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:

* * * * *

"the Director" means—

- (a) the person for the time being holding, or acting in, the office of the Chief Executive Officer of the Department of the Minister to whom the administration of this Act is committed;
- or
- (b) any other person directed by the Minister to exercise the powers of the Director under this Act:

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

* * * * *

"Inspector" means a person appointed to be an inspector under section 9:

"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:

4.

"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:

* * * * *

"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.

Repeal

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

Crown bound by Act

6. This Act shall bind the Crown.

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

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

- (a) any boiler having—
 - (i) not more than five square metres of heating surface;
- or

5.

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

or

- (b) any pressure vessel of not more than one hundred and seventy litres capacity,

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

Exclusion of certain apparatus from operation of Act or portion of Act

8. The Governor may by proclamation—

- (a) exempt any specified apparatus, or apparatus of a specified class, from this Act, or any specified provisions of this Act;

or

- (b) vary or revoke an exemption previously granted under this section.

PART II

ADMINISTRATION

DIVISION 1—INSPECTORS

Inspectors

9. (1) Subject to subsection (2), the Minister may, by notice in the *Gazette*, appoint a person to be an inspector for the purposes of this Act.

(2) A person is not eligible for appointment under subsection (1) unless he or she has passed the prescribed examination for such an appointment conducted in the prescribed manner.

(3) Each inspector must be furnished with an appropriate identity card.

(4) An inspector must produce the identity card for inspection by any person who questions his or her authority to exercise the powers of an inspector under this Act.

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 Enginedrivers Board

13. (1) The *Enginedrivers Board* continues in existence.

(1a) The Board will consist of three persons appointed by the Governor, each of whom being a person who holds or has held an appointment as an inspector under this Act.

(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.

Quorum, voting and procedure

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.

7.

(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.

Powers and functions of Board

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

DIVISION 3—DELEGATION OF DIRECTOR'S POWERS

Delegation by Director

15a. (1) The Director may, by instrument in writing, delegate to any person engaged in the administration of this Act any of his or her powers or functions under this Act.

(2) A delegation under subsection (1)—

(a) is revocable at will;

and

(b) does not prevent the Director from acting personally in any matter.

(3) In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the Director containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof of those particulars.

PART III

BOILERS AND PRESSURE VESSELS

DIVISION 1—DESIGN AND CONSTRUCTION

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 Director.

Penalty: Five thousand dollars.

(2) The Director 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 Director 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 Director—

(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 Director may require.

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

(5) The Director 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.

Tests, etc., in the course of construction

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.

(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: Five thousand 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

Registration of boilers and pressure vessels

18. (1) Where an unregistered boiler or pressure vessel is operated or used (except as directed or allowed by an Inspector) the owner of the boiler or pressure vessel shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

(2) An application for registration of a boiler or pressure vessel—

(a) must be made in the prescribed manner and form;

and

(b) must be accompanied by the prescribed fee.

(3) Upon receipt of due application for registration of a boiler or pressure vessel the Director shall, subject to subsection (4) of this section, register the boiler or pressure vessel and issue a certificate of registration in respect thereof.

(4) The Director may—

(a) decline to register a boiler or pressure vessel;

or

(b) revoke the registration of a boiler or pressure vessel,

if he is satisfied on the report of an Inspector, that there is a danger that the boiler or pressure vessel may be unsafe.

Periodic and other fees

19. (1) The owner of a registered boiler or registered pressure vessel shall pay to the Director, in accordance with the regulations, such periodic or other fees as may be prescribed.

(2) The Director may revoke the registration of a boiler or a pressure vessel if any fee payable by the owner remains unpaid for more than twenty-eight days after the day on which it falls due.

* * * * *

DIVISION 3—INSPECTION

Powers of Inspector

24. (1) An Inspector may—

- (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

- (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: Five thousand 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: Five thousand dollars.

Certificate of inspection

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

- (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 Director 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 Director 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.

Directions of Inspector

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.

(2) An owner to whom the directions in writing are given in accordance with subsection (1) of this section shall comply with those directions or cause those directions to be complied with.

Penalty: Twenty thousand dollars.

Restriction notice

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—

(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.

(2) An owner to whom a direction has been given pursuant to subsection (1) of section 28 of this Act shall take all reasonable steps to bring the substance of the direction to the attention of persons likely to be affected thereby.

Penalty: Five thousand 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: Five thousand 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.

* * * * *

Records of inspections, etc.

32. (1) An inspection of any document or certificate held by the Director 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.

(2) The Director 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

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 ten kilowatts;
- (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 Director;
- (d) any boiler which has—
 - (i) not more than five square metres of heating surface;
 - or
 - (ii) fully automatic controls approved by the Director;
- (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 one hundred and twenty degrees Celsius;
- (g) any locomotive the property of the South Australian Railways Commissioner;
- or
- (h) any boiler exempted, by proclamation, from the provisions of this Part.

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 one hundred and twenty degrees Celsius;

* * * * *

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 thousand 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: Five thousand 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.

Categories of certificate of competency

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

- (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:

* * * * *

and

- (h) a restricted certificate of competency in any of the categories referred to in paragraphs (a) to (f) 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 (f) 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.

Certificates granted under former Act

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—

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

Definition of "prescribed welding operation"

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

Undertaking prescribed welding operations

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—

(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 thousand 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.

Prohibition of the employment of certain persons on prescribed welding operations

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.

Penalty: Five thousand dollars.

Grant of certificate

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

(a) pay the prescribed fee;

and

(b) satisfy the Director 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 Director may grant to an applicant a certificate of the kind applied for and in the prescribed form.

Cancellation or suspension of certificate

43. (1) The Director 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

Appeals to Minister

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

Damage, etc., to boilers or pressure vessels

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.

Penalty: Five thousand dollars.

Wreckage not to be removed except with the permission of Inspector

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.

Penalty: Five thousand dollars.

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.

Immunity

48. No matter or thing done by—

(a) the Director;

* * * * *

(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.

Expert reports

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

(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 Director 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.

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 five thousand 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 five hundred 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) 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;
- (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;

23.

- (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 five thousand 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, 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.

Financial provision

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

24.

SCHEDULE

Steam Boilers and Enginedrivers Act, 1935.

Steam Boilers and Enginedrivers Act Amendment Act, 1952.

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

*(Transitional provision from Statutes Amendment (Chief Inspector)
Act 1993, s. 65)*

65. This Act does not affect the appointment of any person as an inspector before the commencement of this Act (other than as a Chief Inspector).

Legislative History

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 577.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 3:	amended by 85, 1978, s. 3
Section 4:	definition of "certificate of registration" amended by 37, 1985, s. 3(a) definition of "Chief Inspector" repealed by 1, 1993, s. 4(a) definition of "the Director" inserted by 85, 1978, s. 4(a); substituted by 1, 1993, s. 4(b) definition of "expert report" inserted by 37, 1985, s. 3(b); amended by 1, 1993, s. 4(c) definition of "Inspector" substituted by 1, 1993, s. 4(d) definition of "Secretary" repealed by 85, 1978, s. 4(b)
Section 7:	amended by 85, 1978, s. 5
Section 8:	substituted by 85, 1978, s. 6
	Division 1 of Part II comprising ss. 9 - 11 and heading repealed and s. 9 and heading inserted in its place by 1, 1993, s. 5
Section 13(1):	substituted by 1, 1993, s. 6
Section 13(1a):	inserted by 1, 1993, s. 6
	Division 3 of Part II comprising s. 15a and heading inserted by 85, 1978, s. 7
Section 15a:	substituted by 1, 1993, s. 7
Section 16:	amended by 85, 1978, s. 18 (Sched.); substituted by 37, 1985, s. 4; amended by 1, 1993, s. 8
Section 17(2):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 5
Section 18:	substituted by 85, 1978, s. 8
Section 18(1)	amended by 37, 1985, s. 6
Section 19:	substituted by 85, 1978, s. 8
Sections 20 - 23:	repealed by 85, 1978, s. 8
Section 25:	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 7
Section 26(3):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 8
Section 27:	amended by 85, 1978, s. 9; substituted by 37, 1985, s. 9
Section 27(5):	amended by 1, 1993, s. 9(a)
Section 27(6):	amended by 1, 1993, s. 9(b)
Section 28(2):	amended by 85, 1978, ss. 10, 18 (Sched.); 37, 1985, s. 10
Section 29(2):	amended by 85, 1978, ss. 11, 18 (Sched.); 37, 1985, s. 11
Section 29(3):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 11
Sections 30 and 31:	repealed by 85, 1978, s. 12
Section 32:	amended by 85, 1978, s. 13
Section 33:	amended by 85, 1978, s. 14; 37, 1985, s. 12; 1, 1993, s. 10
Section 34(1):	amended by 85, 1978, ss. 15, 18 (Sched.); 37, 1985, s. 13(a)
Section 34(2):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 13(b)

Section 40(1):	amended by 85, 1978, s. 18 (Sched.); 37, 1987, s. 14
Section 41:	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 15
Section 42(1):	amended by 1, 1993, s. 11(a)
Section 42(2):	amended by 1, 1993, s. 11(b)
Section 43(1):	amended by 1, 1993, s. 12
Section 44(1):	amended by 85, 1978, s. 16; 1, 1993, s. 13
Section 45:	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 16
Section 46:	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 17
Section 48:	amended by 85, 1978, s. 17
Section 48(b):	repealed by 1, 1993, s. 14
Section 48a:	inserted by 37, 1985, s. 18
Section 48a(2):	amended by 1, 1993, s. 15
Section 49(2):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 19(a)
Section 49(3):	amended by 37, 1985, s. 19(b)
Section 51(1):	amended by 85, 1978, s. 18 (Sched.); 37, 1985, s. 20(a), (b)
Section 51(2):	substituted by 37, 1985, s. 20(c)