

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1950. No. 7.

Regulations under the Machinery Ordinance 1949.*

I HUBERT LAWRENCE ANTHONY, Minister of State acting for and on behalf of the Minister of State for the Interior, in pursuance of the powers conferred by the *Machinery Ordinance 1949*, hereby make the following Regulations.

Dated this twenty-seventh day of November, 1950.

H. L. ANTHONY

for and on behalf of the Minister of State
for the Interior.

INSPECTION OF MACHINERY REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Inspection of Machinery Short title.
Regulations.
2. These Regulations shall come into operation on a date to be Commencement.
fixed by the Minister by notice in the *Gazette*.
3. These Regulations are divided into Parts, as follows:— Parts.
Part I.—Preliminary.
Part II.—Inspections.
Part III.—Safety Provisions.
Part IV.—Miscellaneous.
4. In these Regulations, unless the contrary intention appears— Definitions.
“engine” means a piece of mechanism used to convert heat or some other form of energy into mechanical work, or a machine for the development or utilization of power from some source of energy such as coal, gas, oil, compressed air, electricity or other source;
“inspector” means a person appointed under the Ordinance to be an inspector of machinery and includes the Chief Inspector;
“machinery” means an engine, motor or other source of motive power other than manual, treadle, wind or animal power, and includes a machine, shaft, belt, gearing, pulley, flywheel, contrivance or appliance operated by any such engine, motor, or other source of motive power but does not include machinery which is subject to inspection under—
(a) regulations made under the Ordinance and relating to boilers or engine drivers; or

* Notified in *Commonwealth Gazette* on 30th November, 1950.

(b) the *Scaffolding and Lifts Ordinance 1941-1946* or regulations made under that Ordinance;

“mechanical power” means power other than manual or treadle power and includes power generated by water, steam, gas, oil or electricity;

“mill-gearing” includes a shaft, whether upright, oblique or horizontal, and a wheel, drum, pulley, belt, rope or chain by which the motion of the first moving power is communicated to the operative part of a machine;

“occupier”, in relation to premises, means the person, firm, or association of persons in possession or occupation, or apparently in possession or occupation, of those premises and includes an agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of those premises;

“premises” means—

(a) a house, building, structure, yard, mine, timber area, farm, paddock, field, road or place; or

(b) a punt, raft, boat, ship or vessel, not propelled by its own motive power or machinery,

in which machinery is kept, worked, used or is in operation;

“the Chief Inspector” means the Chief Inspector of Machinery appointed under the Ordinance;

“the Ordinance” means the *Machinery Ordinance 1949*.

Machinery to which Regulations do not apply.

5. These Regulations do not apply to machinery—

(a) used on, or employed in the working of, the Commonwealth Railways;

(b) being, or forming part of, the propelling machinery of a punt, raft, boat, ship or vessel;

(c) being, or forming part of, the propelling machinery of a motor vehicle, while that machinery is being used only for the propulsion of the motor vehicle;

(d) being, or forming part of, the propelling machinery of traction engine used solely for traction purposes;

(e) being, or forming part of, a compressor freezing cabinet or an electric drink mixer used in a retail shop;

(f) being, or forming part of, an accounting machine or other office appliance; or

(g) used only in or about a dwelling-house for domestic purposes, not being a circular saw.

Exemption from application of Regulations.

6.—(1.) The Minister may, by notice in the *Gazette*, exempt from the application of any provision of these Regulations any machinery or class of machinery specified in the notice where he is satisfied that that provision cannot reasonably be applied to that machinery or class of machinery.

(2.) Any such exemption may be absolute or subject to the conditions stated in the notice.

PART II.—INSPECTIONS.

7.—(1.) The Minister shall furnish each inspector with a certificate of appointment, and, upon applying for admission to any premises or while upon any premises in the course of his duty, an inspector shall, if required, produce the certificate to the occupier. Authority as inspector.

(2.) A person shall not—

- (a) forge or counterfeit a certificate of appointment as an inspector;
- (b) make use of a forged, counterfeited, or false certificate; or
- (c) falsely pretend to be an inspector.

Penalty: Imprisonment for six months.

8.—(1.) An inspector may enter into or upon any premises and may inspect and examine the machinery on the premises and the appliances connected therewith or belonging thereto. Power of entry.

(2.) The entry may be made at any time in the day-time, whether the machinery is in operation or not, or at night-time if the machinery is then in operation.

9.—(1.) In making the inspection the inspector may require any person employed or working on the premises to assist him, and may require the occupier to explain the working of the machinery and to answer questions concerning compliance with these Regulations. Inspector may call in aid.

(2.) A person shall comply with a requirement made of him under the last preceding sub-regulation.

10. The occupier of premises shall afford to an inspector all reasonable facilities for the exercise of his powers under these Regulations. Occupier to allow entry and inspection.

11. A person shall not wilfully impede an inspector in the execution of his duty. Obstructing inspector.

PART III.—SAFETY PROVISIONS.

12. A person who—

(a) is, at the date of the commencement of these Regulations, the occupier of premises in which machinery is erected, kept or intended to be used; or

Notice of ownership of machinery.

(b) becomes the occupier of such premises after that date, shall, within one month after the date of commencement of these Regulations or the date on which he becomes the occupier of the premises, as the case may be, send to the Chief Inspector a notice in writing stating the name of the owner, the maker's name and the identification marks (if any) of the machinery, the place where the machinery is erected, kept or intended to be used, the kind of machinery, the nature and measure of the motive power and the business or other purpose for which the machinery is used or intended to be used.

13.—(1.) The occupier of premises shall securely fence all dangerous parts of machinery which is in or upon the premises. Dangerous machinery.

(2.) Without prejudice to the generality of the last preceding sub-regulation—

- (a) a hoist or teagle and fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of a steam-engine or other engine used for generating mechanical power and every water wheel shall be securely fenced;
- (b) a wheel-race, not otherwise secured, shall be securely fenced close to its edge;
- (c) every part of the mill-gearing and every cog-wheel shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the premises as it would be if it were securely fenced.

(3.) All fencing shall be maintained in an efficient state.

(4.) The duty imposed on the occupier of premises by this regulation shall be an absolute duty, in no way qualified by any other provision of these Regulations or other regulations made under the Ordinance.

Penalty: Fifty pounds.

Traversing carriage of self-acting machinery.

14. A person shall not cause or permit a traversing carriage of any self-acting machinery to run out within a distance of eighteen inches from any fixed structure, not being part of that machinery, if the space over which it so runs out is a space over which any person is likely to pass, whether in the course of his employment or not.

Risk of accident.

15.—(1.) For the better prevention of accidents the provisions of this regulation shall be observed.

(2.) In premises where mechanical power is used the occupier shall, when so required by an inspector, provide a loose pulley or pulleys to any machine or shafting driven by that power but an inspector shall not require a loose pulley or pulleys to be provided—

- (a) for the starting of an engine, if it is equipped with self-starting apparatus, or is directly coupled or is so constructed as to be, in the opinion of the inspector, reasonably safe for the purpose of starting; or
- (b) where the load is connected with the driving pulley by a clutch.

(3.) In premises where mechanical power is used, the occupier, when so directed by an inspector, shall provide a belt shifter, or other safe mechanical contrivance approved by the inspector, for the purpose of throwing belts or pulleys on or off.

(4.) An occupier of premises, when so directed by an inspector, shall provide, for the service of any shafting which is moved by mechanical power and situated more than eight feet above the floor level—

- (a) stagings, platforms or gangways of such design and construction, and in such position, as may be approved by the inspector;
- (b) ladders of such design and construction as may be approved by the inspector; and

(c) belt-hangers for the purpose of holding belts not in use clear of contact with any running machinery or mill-gearing.

(5.) A person throwing off a belt from a machine or mill-gearing shall, if a belt hanger is provided, put the belt on the belt-hanger.

(6.) An occupier of premises or a person in control of a male under the age of sixteen years or of a female shall not, when any mill-gearing is in motion by mechanical power, permit that male or female to—

- (a) oil or grease any portion of the mill-gearing;
- (b) put on, put off, adjust, tighten or lace any belt or belting of the mill-gearing, or attempt to do so; or
- (c) go on or remain on any overhead staging erected for the purpose of serving the mill-gearing.

(7.) An occupier of premises in which a male under the age of eighteen years or a female is employed or a person in control of any such male or female shall not permit that male or female to—

- (a) be in charge of an engine; or
- (b) attend to an engine, unless the attention is given under the direct supervision of a competent person.

(8.) In a brewery or aerated water factory the occupier shall—

- (a) provide all bottlers, corkers, wirers, sighters and labellers with such masks or veils, or face-guards, and such gauntlets, or hand or arm guards, as are approved by an inspector; and
- (b) cause all machines for bottling to be so constructed and so placed or fenced as to prevent as far as possible, during the operation of filling or corking, a fragment of bursting bottle from striking any person.

(9.) A person shall, while engaged upon bottling or any other operation in the course of which explosions or breakages are likely to occur, continually wear such face or hand or arm guards as are provided for him.

(10.) An occupier of premises, being premises in which machinery is operated by mechanical power, in which a female is employed, or a person in charge of any such female, shall not permit that female to be employed at or near the machinery, or in a room where she may have occasion to pass the machinery, while her hair is not covered or closely fastened to her head, or while she is wearing flowing hair, or neck ribbons or laces or other similar loose articles of dress.

(11.) The occupier of premises in which an emery-wheel is used—

- (a) shall cause it to be fenced or guarded as required by an inspector;
- (b) shall not permit the emery-wheel to be run at a higher speed than that indicated on it by the maker as the limit of safety; and
- (c) shall not permit the emery-wheel to be run before a door or other entrance.

(12.) An occupier of premises shall cause all steam pipes, or pipes used for heating purposes, to be insulated or guarded, or fixed in such a position that a person would not come in contact with them in the ordinary course.

(13.) An occupier of premises in which are carried on operations involving the conveyance, carrying or handling of molten metal, or of any hot or dangerous substance shall provide properly constructed and designed pots or ladles for the purpose.

(14.) The occupier of premises in which a boiler, vat or similar appliance designed to revolve or tilt is used shall cause it to be fitted with mechanical catches or some other safe appliance to regulate its position.

(15.) The occupier of premises in which is used a machine worked by manual or treadle power which is of such design and construction that its motion is materially assisted by the kinetic energy or momentum accumulated in its moving parts shall, if an inspector so directs, cause any cog-wheel, fly-wheel, or other moving part of the machine to be fenced or guarded.

(16.) The occupier of premises in which mechanical power is used shall, if so directed by an inspector, cause all set screws, pins, keys, coupling bolts and ends of spindles, if moved by that power, to be fenced or guarded, or counter-sunk, or cut off flush with the adjoining parts of the machinery or mill-gearing, or protected in such manner as the inspector approves.

(17.) The occupier of any premises in which a fan moved by mechanical power is used shall, if so directed by an inspector, cause the fan to be protected with woven wire, or fenced, or guarded in such manner as the inspector approves.

(18.) The occupier of premises in which machinery is moved by mechanical power shall, if so required by an inspector, maintain all main traffic ways at a width of not less than four feet and shall keep all main traffic ways clear of materials, stock, or other obstructions.

(19.) The occupier of premises shall maintain all passage ways between machines or giving access to machines at a width of not less than two feet.

(20.) The occupier of premises shall not—

- (a) employ a person under the age of fifteen years in working or assisting to work any machinery; or
- (b) employ a person, other than a male person over the age of eighteen years, in cleaning any part of any machinery in motion.

Circular saws.

16.—(1.) The occupier of premises in which a circular saw is used shall comply with the requirements of this regulation or cause those requirements to be complied with.

(2.) The saw, saw bench and equipment, saw mountings and other components of the saw installation shall be so designed, put together and set up as to be suitable, safe and adequately strong for the purpose for which the saw is used or intended to be used.

(3.) If the saw is part of a stationary installation, it shall be erected on, and securely fixed to, adequate foundations and shall be so placed that ample clear space for safe working is provided all round.

(4.) The floor or other surface around the saw installation—

- (a) shall be sound, level and even;
- (b) shall provide a firm foothold;
- (c) shall not be allowed to become slippery; and
- (d) shall be kept free of stock or other impediments, and, as far as practicable, of accumulations of sawdust and trade waste.

(5.) The maximum safe working speed in revolutions per minute and the name of the maker of the saw shall be clearly and legibly impressed upon it in a conspicuous position.

(6.) The power provided for driving the saw shall be sufficient to ensure an efficient cutting speed for all purposes for which it is used, and a governor or other means of speed control shall be provided to prevent its being driven at a speed in excess of its maximum safe working speed.

(7.) The saw shall be in good condition, the teeth sharp and correctly set and the gullets rounded.

(8.) The work of sharpening, setting and conditioning the saw shall be done in a competent manner.

(9.) The saw shall not be used if it is cracked, fractured, warped, has teeth missing or is otherwise defective or in bad condition.

(10.) The saw shall not be used unless it is maintained in good working order and condition.

(11.) The saw shall be securely and truly mounted and adjusted so that it operates without undue vibration.

(12.) The saw shall be provided with an efficient stopping and starting appliance of a type which will prevent inadvertent starting, and the control of the appliance shall be in such a position as to enable it to be readily and conveniently operated by the person using the saw.

(13.) The saw shall not be allowed to run idly between jobs, when unattended, or when the work in hand is delayed or interrupted.

(14.) The saw shall be mounted, or adjusted, only while it is stopped and secured against inadvertent starting.

(15.) As far as practicable, equipment attached to the saw bench shall not be adjusted or serviced when the saw is in motion.

(16.) Sawdust and trade waste shall not be removed from potentially dangerous positions under and around the saw installation when the saw is in motion.

(17.) Adequate and suitable lighting free from harmful or confusing glare shall be provided at the saw.

(18.) Where an inspector is of opinion that the saw is so defective or in such condition that its further use as a circular saw would be dangerous and he gives notice to that effect to the occupier, the saw shall immediately be rendered incapable of further use as a circular saw.

(19.) A copy of this regulation in good condition shall be kept exhibited in a conspicuous position in the premises so that it may be read by all persons employed at or in connexion with the saw and copies shall also be kept exhibited in such other places as an inspector directs.

Penalty: Fifty pounds.

Faulty or defective machinery.

17.—(1.) Where machinery is, in the opinion of an inspector, so faulty or defective, or so insufficiently guarded, or so dangerous in any other respect, as to be likely to cause loss of life or injury to any person, or where the ventilation of any room in which any steam engine or internal combustion engine is erected and used is, in the opinion of an inspector, defective, the inspector may serve notice in writing to that effect upon the occupier of premises in which the machinery or engine, as the case may be, is erected, kept or used.

(2.) The notice may require the occupier to make, within a time specified in the notice, such repairs or alterations to the machinery or its arrangement, or to the ventilation of the room, as the case may be, as are specified in the notice.

(3.) A person shall not refuse or fail to comply with a notice given to him under this regulation.

(4.) A person shall not use, or cause to be used, any machinery or engine the subject of the notice from a date specified in the notice until the repairs or alterations have been effected to the satisfaction of an inspector.

Penalty: Fifty pounds.

Appeal to Minister.

18.—(1.) If the occupier is dissatisfied with the requirements of any notice, given in pursuance of regulation 16 or regulation 17 of these Regulations, he may, within seven days after service upon him of the notice, appeal to the Minister in writing, stating the grounds of the appeal.

(2.) The decision of the Minister upon any such appeal shall be final.

(3.) Until the appeal is decided by the Minister, the circular saw, machinery or engine, as the case may be, shall not be used, unless the requirements of the notice have been complied with.

Notice of accident, loss of life or injury.

19.—(1.) Where a person is killed or suffers injury by an accident caused by, or involving, machinery, the occupier of the premises shall, within twenty-four hours after the accident, send notice of it to the Chief Inspector, specifying the nature of the accident, the place where it occurred, the name of every person killed or injured and the possible extent of the damage to the machinery.

(2.) For the purpose of this regulation, "injury" means an injury which is likely to incapacitate the person injured for more than forty-eight hours.

Notice in other cases.

20. Where an accident occurs to machinery and the accident necessitates structural alteration or structural repairs, the occupier of the premises shall, within twenty-four hours after the accident, send notice of the accident to the Chief Inspector giving particulars of the accident, its cause and the probable alterations or repairs necessitated.

21. A person who is required to perform any duty at or about any machinery shall use ordinary and reasonable precautions to ascertain that the machinery is not unsafe, and where he finds anything likely to cause injury to any person, he shall forthwith report it to the manager, engineer, or other person in immediate authority over him. Reporting machinery likely to cause injury.

22. A person shall not render inoperative any safety device attached to or used for governing the speed of any engine or any safety device used in connexion with any machinery. Removing safety devices.

Penalty: Fifty pounds.

PART IV.—MISCELLANEOUS.

23.—(1.) These Regulations do not operate so as to relieve a person from any civil or criminal liability to which he would be subject if these Regulations had not been made. Liability apart from Regulations not affected.

(2.) A contravention of, or failure to comply with, these Regulations does not give rise to any civil right, remedy or liability which would not exist if these Regulations had not been made.

24. Any notice or other document, required or permitted by these Regulations to be given to or served upon any person or sent to any person may be given, served or sent— Service of notices, &c.

- (a) by delivering the notice or other document to that person;
- (b) by leaving the notice or other document at his usual or last known place of residence or business or at his office; or
- (c) by forwarding the notice or other document by post addressed to the person at his usual place of residence or business or at his office.

25. A person who contravenes or fails to comply with any provision of these Regulations, for which contravention or failure no other penalty is provided, shall be guilty of an offence and shall be liable to a fine not exceeding Twenty pounds. Offences.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.

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