

Bill No. 82 of 1941.

A BILL RESPECTING WELDING

NOTE.

This Bill introduces a new Act to be known as *The Welding Act*.

Previously the administration of the law and regulations dealing with the trade of welding was carried on under *The Tradesmen's Qualification Act*. It has been deemed advisable to transfer this to the Department of Public Works. This new Act is designed to enable that Department to administer this Act.

The Lieutenant Governor in Council is given fairly wide powers with regard to the examination of welding workers and the issue of certificates of proficiency of varying standards. He also makes rules and regulations relating to inspection, approval and use of welding equipment and as to the safety measures which should be taken in connection therewith.

Inspectors may be appointed to enforce the provisions of this Act, who have certain powers of inspection.

Persons other than the holders of certificates of proficiency are prohibited from engaging in the trade of welding and penalties are introduced for violation of the Act.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 82 of 1941.

An Act respecting Welding.

(Assented to _____, 1941.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Welding Act, 1941.*"

2. In this Act unless the context otherwise requires,—

- (a) "Minister" means the Minister of Public Works;
- (b) "Welding equipment" includes plant machinery, equipment, appliances and devices of every kind and description which are used or intended to be used in the process of fusion welding, brazing and cutting of metals by the application of heat;
- (c) "Welding" means the joining together, or cutting apart of metals in the molten state without the use of pressure or blows.
- (d) "Subordinate" means a person who works under the orders or directions of another and is lower in rank or status.

3. The Minister of Public Works shall be charged with the administration of this Act.

4.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may from time to time by order, make rules and regulations,—

- (a) requiring the examination of welding workers;
- (b) appointing such examiners or boards of examiners consisting of such and so many persons as may be deemed advisable;
- (c) prescribing the nature, scope and extent of the examinations to be held and the conditions of admission to such examinations;
- (d) prescribing standards of proficiency to be attained by any person upon examination before the issuance to him of any certificate of proficiency as a welder under this Act;
- (e) providing for the issuance of certificates of proficiency which may be of one or more classes;

- (f) providing that specified certificates of proficiency issued by any person, body or authority shall be certificates of proficiency for the purposes of this Act;
- (g) providing for the forms of certificates of proficiency, applications therefor and of any other document used or required to be used pursuant to this Act;
- (h) prescribing the method of the installation, protection, use, maintenance, repair and extension of welding equipment;
- (i) providing for the inspection and approval of all or any specified welding equipment and prohibiting the use in Alberta of any such welding equipment until the same has been so inspected and approved;
- (j) prohibiting the advertising, display, offering for sale or other disposal, and the sale or other disposal, publicly or privately in Alberta of any specified welding equipment unless and until the same shall have been inspected and approved, and prescribing the precautions to be taken in the sale or other disposal of any such welding equipment, and the warnings and instructions to be given to purchasers and others by means of advertisements, circulars or otherwise in order to prevent the use thereof in such manner or under such conditions as may be likely to result in undue hazard to persons or property;
- (k) as to the manner in which and the times at which the inspection, removal, alteration, or repair of any welding equipment shall be carried out and the measures to be taken in relation thereto for the purpose of protecting the public or workmen or property against injury or damage by any welding equipment or by the installation, alteration, repair or operation thereof;
- (l) specifying hazardous welding operations and regulating or prohibiting the practice of such operations;
- (m) prescribing the fees to be paid for proficiency certificates, permits, inspections, tests and approvals of any welding equipment and of plans and specifications relating thereto, and as to the time and manner in which such fees shall be paid;
- (n) providing for the collection of the prescribed fees;
- (o) providing for the posting up of any or all regulations made pursuant to this section or of notices relating thereto, and the places and manner in which the same shall be posted up and the time or times during which the same shall be kept so posted up;

(p) as to any other matter or thing, the doing of which is permitted by this Act or which has for its object the avoidance of danger to life and property by reason of the installation, repair or use of any welding equipment or for which no specific provision is made by this Act for the purpose of carrying out the provisions of this Act according to the true intent thereof.

(2) All rules and regulations made pursuant to this section shall be published in *The Alberta Gazeete* and shall come into force upon such publication or at such later date as may be designated for that purpose.

(3) All such rules and regulations shall be laid upon the table of the House at the next ensuing session of the Legislative Assembly and shall, unless the same has been previously disapproved of, at the end of such session have the same force and validity as if the same had been expressly enacted as a part of this Act.

5. The Minister may with the approval of the Lieutenant Governor in Council appoint such inspectors, officers, clerks and servants as may be required for the administration of this Act and fix their remuneration and prescribe their duties.

6. In case any code of welding rules has been promulgated by any association or body of persons and is available in printed form, the Lieutenant Governor in Council may upon the recommendation of the Minister, declare any such code to be in force either in whole or in part or with such variations as may be specified in the order, and upon publication in *The Alberta Gazette* of any such order, the rules thereby declared to be in force subject to such variations as may be specified in the order, shall take effect and have the same force as if the same were rules and regulations made pursuant to this Act upon the date upon which the order is so published or upon such later date as may be designated for that purpose.

7. Every inspector appointed under the authority of this Act may at any reasonable hour, enter upon, pass over or through any land, building, or premises for the purpose of performing any duty assigned to him under the authority of this Act.

8. Nothing in this Act or in any of the rules or regulations, plans, specifications or orders issued under the authority of this Act shall render any inspector or other person whilst acting in pursuance of this Act or any rule or regulation, liable for any injury, loss or damage caused to any person or property by reason of any defect in any welding equipment or by reason of any order, or affect the liability of any municipal corporation or other corporation or any

other person for any injury, loss or damage so caused, notwithstanding any inspection or test made or any certificate or permit issued under the provisions of this Act or of any rule or regulation thereunder.

9. No person shall engage in the trade of welding who is not the holder of a valid certificate of proficiency under this Act.

10. No employer or other person shall authorize or order any employee or any subordinate who is not the holder of a valid certificate of proficiency to engage in or undertake any welding operation.

11.—(1) Every person who contravenes any provision of this Act or of any rule or regulation for the time being in force pursuant to any provision of this Act, shall be guilty of an offence and shall be liable on summary conviction therefor to a penalty of not more than ten dollars for each day during which such offence continues.

(2) Every municipality or other corporation and every other person who hinders, molests, disturbs or interferes with any inspector or other person in the performance of any duty or power imposed or conferred upon him by this Act, shall be guilty of an offence and shall be liable on summary conviction therefor to a penalty of not less than ten dollars and not more than fifty dollars.

12. Notwithstanding anything contained in this Act, all regulations made pursuant to *The Tradesmen's Qualification Act* shall continue in force as if the same were regulations made pursuant to this Act, until such time as the same are annulled or other rules or regulations are made pursuant to this Act in their stead.

13. Nothing in this Act shall prevent the owner of welding equipment from carrying out work on his own farm machinery and equipment outside of the corporate limits of any city, town, village or hamlet in the Province of Alberta.

14. This Act shall not apply to any case in which provision is made for certification or authorization of any person to engage in or follow the trade of welding by *The Boilers Act, 1929*, or *The Tradesmen's Qualification Act*.

15. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act respecting Welding.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. FALLOW.

EDMONTON:
A. Shultka, King's Printer
1941