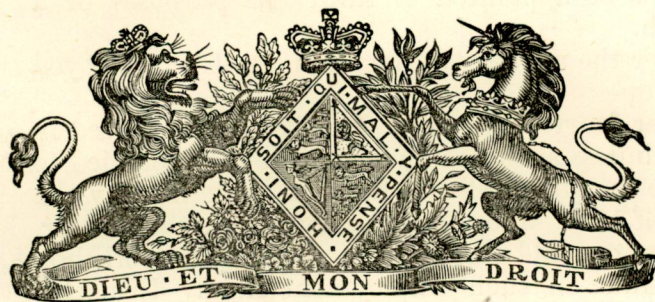


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 6 October, 1886. }*

F. W. WEBB,
Acting Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to provide for the regulation and supervision of Females Young Persons and Children employed in Factories and Workshops.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

5 1. The short title of this Act is the "Regulation of Factories and Workshops Act 1886." Title.

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

"Child" means a boy or girl under the age of fourteen years.

10 "Young Person" means a boy or girl between the ages of fourteen and eighteen years.

"Female" means any person of the female sex over the age of eighteen years.

"Parent" means parent guardian or person having the custody or control over or having direct benefit from the wages of a child or young person.

15 "Factory" or "Workshop" or "Workroom" means any factory workshop or workroom or other place of business or establishment where any female young person or child shall be employed

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- for hire or reward in preparing or manufacturing articles for trade or sale Wherever the context requires it the words factory workshop or workroom shall be equivalent and may be substituted for each other.
- 5 "Employ" applies to any manual labour exercised by way of trade or for purposes of gain in or incidental to the making altering repairing finishing or otherwise adapting any article by way of trade or for purposes of gain or for sale.
- 10 "Chief Inspector" means the chief inspector of factories workshops and workrooms appointed under this Act.
- "Inspector" means an inspector of factories workshops and workrooms and includes the chief inspector.
- 15 "Board" means the Board of Health appointed under forty-fifth Victoria number twenty-five or such other sanatory authority as may hereafter be appointed to fulfil the purposes of a Board of Health.
3. No person under the age of twelve years shall be employed in any factory or workshop. Limit of age of employment.
4. No person under fourteen years of age shall be employed in any factory or workshop unless such person has been duly certified to have been educated up to the standard of education prescribed by the "Public Instruction Act of 1880" and the regulations made thereunder. Persons under fourteen years of age.
5. No young person or child employed in a factory or workshop shall be allowed to continue in such employment if any Inspector under this Act considers such person unfit to be so employed unless a certificate in the form prescribed by the regulations under this Act from a legally qualified medical practitioner as to the fitness of such person to continue in such employment be obtained. Certificate of fitness for employment.
- 25 6. No boy under fourteen years of age and no girl under sixteen years of age shall work in any factory or workshop between the hours of six of the clock in the evening and six of the clock in the morning. Limitation of time of employment of young persons and children.
- 30 7. No person shall employ in any factory workshop or workroom any female young person or child for more than eight hours in any one day. Eight working hours only on each day.
- 35 8. Every female young person or child employed in any factory or workshop shall have holiday on Saturday afternoon from one of the clock and on Sunday and also on Christmas Day New Year's Day Good Friday Easter Monday and any other day set apart as a public holiday without loss of wages. Holidays.
- 40 9. In every factory the following provisions shall be in force—
- (I) A female young person or child shall not be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal. Time to be allowed for meals.
- 45 (II) A female young person or child shall not during any part of the time allowed for meals be employed in the factory or be allowed to remain in any room in which any employment within the meaning of this Act is being carried on either before or after working hours. Persons not to be employed during meal-times.
- 50 10. In every factory the children may be employed either in morning or afternoon sets or shifts or for the whole day on alternate days and the following provisions shall be observed—
- (I) Where the children are employed in morning or afternoon sets a child who on any day except Saturday is employed before noon shall not on the same day be employed after one of the clock in the afternoon or if the hour of dinner be before one of the clock after such hour of dinner. Children may be employed in sets or shifts or on alternate days.
- 55 (II) When the children are employed on alternate days a child may be employed during the same hours as young persons and females Provided that no child be employed in any
- 60 such manner on two successive days.

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11. Nothing in this Act shall be deemed or be taken to prevent—
- 5 (I) The employment of saleswomen in workshops being retail
places of business where goods are exposed for sale so long
as such places are open to the public but saleswomen or
others employed or retained for work after the closing of
such places of business to the public shall continue to be
under the operation of this Act Provided that the employ-
ment of females as saleswomen after the hours they have
10 been occupied in their employ under this Act and during
the hours when they are entitled to a holiday shall be
deemed to be a breach of this Act.
- (II) The employment of any female in any woollen cloth flannel
15 or hose factory in which machinery or appliances of any kind
are worked by steam water or other motive power during
such time or times in any one day not exceeding eight hours
in the whole as may be agreed upon between such female
and her employer Provided that no female shall be so
employed at any time before six of the clock in the morning
or after six of the clock in the evening.
- 20 12. In order to meet the exigencies of trade the Colonial
Secretary may from time to time suspend the operation of the pro-
visions of sections seven and eight of this Act in such factories or
workshops or workrooms to be specified in writing under his hand as
25 he after due inquiry may deem expedient upon such conditions and
for such period as he may consider requisite Provided that all such
exemptions shall be notified in the *Gazette* and in at least one news-
paper circulating in the district in which the factory is situated.
13. In each workroom or place in every factory in which any
female young person or child is employed there shall be posted in
30 a conspicuous place so as to be easily read a copy of this Act and of
the regulations made under its provisions as hereinafter provided
together with a written or printed list of all persons under eighteen
years of age employed in the factory with their ages and their specific
35 occupations as well as a written or printed notice specifying the hours
of employment in such factory and whether the employment in the
case of children is in morning and afternoon sets or shifts or on alter-
nate days together with the name and address of the inspector for the
district in which such factory or workshop is situated True copies of
40 all such notices shall be signed by the employer or his authorised
agent and shall be forwarded to the Inspector and a copy of such
notice shall be forwarded to the Inspector-General of Police in Sydney
or the chief officer of police in the city town or district within which
such factory shall be situated.
14. Every person—
- 45 (I) Occupying a factory or workshop or workroom at the time of
the passing of this Act shall within four weeks thereafter or
(II) Going into occupation of any factory or workroom after the
passing of this Act shall within four weeks of such going
into occupation or
50 (III) In occupation of any building or place which after the
passing of this Act becomes for the first time or after a period
of disuse again becomes a factory or workshop shall within
four weeks from the time when such building or place
becomes or again becomes a factory or workshop
55 shall serve on an inspector under this Act at his office a written notice
in such form as may be prescribed by regulations made under the
authority of this Act containing particulars of the name and descrip-
tion of the factory or workshop the place where it is situated the
nature of the work a description of the motive power (if any) therein
the
- Exemptions.
Saleswomen in retail
places of business.
- Females who may be
employed for eight
hours during the day.
- Colonial Secretary
may grant
exemptions.
- Notices to be posted
in each room of
factory and to be
sent to inspector.
- Registration of
factories or
workshops.

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the name of the firm under which the business of the factory or workshop is carried on and such other particulars as may be required by the regulations a default shall be deemed to be a breach of this Act. When all the requirements of this Act have been fulfilled the chief inspector or inspector shall issue under his hand a certificate of registration of such factory or workshop.

15. Every person who is in occupation of any building or place which after the passing of this Act is about to become for the first time or after a period of disuse is about again to become a factory or workshop where six or more persons are to be employed shall before the same is used as such forward to the officer of the Board a complete plan of such building or place together with particulars of the same to the satisfaction of the Board and such building or place shall not be registered as a factory or workshop until the Board has in writing approved of such building or place as suitable for a factory or workshop or workroom or has within thirty days after the receipt of such plan and particulars omitted to notify to such person any objection thereto.

New factories and workshops to be approved by the Board before being used.

16. With respect to the fencing of machinery in a factory or workshop the following provisions shall be carried out—

Fencing of certain machinery.

- (I) Every hoist or teagle near to which any person is liable to pass or to be employed and every 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 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 workshop as it would be if it were securely fenced and
- (IV) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process

Any contravention of these provisions shall be deemed to be a breach of this Act.

17. Where an inspector considers that in a factory or workshop any part of the machinery of any kind moved by steam 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 or workshop the following provisions shall apply to the fencing of such machinery—

Fencing of other dangerous machinery of which notice is given by inspector.

- (I) The inspector shall serve on the occupier of the factory or workroom a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous.
- (II) The occupier within seven days after the receipt of the notice may serve on the inspector a requisition to refer the matter to arbitration and thereupon the matter shall be so referred under regulations to be made in that behalf.
- (III) If the arbitrators or their umpire decide that it is unnecessary to fence the machinery alleged in the notice to be dangerous the notice shall be cancelled and the occupier shall not be required to fence in pursuance thereof and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act.
- (IV) If the occupier does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator in accordance with the regulations

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regulations under this Act or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous the occupier shall securely fence the said machinery in accordance with the notice or with the award of the arbitrators or umpire if it modifies the notice and the expenses of the arbitration shall be paid by the occupier and shall be recovered from him by the inspector as provided by law.

(v) When the occupier of a factory or workshop fails to comply within a reasonable time with the requirements as aforesaid as to securely fencing the said machinery in accordance with the notice or award or fails to keep the said machinery securely fenced in accordance therewith or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process such failure shall be deemed a breach of this Act.

(vi) For the purpose of this section and of any of the provisions of this Act relating thereto "machinery" shall be deemed to include any driving strap or band.

18. Where an inspector considers that in a factory or workshop a vat pan or other structure which is used in the process or handicraft carried out in such factory or workshop and near to or over which children or young persons are liable to pass or to be employed is so dangerous by reason of its being filled with hot liquid or molten metal or otherwise as to be likely to be a cause of bodily injury to any such person employed in the factory or workroom he shall serve on the occupier of the factory or workroom a notice requiring him to fence such vat pan or other structure. The provisions with respect to the fencing of machinery in an insecure or dangerous condition shall be applicable to the vat pan or other structure so employed and if the occupier of a factory or workroom fails constantly to maintain the fencing required for the prevention of danger he shall be guilty of a breach of this Act.

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

19. Where an inspector discovers in a factory or workshop any grindstone worked by steam water or other mechanical power to be faulty in itself or fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using it he shall serve a notice on the occupier of the factory or workshop requiring him to replace such faulty grindstone or to properly fix the grindstone fixed in such faulty manner. With necessary modifications the provisions above made with regard to the fencing of machinery which an inspector considers insecure and dangerous shall be applicable to grindstones and when the occupier of a factory or workroom fails to keep such grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous he shall be guilty of a breach of this Act.

Fixing of grindstones securely and replacing of faulty grindstones where notice is given by inspector.

20. No female young person or child shall be allowed to clean such part of the machinery in a factory or workroom as is mill gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery or be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam water or other mechanical power.

Restriction in cleaning of machinery while in motion or working between parts of self-acting machinery.

21. Where there occurs in a factory or workshop any accident which either—

Notice of accidents causing death or bodily injury.

- (I) Causes loss of life to a person employed in the factory or workshop or
- (II) Causes bodily injury to a person employed in the factory or workshop and is produced either by machinery moved by steam water or other mechanical power or through a vat pan or other

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other structure filled with hot liquid or molten metal or other substance or by explosion or by escape of gas steam or metal and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop
 5 within forty-eight hours after the occurrence of the accident written notice of the accident shall forthwith be sent to the inspector for the district stating the residence of the person killed or injured or the place to which he may have been removed.

22. It shall be lawful for the Governor to appoint a chief Appointment of inspectors. 1
 10 inspector of factories and workshops and such other inspectors as may from time to time be necessary to carry out the provisions of this Act.

23. Any inspector authorized by the Board of Health or other Duties of inspectors.
 general sanatory authority duly appointed for that purpose may enter and inspect any factory or workshop at any time and require the
 15 production of the registers certificates notices and documents kept in pursuance of this Act and the regulations made thereunder and may inspect examine and copy the same and may exercise such other powers as may be necessary for carrying this Act into effect The occupier of every factory his agents and servants shall furnish the means required
 20 by an inspector as necessary for an entry examination inspection inquiry or the exercise of his powers in relation to such factory Every person who refuses prevents or wilfully delays the entry of an inspector into a factory or in any way obstructs an inspector in the exercise of any power under this Act or who conceals or prevents a female young
 25 person or child from appearing before or being examined by an inspector shall be guilty of a breach of this Act Provided always that no one shall be required to answer any question or give any evidence tending to criminate himself Provided also that every inspector shall be furnished with a certificate of his appointment and on applying for
 30 admission to a factory or workshop or workroom shall if required produce to the occupier such a certificate.

24. An inspector for the purposes of this Act may take with Inspector may take Inspector of Nuisances into factory.
 him into a factory or workshop or workroom any inspector of nuisances or other officer of the Board for the purpose of inspecting the sanatory
 35 conditions of any such factory workshop or workroom.

25. The chief inspector shall prepare an annual report for Annual report of chief inspector.
 the Colonial Secretary to be laid before Parliament giving information as to the number of persons engaged in working in factories and workshops throughout New South Wales classifying them according
 40 to their age sex earnings and wages their hours of employment together with such other particulars as may be necessary to provide a general and comprehensive history of the course and conditions of national trade.

26. It shall be lawful for the Governor to frame regulations Regulations.
 45 from time to time—

- (I) Prescribing the maximum number of persons to be employed in any one room in any factory or workshop.
- (II) Providing for the regulation of the warmth the ventilation and the cleanliness of any factory workshop or workroom.
- 50 (III) Providing for the prevention of accidents and the general safety of those employed in factories and workshops.
- (IV) Prescribing the mode of arbitration in all disputes regarding the fencing or secure condition of machinery or any vat pan or other similar structure.
- 55 (V) Providing for the supply of proper sanatory requirements and conveniences.
- (VI) Providing for the separation of the sexes when necessary.
- (VII) Providing for the determination of the fitness of any female young person or child for the employment engaged in.

(VIII)

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(VIII) Prescribing the form of all certificates notices attested returns and other documents provided for in this Act.

(IX) And generally for carrying out the purposes of this Act in all matters of detail whatsoever.

5 27. All such regulations upon publication in the *Gazette* shall have the full force of law and shall be laid before Parliament within fourteen days after the making thereof if Parliament be then in Session and if not within fourteen days after the commencement of the then next ensuing Session of Parliament. Regulations to be published in *Gazette*.

10 28. Any person who shall commit a breach of this Act shall be liable for each offence to a penalty not exceeding twenty pounds nor less than one pound to be recovered in a summary manner or to imprisonment for a term not exceeding three months with or without hard labour. Penalties.

15 29. The parent of a child or young person if such child or young person is employed in a factory or workshop or workroom contrary to the provisions of this Act shall be liable to a fine not exceeding one pound for each offence unless it can be shown that such offence was committed without the consent connivance or wilful default of such parent. Parent liable for child employed contrary to Act.

20 30. The following provisions shall have effect in proceedings for breaches of this Act— Limitation of time and general provisions as to proceedings.

(I) The information shall be laid within two months after the commission of the offence.

25 (II) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act without more.

(III) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier of the factory or workshop is usually known. 30

(IV) A conviction or order made in any matter arising under this Act either originally or on appeal shall not be quashed for want of form.

35 (V) Any person aggrieved by conviction under this Act may appeal therefrom to the Court of General Sessions appointed to be holden in the district where the cause of complaint arose.

