



NORTHERN TERRITORY OF AUSTRALIA

No. 44 of 1982

AN ACT

To amend the *Inspection of Machinery Act*

[Assented to 29 June 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Inspection of Machinery Amendment Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Inspection of Machinery Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 5(1) of the Principal Act is amended -

(a) by inserting before the definition of "boiler" the following:

"'approved' means approved by the Chief Inspector;";

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

"'Deputy Chief Inspector' means the person appointed, from time to time, under section 8(2) to be the Deputy Chief Inspector;"; and

Inspection of Machinery Amendment

(c) by inserting in the definition of "inspector" after "Chief Inspector" the words "and the Deputy Chief Inspector".

5. REPEAL AND SUBSTITUTION

Section 8 of the Principal Act is repealed and the following substituted:

"8. APPOINTMENT OF CHIEF INSPECTOR, DEPUTY CHIEF INSPECTOR AND INSPECTORS

"(1) The Minister may appoint a person to be Chief Inspector and so many persons to be inspectors and other officers as appear to him to be necessary for the purposes of this Act.

"(2) The Minister may appoint a person to be Deputy Chief Inspector.

"(3) Subject to sub-section (4), the Deputy Chief Inspector has all the powers and may perform all the duties and functions of the Chief Inspector.

"(4) The Deputy Chief Inspector shall not exercise a power or perform a duty or function of the Chief Inspector except where -

(a) there is a vacancy in the office of Chief Inspector; or

(b) the Chief Inspector is absent from the Territory or is unable to act.

"(5) The Minister shall furnish each inspector with a certificate of appointment and, upon applying for admission to any premises, an inspector shall, if required, produce the certificate to the occupier of the premises.

"(6) A person who forges or counterfeits a certificate referred to in sub-section (5), or makes use of a forged, counterfeited, or false certificate, or who falsely pretends to be an inspector, shall be guilty of an offence.

Penalty: Imprisonment for 6 months."

6. YOUNG PERSONS NOT TO BE EMPLOYED IN CERTAIN CASES

Section 14(1) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following:

"(a) allow a person under the age of 15 years to work or assist to work any machinery;

Inspection of Machinery Amendment

- (b) allow a person, other than a person over the age of 18 years, to clean any part of any machinery in motion; or".

7. WHEN MACHINERY TO BE INSPECTED

Section 20 of the Principal Act is amended by omitting "all machinery subject to this Act at least once a year, except agricultural machinery, which he shall inspect" and substituting "machinery subject to this Act".

8. WHEN BOILERS TO BE INSPECTED

Section 29 of the Principal Act is amended by omitting "all boilers at least once a year" and substituting "boilers at such times as the Chief Inspector directs".

9. DURATION OF CERTIFICATE OF BOILER

Section 41 of the Principal Act is amended by omitting "period, not exceeding one year, as the inspector thinks fit" and substituting "period as the inspector, subject to any direction by the Chief Inspector, thinks fit".

10. DURATION OF CERTIFICATE OF MACHINERY

Section 42(1) of the Principal Act is amended -

- (a) by omitting "one year, or for such shorter period as the inspector determines," and substituting "such period as the inspector, subject to any direction by the Chief Inspector, thinks fit,"; and
- (b) by omitting all words after and including "Provided".

11. STAMPING OFFICIAL REGISTERED NUMBER ON BOILER

Section 43 of the Principal Act is amended by omitting sub-section (1) and substituting the following:

"(1) At the first inspection of every boiler the owner shall legibly stamp the official registered number of the boiler on some conspicuous part of the boiler as approved by an inspector and the person actually in charge of the boiler shall keep the registered number clean and distinct.".

12. REPEAL AND SUBSTITUTION

Section 51 of the Principal Act is repealed and the following substituted:

Inspection of Machinery Amendment

"51. INSPECTOR TO BE NOTIFIED OF ACCIDENT

"(1) Where -

(a) a boiler; or

(b) machinery,

is involved in an accident which results in -

(c) the loss of life of; or

(d) serious bodily injury to,

a person, the owner of the boiler or machinery, whether the boiler or machinery is subject to this Act or not, shall -

(e) in the case referred to in paragraph (c) -

(i) immediately after the occurrence of the accident, by the most expeditious means of communication available to him, provide an inspector with all the information concerning that accident as is required by the inspector; and

(ii) not later than 24 hours after the accident, or as soon as practicable, by notice in writing to an inspector, report that accident; and

(f) in the case referred to in paragraph (d) -

(i) not later than 24 hours after the accident, by notice in writing to an inspector, report that accident; or

(ii) where it is impracticable to give the notice referred to in sub-paragraph (i) within the period referred to in that sub-paragraph, not later than 24 hours after the accident, by the most expeditious means of communication available to him, provide an inspector with all the information concerning that accident as is required by the inspector and, in addition, give the notice referred to in that sub-paragraph as soon as practicable.

"(2) For the purpose of sub-section (1), 'serious bodily injury' means an injury that incapacitates or is likely to incapacitate the person suffering the injury from work for at least 7 days.

Inspection of Machinery Amendment

"(3) An owner referred to in sub-section (1) who fails or neglects to comply with the requirements of that sub-section applicable to him shall be guilty of an offence.

Penalty: \$2,000.

"51A. REPORT BY OWNER

"(1) The owner responsible for reporting an accident referred to in section 51(1) shall, in the notice required to be given under section 51(1)(e)(ii) or (f)(ii) in respect of the accident, provide particulars of that accident -

(a) as far as is known -

(i) the cause of death; or

(ii) the cause and nature and extent of the injuries sustained;

(b) the name and residential address of the person killed or injured; and

(c) such other particulars as are prescribed.

"(2) A copy of a notice referred to in section 51(1)(e)(ii) or (f)(ii) shall be kept for a period of 3 years by the owner who prepared it.

Penalty: \$2,000.

"51B. CHIEF INSPECTOR OR INSPECTOR TO INQUIRE AND REPORT

"(1) Where the Chief Inspector receives a notice referred to in section 51(1)(e)(ii) or (f)(ii), the Chief Inspector, or an inspector nominated by the Chief Inspector, shall inquire as he considers necessary into the circumstances of the accident to which the notice relates and shall make a written report of his findings which, in the case of an inspector other than the Chief Inspector, shall be given to the Chief Inspector.

"(2) In discharging his duty under sub-section (2), an inspector may require a person to inform him of what the person knows concerning the accident to which a notice referred to in section 51(1)(e)(ii) or (f)(ii) relates.

"51C. AVAILABILITY OF REPORT ON ACCIDENT

"(1) A person may make an application, in a form approved by the Chief Inspector and accompanied by the prescribed fee, for a copy of a report made under section 51B(1), to the Chief Inspector.

Inspection of Machinery Amendment

"(2) The Chief Inspector may determine an application under sub-section (1) -

- (a) by giving a copy of a report made under section 51B(1) to the applicant where that applicant satisfies the Chief Inspector that that applicant -
 - (i) is a person who has suffered serious bodily injury in the accident to which the report relates;
 - (ii) is the spouse of a person who was killed or suffered serious bodily injury in the accident to which the report relates;
 - (iii) is the solicitor, or the solicitor of the spouse, of a person who was killed or suffered serious bodily injury in the accident to which the report relates;
 - (iv) is the employer, or the solicitor of the employer, of a person who was killed or suffered serious bodily injury in the accident to which the report relates; or
 - (v) is a person, other than a person referred to in sub-paragraph (i), (ii), (iii) or (iv), who should have access to the report; or
- (b) in any other case - by refusing to give a copy of a report made under section 51B(1).

"(3) Where the Chief Inspector makes a determination in accordance with sub-section (2)(b), he shall refund the prescribed fee tendered in accordance with sub-section (1) to the applicant to which that determination relates."

13. ENTITLEMENT GIVEN BY CERTIFICATE OF COMPETENCY

Section 56(3) of the Principal Act is amended by omitting "the area of the cylinder or cylinders of which does not exceed 750 square centimetres" and substituting "that has or have a shaft output not greater than 10 megawatts".

14. MEDICAL CERTIFICATE NECESSARY BEFORE EXAMINATION

Section 58 of the Principal Act is amended by omitting "An applicant" and substituting "Unless the examiner conducting the examination otherwise permits, an applicant".

Inspection of Machinery Amendment

15. REPEAL AND SUBSTITUTION

Section 65 of the Principal Act is repealed and the following substituted:

"65. DISQUALIFICATION OF HOLDER OF CERTIFICATE

"(1) The Chief Inspector may, where the holder of a certificate -

- (a) is guilty of an offence against this Act;
- (b) is guilty of misconduct;
- (c) is, in the opinion of the Chief Inspector, unfit or no longer competent to hold the certificate; or
- (d) fails to comply with the conditions upon which the certificate was granted to him,

by notice in writing served on the holder of the certificate, cancel, or suspend for such period as is specified in the notice, that certificate.

"(2) Subject to sub-section (3), where the holder of a certificate referred to in sub-section (1) is served with a notice referred to in that second-mentioned sub-section he shall, not later than 7 days after the date on which he was served that notice, deliver the suspended or cancelled certificate, as the case may be, to the Chief Inspector.

Penalty: \$200.

"(3) The Chief Inspector shall, in respect of a certificate suspended under sub-section (1) for a period, not later than 7 days after the expiration of that period, return the certificate to its holder.

"(4) Where a certificate is suspended under sub-section (1) for a period, the person to whom the certificate was granted shall be deemed not to be the holder of that certificate during that period and for the purposes of this Act.

"65A. APPEALS

"(1) A person upon whom a notice referred to in section 65(1) has been served who is dissatisfied with the decision of the Chief Inspector set out in the notice may, not later than one month after the date upon which the notice was served, appeal to a magistrate against that decision.

Inspection of Machinery Amendment

"(2) An appeal made under sub-section (1) shall -

- (a) be in writing;
- (b) set out or be accompanied by the relevant notice of the decision and reasons for the decision;
- (c) set out the grounds upon which the appellant makes the appeal; and
- (d) be made to a magistrate and a copy served on the Chief Inspector.

"(3) A magistrate to whom an appeal under sub-section (1) has been made shall conduct a hearing in such manner as he determines into the reasons for the Chief Inspector having made the decision appealed against.

"(4) Subject to and for the purposes of sub-section (3), a magistrate hearing an appeal made under sub-section (1) has all the powers, duties and functions of the Chief Inspector in relation to the matter the subject of the appeal.

"(5) A magistrate to whom an appeal under sub-section (1) has been made shall determine the appeal by -

- (a) confirming the decision of the Chief Inspector;
- (b) varying the decision of the Chief Inspector in such manner as he thinks fit;
- (c) substituting his own decision for the decision of the Chief Inspector; or
- (d) disallowing the decision of the Chief Inspector.

"(6) Where a magistrate makes a determination under sub-section (5), the determination takes effect on the date specified in the determination or, where no date is so specified, on the date of the determination."

16. NEW SECTION

The Principal Act is amended by inserting after section 74 the following:

"74A. OFFENCE TO SELL, &c., BOILERS OR MACHINERY NOT GUARDED IN ACCORDANCE WITH ACT

"A person shall not, whether as principal or agent -

- (a) sell;
- (b) hire;

Inspection of Machinery Amendment

- (c) offer to sell or hire; or
- (d) advertise for sale or hire,

machinery or boilers which are not fitted, in accordance with the requirements of this Act, with safety devices, fences or guards .".

17. AVERMENTS

Section 78A of the Principal Act is amended -

- (a) by omitting from paragraph (b) "competency; or" and substituting "competency;";
- (b) by omitting from paragraph (c) "machinery," and substituting "machinery; or"; and
- (c) by inserting after paragraph (c) the following:
"(d) a specified person at a specified time was the owner of a specified boiler or specified machinery,".

18. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

Inspection of Machinery Amendment

SCHEDULE

Section 18

AMENDMENTS

Provision	Amendment	
	omit	substitute
Sections 16(1), 18(1), 21 and 32(1)	"prescribed"	"approved"
Sections 39 and 42(3)	"prescribed form"	"approved form"
Section 62A	the whole section	"62A. ISSUE AND CONDITIONS OF CERTIFICATE "A certificate of competency granted under this Part shall be issued in the approved form."
Section 75	the whole section	

