



ANNO SEXAGESIMO TERTIO ET SEXAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1900.

No. 752.

An Act to amend the Law relating to Factories.

[*Assented to, December 5th, 1900.*]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as "The Factories Amendment Act, 1900," and, except so far as inconsistent therewith, shall be read as one with "The Factories Act, 1894," hereinafter sometimes called the principal Act.

Short title and incorporation.

The words "three calendar months," wherever the same appear in section 6 of the principal Act, are hereby repealed, and the words "twenty-one days" are inserted in lieu thereof, and the said section shall from and after the passing of this Act be read and construed accordingly.

2. The interpretation of "Factory" in "The Factories Act, 1894," is extended to include any manufactory, workshop, or workroom in which the owner employs anyone. Where the operations of any occupier of a factory are carried on in several adjacent buildings or rooms grouped together in one enclosure, such buildings and rooms shall be treated as one factory and registered as such.

Extension of interpretation of "Factory."

3. In this Act and the principal Act, unless some other meaning is clearly intended—

Interpretation.

"Apprentice" means any person under twenty-one years of age bound by indentures of apprenticeship or employed under a written agreement, signed by the employer on the one part, and

See Vict. Bill, 1899 sec. 4, sub-sec. (a).

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and such person and his parent or guardian on the other part, under which such employer agrees to employ such person, and such person agrees to work for such employer for not less than one year :

“ Chief Inspector ” means the Chief Inspector of Factories :

See Vict. Bill, sec. 4,
sub-sec. (b).

“ Improver ” means any person (other than an apprentice or person incapacitated by reason of old age or physical infirmity) who does not receive, and is not entitled to receive, a piece-work price or rate or a wages price or rate fixed by any Board for persons other than apprentices or persons so incapacitated as aforesaid :

“ Minister ” means the Minister of Industry :

“ This Act ” includes “ The Factories Act, 1894,” and this Act and regulations.

Extension of operation of Act.

4. The operation of this Act extends to all places within the boundaries of the Electoral Districts of North Adelaide, East Adelaide, West Adelaide, East Torrens, West Torrens, Sturt, and Port Adelaide, and also to all such places as may be from time to time defined by resolution of either House of Parliament duly carried and passed for that purpose, and thereupon the operation of this Act shall extend to all such places so defined as aforesaid : Provided that this Act shall not apply to agricultural or pastoral pursuits.

Notice closing factory.

5. Every occupier of a factory intending to close and cease to use it, shall give the inspector seven days' previous notice in writing of such intention.

Chief Inspector.

6. The Governor may appoint one of the inspectors of factories or any other person to be Chief Inspector of Factories.

Additional powers of inspectors.

7. In addition to the powers given to inspectors by the principal Act every inspector shall have power—

(a) To require the production of any book, notice, record, list, or document which is by this Act, or the regulations thereunder, required to be kept or exhibited in any factory, and to inspect, examine, and copy the same :

See Vict. Bill, 1899,
sec. 5.

(b) To require the production of, and to inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employé in any factory or workroom to which the determination of any Board applies.

In making any authorised entry, inspection, or examination any inspector may take with him any assistants authorised in writing by the Minister.

8. Every

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8. Every person who wilfully delays an inspector in the exercise of any power under this Act or who fails to produce any book, notice, record, list, or document which he is required to produce, or who directly or indirectly prevents any person from appearing before or being examined by an inspector, or attempts so to do, shall be deemed to have committed a breach of this Act.

Obstructing an inspector.

9. This Act is divided as follows:

Division of Act.

PART I.—Records and Notices.

PART II.—Boards.

PART III.—Machinery.

PART IV.—Supplementary.

PART I.

PART I.

RECORDS AND NOTICES.

10. (1) Every occupier of a factory shall keep—

Records and notices by occupier.

(a) A true record in such form and giving such particulars as may be prescribed of the names, work, and wages of the persons employed therein, and in addition the age of every such person who is under sixteen years of age:

See Vict. Act, 1445, sec. 12, sub-sec. 1.

(b) A detailed record of all fines levied upon his employés, and such records, together with the record mentioned in sub-section (a), shall be produced for inspection whenever demanded by the inspector:

Records to be produced.
See Vict. Act, 1445, sec. 12, sub-sec. 4.

(c) Affixed in legible characters in some conspicuous place at or near the entrance of the factory, and in such other parts as an inspector may from time to time direct, and in such a position as to be easily read by the persons employed in such factory, a notice or notices containing—

Information to be posted in factory or workroom.

i. The name and address of the inspector for the district:

See Vict. Act, 1445, sec. 12, sub-sec. 2.

ii. The holidays and the working hours of the factory:

iii. True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed or as may be directed by the Minister:

iv. The name of the occupier of such factory:

See Vict. Act, 1445, sec. 12, sub-sec. 3.

v. The determination of any Board as to prices and rates of payment while the same continue in force.

See Vict. Bill, 1899, sec. 16, sub-sec. 4.

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Penalty.

In the event of a breach of any of the provisions of this section, the occupier shall pay a penalty not exceeding Twenty Shillings for every day during the continuance of such breach.

Record of outside work done for certain factories to be kept.
See Vict. Act, 1445, sec. 13, sub-sec. 1.

11. (1) Every occupier of a factory for whom work is done elsewhere than in such factory shall keep a record, in such manner and containing such particulars as may be prescribed, of the description and quantity of such work, and of the name and address of the person by whom the same is done, and the prices paid in each instance for such work.

Inspectors may examine same.
See Vict. Act, 1445, sec. 13, sub-sec. 2.

(2) Such record shall be kept for the information of the inspectors, who alone shall be entitled to, and may at all reasonable hours, inspect and examine the same.

Copy of record to be supplied to Chief Inspector
(See Vict. Act, 1445, sec. 13, sub-sec. 3.)

(3) Every occupier of a factory shall forward such record to the Chief Inspector whenever demanded, in such form as may be prescribed.

and may be published by authority of Governor.

(4) The Chief Inspector shall publish in the *Government Gazette* for general information any such particulars contained in any such record, including the name and address of any such occupier, as the Governor may think necessary or desirable.

See Vict. Act, 1445, sec. 13, sub-secs. 4 and 5.

Limitation on publishing.
See Vict. Act, 1445, sec. 13, sub-sec. 5.

No such particulars shall be so published except in regard to some breach of this Act for which such occupier has been convicted.

Meaning of "occupier" in this section.
See Vict. Act, 1445, sec. 13, sub-sec. 6; N.Z. Act, 1894, sec. 23.

(5) Every person who issues or gives out, or authorises or permits to be issued or given out, any article or material whatsoever for the purpose of being wholly or partially prepared or manufactured outside a factory, for trade or for sale, shall be deemed to be the occupier of a factory for the purposes of this section.

Outside workers to register names and addresses.
See Vict. Act, 1445, sec. 14.

12. (1) Every person who outside a factory wholly or partly prepares or manufactures any article or material, for trade or sale shall, either personally or by written notice, register with the Chief Inspector his full name and address, and also from time to time in like manner register with the Chief Inspector any change in such address. Every such written notice shall be transmitted through the post free of postage if the envelope containing the same is marked with the words "*Factories Acts.*"

(2) Every person so registered shall answer all questions put to him by an inspector as to the person for whom the articles are being prepared or manufactured and the price or rate to be paid to him therefor.

(3) Every person guilty of a breach of sub-sections (1) or (2) of this section shall for every offence be liable to a penalty not exceeding Ten Shillings.

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BOARDS.

13. In order to facilitate the working of this Act, and also in order to determine the lowest price or rate which may be paid to any persons, or classes of persons, for wholly or partly preparing or manufacturing either inside or outside a factory any particular articles connected with, or to any persons, or classes of persons. employed in the manufacture of clothing, including white work, boots and shoes, furniture, or bread, and such other manufacture, process, trade, or business as may be from time to time fixed and determined by the resolution of Parliament, the Governor may, by Proclamation in the *Government Gazette*, direct the election of Boards consisting of not less than four or more than ten members and a chairman.

Power to appoint board to fix prices for certain work.

See Vict. Bill, 1899, sec. 16.

Of such members one-half shall be elected by and consist of registered employers, and one-half by and consist of registered employes. Lists of voters shall be prepared and the election and method of registration of voters shall be conducted in manner to be prescribed by regulations, which shall specify the time within which the election is to take place. Should no election take place within the time specified, the Governor may, by Proclamation in the *Government Gazette*, appoint such Board or Boards or such member or members of any Board as may be thought proper. A Judge of the Supreme Court or a Special Magistrate shall act as Chairman of the Board, and shall be appointed by the Governor.

Constitution of Board.

See Vict. Bill, 1899, sec. 16, sub-sec. 2.

Members of Boards shall hold office for twelve months only.

Term of office.

All powers of any Board may be exercised by a majority of the members thereof. In the event of equality of voting the chairman shall have a casting-vote.

Quorum.

See Vict. Bill, 1899, sec. 16, sub-sec. 3.

14. To aid the Board in facilitating the working of this Act each Board may, as regards the particular process, trade, or business in respect to which it shall have been appointed, issue any written directions to any inspector not inconsistent with this Act, which directions shall be obeyed by the inspector.

Inspectors subject to control of Boards.

15. In fixing the prices or rates the Board shall take into consideration the nature, kind, and class of the work, and the mode and manner in which the work is to be done, and the age and sex of the workers, and any matter which may from time to time be prescribed, or which the Board considers may affect such prices or rates. So far as regards any articles, process, trade, or business in respect to which any Board is appointed, every such Board shall determine and specify the lowest price or rate of payment payable to any persons, or classes of persons, employed in such process, trade, or business, or for wholly or partly preparing or manufacturing any such articles.

Board to determine lowest price or rate of payment.

See Vict. Bill, 1899, sec. 16, sub-sec. 1.

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Copy of determination to be given to outside workers.

16. A copy of such determination shall be given to every person who at any time after such determination is in force prepares or manufactures any such articles outside a factory by the person who directly or indirectly issues or gives out, or authorises or permits to be issued or given out, any material for the purpose of being prepared or manufactured outside a factory or workroom.

Outside work to be piece-work rate only.
See Vict. Bill, 1899, sec. 16, sub-sec. 5.

17. Such price or rate of payment shall, in the case of work to be done outside a factory, be fixed at a piece-work price or rate only for wholly or partly preparing or manufacturing articles of clothing, or wearing apparel, or boots or shoes; but, for every other kind of work it may be fixed at a piece-work price or rate or a wages price or rate, or both, as the Board thinks fit. The Board shall fix a wages rate for any work such as is done by persons operating at a machine used in any factory.

Price or rate as determined to remain in force until altered by a Board.
See Vict. Bill, 1899, sec. 16, sub-sec. 6.

18. Every determination of any Board shall be and remain in force from some date to be fixed by such Board (not being within fourteen days from the making of such determination) until altered or revoked by the determination of any Board.

Apprentices and improvers.
See Vict. Bill, 1899, sec. 16, sub-sec. 7.

19. When determining any price or rate of payment every Board shall also determine the number or proportionate number of apprentices and improvers who may be employed within any factory, and the lowest price or rate of pay payable to such apprentices or improvers when wholly or partly preparing or manufacturing any articles as to which any Board has made a determination, or when engaged in any process, trade, or business respecting which any Board has made a determination.

Special rates in special cases.

20. The Board may permit the employment at special rates of any persons who by reason of age or physical infirmity are unable to find employment at the general prices or rates fixed by the Board.

Penalty.
See Vict. Bill, 1899, sec. 16, sub-sec. 8.

21. Where a price or rate of payment for or the hours of labor of any persons or classes of persons employed in any process, trade, or business, or for wholly or partly preparing or manufacturing any articles as aforesaid, has been determined or limited by the Board and is in force, then any person who either directly or indirectly, or under any pretence or device, attempts to employ or employs or authorises or permits to be employed any person, apprentice, or improver in any process, trade, or business, or (other than persons coming within the operation of the last preceding section) in so preparing or manufacturing any such articles at a lower price or rate of wages or piece-work (as the case may be) than the price or rate so determined, or, who employs or attempts or permits or authorises to be employed any person for longer or different hours of labor than the hours determined or limited by the Board, or who attempts to employ or employs or authorises or permits to be employed any apprentice or improver in excess of the number or proportionate
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number determined by the Board, or who is guilty of a breach of any of the provisions of this part of this Act, shall, on conviction, pay a penalty for the first offence of not more than Ten Pounds, and for the second offence of not less than Five Pounds nor more than Twenty-five Pounds, and for a third or any subsequent offence of not less than Fifty Pounds nor more than One Hundred Pounds; and the registration of the factory or workroom of any person who is convicted under this section of a third offence shall, without further or other authority than this Act, be forthwith cancelled by the Chief Inspector: Provided that such cancellation may be annulled by the Board: Provided that in the event of any excess number of apprentices or improvers being unavoidable from causes such as slackness of trade or illness, then three months shall be allowed to adjust the proportion. And in like manner any determination of any Board limiting number of apprentices or improvers when first applied shall not come into force for six months from date of publication. This section shall not apply to any extra hours of work occasioned by urgent necessity or by breakdown of machinery if notice in writing of such urgent necessity or breakdown be sent to the Chief Inspector within forty-eight hours, such overtime to cease if so ordered by the Chief Inspector or by the Board.

22. The determination of any Board as regards prices or rates shall be signed by the chairman thereof and published in the *Government Gazette*, and shall apply to all places to which the determination may be expressly applied by the Governor by a notification published in the *Government Gazette*.

Publication of determination.

See Vict. Bill, 1899, sec. 16, sub-sec. 10.

23. The production before any Court, Judge, or Justices of a copy of the *Government Gazette* containing the determination of any Board shall be *prima facie* evidence of the due making and existence of such determination and of the due appointment of such Board, and of all preliminary steps necessary to the making of such determination.

Government Gazette to be *prima facie* evidence.

See Vict. Bill, 1899, sec. 16, sub-sec. 11.

24. When the Board enumerates several operations in the description of the work in any determination, and when any one or more of such operations is omitted by the direction or with the expressed or implied consent of the occupier of the factory or his manager, foreman, or agent, such omission shall not affect the price or rate to be paid in connection with the particular work; but such price or rate shall, unless otherwise provided in such determination, be that fixed as the price or rate for the whole work described.

Effect on piece-work rate of varying usual course.

See Vict. Bill, 1899, sec. 16, sub-sec. 12.

25. When in any determination any Board has fixed a wages rate only, then it shall not be lawful for any person to pay, or authorise, or permit to be paid therefor any piece-work rates, and the receipt and acceptance of any piece-work rate shall not be deemed to be payment or part payment of any such wages.

Piece-work rate not to be paid when only wages rate fixed.

See Vict. Bill, 1899, sec. 16, sub-sec. 13.

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Board may give opinion in certain cases.

See Vict. Bill, 1899, sec. 16, sub-sec. 15.

Manufacturer to fix piece-work rates on basis of wages rates.

See Vict. Bill, 1899, sec. 16, sub-sec. 16.

Lower rate not to be offered or paid.

See Vict. Bill, 1899, sec. 16, sub-sec. 7.

Onus of proof.

See Vict. Bill, 1899, sec. 16, sub-sec. 18.

Registration of places of trade to which determination of Board may apply.

See Vict. Bill, 1899, sec. 18.

Board to determine outside rates if directed by Governor.

See Vict. Bill, 1899, sec. 20.

Employés not to be paid in goods.

See Vict. Bill, 1899, sec. 21.

26. Any Board, instead of specifying the lowest piece-work prices or rates which may be paid for wholly or partly preparing or manufacturing any articles, may determine that piece-work prices or rates based on the wages rates fixed by such Board may be fixed and paid therefor, as provided in the next following section.

27. Any person who, pursuant to such determination, fixes and pays piece-work prices or rates shall base such piece-work prices or rates on the earnings of an average worker working under like conditions to those for which the piece-work prices or rates are fixed, and who is paid by time at the wages rates fixed by such Board, and shall, if required by the Chief Inspector so to do, forward a statement of such prices or rates to the Chief Inspector.

28. Any person who having fixed a piece-work price or rate, either directly or indirectly or by any pretence or device, pays or offers or permits any person to offer or attempts to pay any person a piece-work price or rate lower than the price or rate so fixed by him shall be deemed to be guilty of a contravention of this Act.

29. In proceedings against any person for a contravention of the provisions of sections 27 or 28 the onus of proof that any piece-work price or rate fixed or paid by such person is in accordance with the provisions of such section shall in all cases lie on the defendant.

30. The occupier of every place where a process, trade, or business to which the determination of any Board applies is carried on, and which is not registered as a factory, shall register with the Chief Inspector his full name, and the locality (giving the name of the street and the number, if any) of such place, and the provisions of Part I. of this Act shall apply to every such place, and to the occupier thereof, as if in such Part the word "factory" included a place where such process, trade, or business is carried on; and with regard to such place, and the occupier thereof, and his agents, servants, and employés, and the books, register, and documents therein, every inspector of factories shall have the like powers as such inspector would have had if such place had been a factory.

31. Where any persons or classes of persons are employed by any employer in preparing or manufacturing articles, the lowest prices or rates of payment for preparing or manufacturing which have been determined by a Board, then, if so directed by the Governor, any Board shall also determine the lowest prices or rates of payment which may be paid by any employer to such persons or classes of persons for wholly or partly preparing or manufacturing, either inside or outside a factory, any particular articles whatsoever.

32. Where a piece-work price or rate or a wages price or rate has been fixed by the determination of any Board for wholly or partly preparing or manufacturing, either inside or outside any factory, any articles, or for doing any work, no person shall, either directly or indirectly, require or compel any person affected by such determination

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determination to accept goods of any kind or description in lieu of money, or in payment or part payment for any work done or wages earned, and the receipt or acceptance of any goods shall not be deemed to be payment or part payment for any such work or for any such wages.

33. Where any employer employs any person who does any work for him for which a Board has determined the lowest price or rates, then such employer shall be liable to pay, and shall pay in full in money, without any deduction whatever, to such person the price or rate so determined; and such person may, within twelve months after such money became due, take proceedings in any Court of competent jurisdiction to recover from the employer the full amount, or any balance due in accordance with the determination, any smaller payment, or any express or implied agreement or contract to the contrary notwithstanding.

Prices and rates may be recovered, notwithstanding any agreement to the contrary.

See Vict. Bill, 1899, sec. 22.

34. The Governor may, by order published in the *Government Gazette*, direct that any Board may, in any regulation, determination, order, or instrument, or legal proceedings, be described for all purposes by some short title to be specified in such order.

Short title of Boards.

See Vict. Bill, 1899, sec. 23.

35. Any person who either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or who receives from any person any consideration, premium, or bonus for engaging or employing any female as an apprentice or improver in preparing or manufacturing articles for clothing or wearing apparel shall be guilty of an offence, and shall be liable on conviction to a penalty not exceeding Ten Pounds.

No premium to be paid for female apprentice.

See Vict. Bill, 1899, sec. 24.

36. When any Board has fixed a certain wages price or rate for a stated length of time each day, then the wages price or rate to be paid for any longer or shorter time worked shall be not less than a proportional amount of such price or rate.

Wages for longer or shorter time to be *pro rata*.

See Vict. Bill, 1899, sec. 27.

37. Where by any determination of a Board both a piece-work price or rate and a wages price or rate are fixed for any work the piece-work price or rate shall be based on the wages price or rate, but no determination shall be liable to be questioned or challenged on the ground that any piece-work price or rate is a greater or less amount than such price or rate would be if based upon the wages price or rate.

Piece-work rate to be based on wages rate.

See Vict. Bill, 1899, sec. 28.

38. No person whosoever, unless in receipt of a weekly wage of at least Four Shillings, shall be employed in any factory, or in wholly or partly preparing or manufacturing any article for trade or sale.

Minimum wage in factory or workroom.

See Vict. Act 1445, sec. 16.

No person shall pay or return to his employer, and no employer shall accept or receive back, any part of any weekly wage by way of premium or otherwise.

Premium forbidden

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PART III.

Traversing carriage of self-acting machine.

See N.S. Wales Act, No. 37, 1896, sec. 26.

Dangerous machinery to be fenced.

See N.S. Wales Act, No. 37, 1896, sec. 28.

See N.S. Wales Act, No. 37, 1896, sec. 28.

Inspector to be a certificated engineer.

Safeguards from machinery to be provided.

See N.S. Wales Act, No. 37, 1896, sec. 29.

See New Zealand Act, No. 31, 1894, sec. 27.

PART III.

MACHINERY.

39. The traversing carriage of any self-acting machine in any factory shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, 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 otherwise.

40. The occupier of a factory shall securely fence or safeguard all dangerous parts of the machinery therein, and with respect to such fencing or safeguarding the following provisions shall have effect:—

- I. Every hoist or teagle and every fly-wheel directly connected with the steam, gas, oil, electric, water, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, shall be securely fenced; and
- II. Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race; and
- III. Every part of the mill gearing 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 factory or workroom as it would be if it were securely fenced; and
- IV. All fencing and safeguards shall be constantly maintained in an efficient state while the parts required to be fenced or guarded are in motion or use for the purpose of any manufacturing process; and
- V. For the purpose of this section and of any provisions of this Act relating thereto “machinery” shall be deemed to include any driving strap, band, wire, rope, or cable of any kind.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

41. Every inspector under this part of this Act shall be a qualified mechanic.

42. If an inspector considers that in a factory any part of the machinery of any kind, moved by steam, oil, gas, electric, water, or other mechanical power, to which the provisions of this Act with respect to the fencing of machinery do not apply is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory—

- I. The inspector shall serve on the occupier of the factory a written notice to fence the machinery which he considers dangerous as aforesaid:

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11. If the occupier of a factory fails to comply within a reasonable time with the notice, or fails to keep the said machinery securely fenced in accordance therewith, or fails to constantly maintain such fencing in an efficient state while the machinery required to be fenced is in motion, the factory shall be deemed not to be kept in conformity with this Act.

43. When an inspector considers that in a factory a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory, or any stairway, staging, or other place, and near to or over or on which persons are liable to pass or to be employed, is so dangerous as to be likely to be a cause of bodily injury to any such person employed in the factory, he shall serve on the occupier of the factory a notice requiring him to fence or safeguard such vat, pan, structure, stairway, staging, or place.

Fencing of dangerous vats, structures, or places of which notice is given by an inspector.

See New Zealand Act, No. 31, 1894, sec. 27.

The provisions of this Act with respect to the fencing or safeguarding of machinery which an inspector considers not to be securely fenced or safeguarded, and to be dangerous, shall apply to such vat, pan, structure, stairway, staging, or place; and if the occupier of a factory fails constantly to maintain the fencing or safeguarding required by such notice in an efficient state the factory shall be deemed not to be kept in conformity with this Act.

44. The Minister may on complaint by an inspector, and on being satisfied that any machine used in a factory is in such a condition that it cannot be used without danger to life or limb, by order prohibit such machine from being used, or (if it is capable of repair or alteration) from being used until it is duly repaired or altered to the Minister's satisfaction on the report of the inspector. Any employer who disobeys such order shall for each offence be liable to a penalty not exceeding Ten Pounds for every day on which the machine is used in contravention of the order.

Dangerous machinery.

See N.S. Wales Act, No. 37, 1896, sec. 30.

The Governor may, by Proclamation in the *Government Gazette*, prohibit the employment in any factory of any person under the age of sixteen years at all or in any operations at or in connection with which any dangerous machinery is used.

45. (1) In every factory the opening of every hoistway, elevator, lift, well hole, or stairway shall at each floor be provided with and protected by good and sufficient trapdoors or self-closing hatches and safety catches, or by such other safeguards as the inspector may approve.

Hoists and lifts to be protected.

See N.S. Wales Act, No. 37, 1896, sec. 31.

(2) If an elevator or lift in a factory is considered by an inspector to be unsafe or dangerous to use, he may prohibit the occupier from using such elevator or lift until it is made safe to the inspector's satisfaction. Should any occupier use, or permit to be used, such elevator or lift at any time whilst its use is so prohibited, he shall be liable to a penalty of Twenty Shillings for each time such elevator or lift is so used.

Unsafe or dangerous elevator or lift.

See N.S. Wales Act, No. 37, 1896, sec. 31.

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PART III.

Management of elevators.
See N.S. Wales Act, No. 37, 1896, sec. 32.

Restriction on employment under certain age.

See N.S. Wales Act, No. 37, 1896, sec. 32.

46. No male under sixteen years of age nor any female shall be allowed to have the care, custody, management, or working of any elevator or lift in any factory.

47. No male under eighteen years of age nor any female shall be allowed—

(a) To clean such part of the machinery in a factory as is mill gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery; or

(b) To work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, gas, oil, electric, water, or other mechanical power.

Any occupier who allows any employé to act in contravention of this section shall be guilty of a breach of this Act.

Accidents in factories.

See N.S. Wales Act, No. 37, 1896, sec. 33.

48. Where there occurs in a factory any accident, which either—

(a) Causes loss of life to an employé in the factory; or

(b) Causes bodily injury to any employé in the factory:

Notice.

written notice of the accident shall forthwith be sent by the occupier to the nearest inspector, stating the cause of death or the nature and extent of the injury, as the case may be, and the residence of the person killed or injured, or the place to which he has been removed; and if the notice is not sent the occupier of the factory shall be liable to a penalty of not exceeding Five Pounds.

Inspector to inquire and report.

49. The inspector shall, immediately on receiving such notice, proceed to such factory and inquire into the cause of such accident, and may examine the occupier and all persons employed in such factory, and report the result thereof to the Minister.

Board may modify or annul terms.

50. The Board may, on the application of any employer affected, modify or annul the terms of any decision or notice given by any inspector under this part of this Act.

PART IV.

PART IV.

SUPPLEMENTARY.

Prevention of fire and construction of lavatories.

See N.S. Wales Act, No. 37, 1896, sec. 34, sub-sec. 2.

Penalty for not registering.

51. In every factory the occupier shall provide such means of extinguishing fire as the inspector may direct, and shall provide a sufficient number of lavatories for the separate use of each sex.

52. Any person occupying a factory or workroom not duly registered as in this Act provided shall be liable to a fine not exceeding Ten Pounds.

53. If

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53. If a woman or young person is employed by the same employer during the same week both in a factory and a shop the aggregate hours of employment of such woman or young person shall not exceed the number of hours mentioned in section 13 of the principal Act.

Hours of work where a woman is employed both in factory and shop.

54. The Minister may by notice in writing forbid the occupier of a factory where noxious trades are carried on to permit any employes therein to take their meals in any room while work is being carried on therein, and may by notice in writing direct an occupier to erect or provide a suitable room or place in the factory, or in connection therewith, for the purpose of a dining or eating room for employes in such factory.

Meals not to be taken in factories in certain cases.

See N.S. Wales Act, No. 37, 1896, sec. 22.

If the occupier fail to comply with such notice within a reasonable time the factory shall be deemed not to be kept in conformity with this Act.

55. The Minister may by notice in writing forbid the occupier of a factory to use any premises as a factory which in the opinion of the Chief Inspector are unsuitable for the purpose by reason of deficiency of light or ventilation, or by reason of structural defects or proximity to insanitary conditions.

Prohibition against using unsuitable premises.

If the occupier fail to comply with such notice within a reasonable time the factory shall be deemed not to be kept in conformity with this Act.

56. If a factory is not kept in conformity with this Act, or of the regulations thereunder, or if in any factory there is a breach of any of the provisions of this Act, or of the regulations thereunder, or if the occupier of a factory or other person fails to comply with any provision of this Act or with any order or request made by the Minister or an inspector in pursuance of this Act or regulations, the occupier or other person shall on conviction, if no other penalty is provided, be liable to a penalty not exceeding Ten Pounds. The Magistrate or Justices, in addition to or instead of inflicting a penalty, may order certain means to be adopted by the occupier within some time to be named in the order for the purpose of bringing his factory into conformity with this Act, and may upon application enlarge the time so named; and if after the expiration of the time originally named, or enlarged upon subsequent application, the order is not complied with, the occupier shall be liable to a penalty not exceeding One Pound for every day that such non-compliance continues.

Penalty for not keeping factory in conformity with this Act.

57. In all proceedings taken against any person for any breach of this Act, or of any regulations to be made thereunder, the following provisions shall have effect:—

Onus of proof.

1. The onus of proof that articles prepared or manufactured or made are not prepared or manufactured or made for sale shall in all cases be on the defendant :

See Vict. Bill, 1899, sec. 43.

11. In

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- ii. In any proceedings against any person for employing within any factory any apprentices or improvers in excess of the number or proportionate number, as determined by a Board, the onus of proof that the provisions of this Act and of such determination with regard to the number or proportionate number of apprentices or improvers or of apprentices and improvers (as the case may be) who may be employed within such factory have been complied with shall in all cases be on the defendant:
- iii. The onus of proof that the person named in a summons as an employé of the defendant in a certain capacity was not employed in the capacity named in such summons shall in all cases be on the defendant:
- iv. In any proceedings against the occupier of a factory for employing any person in excess of the hours of employment permitted by the principal Act, the contents of the notice affixed by the occupier containing the holidays and working hours of the factory shall be conclusive evidence of the facts therein stated.

Informations and regulations to be laid by Board.

58. All informations or proceedings for a breach of the provisions of Part II. of this Act, or any regulations thereunder, shall be laid or taken by or on behalf of the Board.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

TENNYSON, Governor.