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REGULATIONS UNDER THE FACTORIES AND SHOPS ACTS.

CHAPTER V. REVOKED AND REMADE.

At the Executive Council Chamber, Melbourne, the fourth day of December, 1918.

PRESENT:

His Excellency the Governor of Victoria.

Mr. McWhae

Mr. Kendell.

WHEREAS by the Factories and Shops Acts it is enacted that the Governor in Council may, by Order published in the *Government Gazette*, from time to time make, alter, and revoke regulations for the purposes therein mentioned, and generally for carrying into effect the provisions of the said Acts: Now therefore His Excellency the Governor of Victoria, with the advice of the Executive Council thereof, doth by this Order revoke Chapter V. of the Regulations made on the 10th September, 1918, under the provisions of the Factories and Shops Acts, and doth make the following Regulation in lieu of the said Chapter (that is to say):—

CHAPTER V.

THE GRANTING OF CERTIFICATES TO ENGINE-DRIVERS AND BOILER ATTENDANTS.

Sections 50 and 242.

Examinations.

1. Examinations will be conducted by the Board of Examiners at such times and places as may from time to time be notified by the secretary in the *Government Gazette*, and in a newspaper or newspapers published or circulated in the locality, and candidates will be examined according to priority of receipt of notice required by clause 2.

Preliminary Requirements.

2. Each applicant for a certificate must forward to the Secretary for Mines, Melbourne, notice in writing of his intention to present himself for examination, such notice to be given not less than seven clear days prior to the date of examination.

The notice must be accompanied by cash, post-office order, or postal note, to the value of 10s.

Should the applicant pass the prescribed examination the deposit shall, in each instance, go towards payment of the fee for certificate; in the event, however, of the failure of the candidate to pass the examination, such amount shall be forfeited and be paid to the Consolidated Revenue.

3. A candidate must, if possible, produce testimonials or certificates, signed by his employers, and such documents must specify clearly and distinctly the class of steam-engines he has driven, or assisted to drive, or class of steam boilers he has attended or assisted to attend. The diameter of the cylinders of the steam-engines driven* must be stated on the testimonials. In cases where a candidate is unable, from any sufficient cause, to produce testimonials from his employers, the Board may accept a statutory declaration or other sufficient proof that such candidate drove or assisted to drive a steam-engine or engines for a period of twelve months, or attended or assisted to attend a steam boiler or boilers for a period of six months, as evidence of his having had the necessary experience to entitle him to be examined.

4. Every candidate for a certificate of competency or service shall :—

- (a) make a statutory declaration that the testimonials he produces are genuine and true and correct in every particular, such declaration to be presented to and retained by the Board.
- (b) produce written evidence of character.
- (c) produce evidence that he is not subject to any mental or bodily infirmity likely to interfere with the efficient discharge of his duties.
- (d) State his full name, also the place and date of his birth, which shall be inserted in any certificate issued by the Board to him.
- (e) Prior to his examination for a certificate of a higher class produce any certificate issued to him under these Regulations, such latter certificate to be surrendered to the Board in the event of the higher class one being granted.

5. If a candidate fails to pass the examination prescribed, he shall not again present himself until a period of not less than three months shall have elapsed from the date of his last examination.

Fees to be charged.

6. The fees to be paid for certificates issued by the Board of Examiners shall be—

For a 1st class certificate of competency as an engine-driver	... £1 5 0
For a 2nd class certificate of competency as an engine-driver	... 1 0 0
For a 3rd class certificate of competency as an engine-driver	... 1 0 0
For any certificate of service as an engine-driver	... 1 0 0
For a certificate of competency or of service as a boiler attendant	... 0 10 0
For a copy of any certificate (if lost)	... 0 10 0
For a certificate of registration issued under clause 21 of these Regulations	... 0 10 0

No certificate shall be issued until full payment of the fee required shall have been made to the Secretary for Mines.

CERTIFICATES OF COMPETENCY TO DRIVE STEAM-ENGINES.

First Class Certificate.

7. A 1st class certificate issued by the Board of Examiners shall entitle the holder to drive any steam-engine in or in connexion with a factory.

8. An applicant for a 1st class certificate must, except as hereinafter provided, produce to the Board satisfactory evidence—

- (a) (1) That he has been the holder of a 2nd class certificate, under the Factories and Shops Acts, a 3rd class certificate under the Mines Acts, or a corresponding certificate issued in any other State of the Commonwealth or New Zealand, for a period of not less than twelve months, and that he has during that period had charge of and driven for a period of not less than six months a steam-engine of a class which he, as the holder of either of such certificates, is entitled to drive; or
- (2) that he has been in charge of and has efficiently managed and driven a steam-engine the cylinder of which is more than 12 inches in diameter, or a double-cylinder steam-engine the cylinders of which have a combined area equal to that of a single cylinder of more than 12 inches in diameter for a period of not less than 12 months; or
- (3) that he has served an apprenticeship to an engineer for five years, and during the period of his apprenticeship has been employed in the making or repairing of steam-engines, or, if he has not served such apprenticeship, that for not less than five years he has been employed as journeyman mechanic in some factory in the making or repairing of steam-engines, and in either case that he has had not less than six months' experience in assisting to drive a steam-engine the cylinder of which is more than 12 inches in diameter, or a double-cylinder engine the cylinders of which have a combined area equal to that of a single-cylinder of more than 12 inches in diameter; or
- (4) that he has had not less than six months' instruction in engine-driving at any educational institution approved by the Board.
- (b) That he is at the date of examination not under the age of nineteen (19) years nor over the age of fifty (50) years. The latter age not to apply to persons who had experience in driving steam-engines previous to their attaining the age of fifty (50) years.

In addition to producing this evidence the applicant must pass an examination as to the construction of the various steam engines and steam boilers in general use, and as to the details of different working parts external and internal, and the use of such parts, and be able to explain how to correct defects, and what action is necessary in the ordinary emergencies which may arise in connexion with steam-engines and steam boilers.

9. A 1st class certificate shall be issued by the Board to a candidate who satisfies the Board by the production of his certificate that he has passed an examination equivalent to the examination of a 1st class certificate of competency under these Regulations before some authority recognised by the Governor in Council for that purpose in accordance with the Factories and Shops Acts.*

Second Class Certificate.

10. A 2nd class certificate issued by the Board of Examiners shall entitle the holder to drive any steam-engine in or in connexion with a factory, the cylinder of which does not exceed 12 inches in diameter, or a double-cylinder steam-engine, the combined area of the cylinders of which does not exceed that of a cylinder 12 inches in diameter.

11. An applicant for a 2nd class certificate must produce to the Board satisfactory evidence—

- (a) (1) That he has had not less than twelve months' experience in assisting to drive a steam-engine the cylinder of which exceeds 6 inches in diameter, or a double-cylinder steam-engine, the combined area of the cylinders of which exceed a cylinder 6 inches in diameter, or
- (2) That he has been the holder of a 3rd class certificate under the Factories and Shops Acts for a period of not less than twelve months, and that he has during that period had charge of and driven a 3rd class steam-engine for a period of not less than six months; or
- (3) That he has had not less than three months' instruction in engine-driving at any educational institution approved by the Board.
- (b) That he is at the date of examination not under the age of eighteen (18) years, nor over the age of fifty (50) years. The latter age not to apply to persons who had experience in driving steam-engines previous to their attaining the age of fifty (50) years.

In addition to producing this evidence the applicant must pass an examination as to the use of the principal parts of steam-engines and steam boilers in general use of the class he desires to obtain a certificate to drive, and be able to explain what action is necessary in the ordinary emergencies which may arise in connexion with such steam-engines and steam boilers.

12. A 2nd class certificate shall be issued by the Board to a candidate who satisfies the Board by the production of his certificate that he has passed an examination equivalent to the examination of a 2nd class certificate of competency under these Regulations before some authority recognised by the Governor in Council for that purpose, in accordance with the Factories and Shops Acts.*

Third Class Certificate

13. A 3rd class certificate issued by the Board of Examiners shall entitle the holder to take charge of any steam-engine in or in connexion with a factory, the cylinder of which does not exceed 6 inches in diameter, or a double-cylinder steam-engine, the combined area of the cylinders of which does not exceed that of a cylinder 6 inches in diameter.

14. An applicant for a 3rd class certificate must produce to the Board satisfactory evidence—

- (a) (1) That he has had not less than twelve months' experience in assisting to drive a steam-engine; or
- (2) That he has had not less than three months' instruction in engine-driving at any educational institution approved by the Board.
- (b) That he is at the date of examination not under the age of eighteen (18) years, nor over the age of fifty (50) years. The latter age not to apply to persons who had experience in driving steam-engines previous to their attaining the age of fifty (50) years.

In addition to producing this evidence the applicant must pass an examination as to the use of the principal parts of steam-engines and steam boilers in general use of the class he desires to obtain a certificate to drive, and be able to explain what action is necessary in the ordinary emergencies which may arise in connexion with such steam-engines and steam boilers.

CERTIFICATES OF COMPETENCY TO BOILER ATTENDANTS.

15. A certificate of competency as a boiler attendant shall entitle the holder to take charge of any steam boiler in or in connexion with a factory. An applicant for a certificate of competency as boiler attendant must produce to the Board satisfactory evidence—

- (a) (1) That he has had not less than six months' experience in assisting to work a steam boiler; or
- (2) That he has had not less than three months' instruction in the duties of a steam boiler attendant at any educational institution approved by the Board.
- (b) That he is, at the date of examination, not under the age of eighteen (18) years.

In addition to producing this evidence the applicant must pass an examination as to the different fittings of the various boilers in general use, and the use of such fittings, and as to what action is necessary in the ordinary emergencies which may arise in connexion with steam boilers.

CERTIFICATES OF SERVICE TO DRIVE STEAM-ENGINES.

16. A 1st class certificate will be granted—

To a candidate who satisfies the Board that during at least twelve months within three years prior to the 1st October, 1896, he has been in sole charge of and has efficiently managed and driven a steam-engine in Victoria the cylinder of which is more than 12 inches in diameter, or a double-cylinder steam-engine the cylinders of which have a combined area equal to a single cylinder of more than 12 inches in diameter, and such certificate shall entitle the holder to drive any steam-engine in or in connexion with a factory.

* The authorities recognised by the Governor in Council are:—“Board of Trade of Great Britain, Marine Board of Victoria, The Minister of Marine and Fisheries in Canada, Marine Department of New Zealand, Marine Board of New South Wales, The Head of the Government of Malta, Marine Board of South Australia, Board of Examiners under the authority of the Governor of Tasmania, Lieutenant-Governor of Bengal, Governor of Bombay, Marine Board of Queensland, Governor of Hong Kong, Governor of the Straits Settlements.”—(See Government Gazette, 5th March, 1897, page 834.)

17. A 2nd class certificate will be granted—

To a candidate who satisfies the Board that during at least twelve months within three years prior to the 1st October, 1896, he has been in sole charge of and has efficiently managed and driven a steam-engine in Victoria the cylinder of which is not less than 6 inches in diameter, or a double-cylinder steam-engine the cylinders of which have a combined area equal to that of a single cylinder of not less than 6 inches in diameter, and such certificate shall entitle the holder to drive any steam-engine in or in connexion with a factory, the cylinder of which does not exceed 12 inches in diameter, or a double-cylinder steam-engine, the combined area of the cylinders of which does not exceed that of a cylinder 12 inches in diameter.

18. A 3rd class certificate will be granted—

To a candidate who satisfies the Board that during at least twelve months within three years prior to the 1st October, 1896, he has been in sole charge of and has efficiently managed and driven a steam-engine in Victoria, and such certificate shall entitle the holder to take charge of any steam-engine in or in connexion with a factory, the cylinder of which does not exceed 6 inches in diameter, or a double-cylinder steam-engine, the combined area of the cylinders of which does not exceed that of a cylinder 6 inches in diameter.

CERTIFICATES OF SERVICE TO BOILER ATTENDANTS.

19. A certificate of service as a boiler attendant will be granted to a candidate who satisfies the board that he has been in charge of and has efficiently managed a steam boiler during at least twelve months within three years prior to the 1st October, 1896, and such certificate shall entitle the holder to take charge of any steam boiler in or in connexion with a factory.

20. No certificate of service shall be issued unless specially authorized by the Governor in Council.

CERTIFICATE OF REGISTRATION ON TRANSFER FROM ANOTHER STATE OR NEW ZEALAND.

21. Any person holding a factory engine-driver's or boiler attendant's certificate issued in any other State of the Commonwealth or in New Zealand, and who takes up his residence in Victoria, may be granted a certificate of registration of equal grade upon payment of the fee prescribed, and without undergoing any examination.

DISQUALIFICATION OF HOLDER OF CERTIFICATE.

22. Any person holding a certificate of competency or of service as an engine-driver or boiler attendant, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certificated engine-driver or boiler attendant; and if he fail to satisfy the said Board, he may, by an Order of the Governor in Council, published in the *Government Gazette*, be disqualified for any period from acting as engine-driver or boiler attendant.

23. Any person shall, after such order, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of disqualification, and no such person shall during the period of such disqualification take charge of any steam-engine or steam boiler.

24. The Board may, if it think fit, hold an inquiry into the conduct of an engine-driver or boiler attendant accused of any of the foregoing offences; and with respect to such inquiry the following provisions shall have effect:—

- (1) The inquiry shall be held at such time and place as the Board may appoint, the person charged to have the right to engage counsel to defend him at such inquiry. He shall receive fourteen days' notice of the Board's intention to hold an inquiry, and if the person charged intends to employ counsel he shall give seven days' notice of such intention to the secretary to the Board.
- (2) The secretary to the Board shall, before the commencement of the inquiry, furnish to the person charged a statement of the case upon which the inquiry is instituted.
- (3) The person charged shall attend such inquiry, and may produce such evidence as may be considered necessary.
- (4) The Board shall, upon the conclusion of the inquiry, forward to the Minister of Labour a report containing a full statement of the case and its opinion thereon.

COPIES OF CERTIFICATES.

25. Whenever a person proves to the satisfaction of the Board of Examiners that he has, without fault on his part, lost or been deprived of any certificate previously granted to him under the provisions of the Factories and Shops Acts, such Board shall, upon payment of the prescribed fee, cause a copy of the certificate to which the applicant appears to be entitled to be made out and certified by the secretary to the Board, and delivered to the applicant, and any copy so made and certified as aforesaid shall have the effect of the original certificate.

And the Honorable Harry Sutherland Wightman Lawson, His Majesty's Minister of Labour for the State of Victoria, shall give the necessary directions herein accordingly.

F. W. MABBOTT,
Clerk of the Executive Council.