Legislative Council.

51° VICTORIÆ, 1888.

A BILL

To provide for the regulation of Factories and Workshops, and for the supervision of Females, Young Persons, and Children employed therein.

[DR. RENWICK ;—14 *March*, 1888.]

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 :— Preamble.

1. The short title of this Act is the "Factories and Workshops Regulation Act, 1888." Short title.

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

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

"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.

"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 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.

"Employ" includes and 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. 5

"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.

"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. 10

"Minister" shall mean the responsible Minister of the Crown for the time being administering this Act. 15

Limit of age of employment.

3. No person under the age of twelve years shall be employed in any factory.

Persons under fourteen years of age.

4. No person under fourteen years of age shall be employed in any factory 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," or who shall be exempted in accordance with the provisions of the said Act and the regulations made thereunder. 20

Certificate of fitness for employment.

5. No young person or child employed in a factory 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. 25

Limitation of time of employment of young persons and children.

6. No boy under fourteen years of age and no girl under sixteen years of age shall work in any factory between the hours of six of the clock in the evening and six of the clock in the morning. 30

Forty-eight working hours only in each week.

7. No person shall employ in any factory, workshop, or workroom any female, young person, or child for more than forty-eight hours in any one week.

Holidays.

8. Every female, young person, or child employed in any factory shall have holiday— 35

(I) On Sunday.

(II) Without loss of wages on New Year's Day, Good Friday, Easter Monday, Christmas Day, and any other day set apart as a public holiday by the Governor, and on Saturday afternoon from one of the clock. 40

Time to be allowed for meals.

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 five hours without an interval of at least half an hour for a meal. 45

Persons not to be employed during meal-times.

(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. 50

Children may be employed in sets or shifts or on alternate days.

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. 55

(II)

(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 such manner on two successive days.

11. Nothing in this Act shall be deemed or be taken to prevent— Exemptions.

(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 employment of females as saleswomen after the hours they have 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. Saleswomen in retail places of business.

(II) The employment of any female in any woollen, cloth, flannel, 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. Females who may be employed for eight hours during the day.

12. In order to meet the emergencies of trade the Minister may from time to time suspend the operation of the provisions of sections seven and eight of this Act in such factories or workshops or workrooms to be specified in writing under his hand as 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 newspaper circulating in the district in which the factory is situated. Minister may grant exemptions.

13. In each workroom or place in every factory in which any female, young person, or child, is employed there shall be posted in 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 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 alternate days, together with the name and address of the inspector for the district in which such factory or workshop is situated. True copies of all such notices shall be signed by the employer or his authorized 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. Notices to be posted in each room of factory and to be sent to inspector.

14. Every person— Registration of factories or workshops.

(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

(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

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

authority of this Act containing particulars of the name and description 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 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.

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

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 shall before the same is used as such forward to 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.

Fencing of certain machinery.

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

(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.

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

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—

(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 or impossible 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

or does not appoint an arbitrator in accordance with the 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.

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

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 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 fails constantly to maintain the fencing required for the prevention of danger 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.

19. Where an inspector discovers in a factory 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.

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

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.

Notice of accidents causing death or bodily injury.

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

(i) Causes loss of life to a person employed in the factory or

(ii) Causes bodily injury to a person employed in the factory, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal, or other

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 within forty-eight hours after the occurrence of the accident, written notice of the accident shall as soon as practicable 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.

Appointment of inspectors.

22. It shall be lawful for the Governor to appoint a chief 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.

Duties of inspectors.

23. Any inspector may enter and inspect any factory or workshop at any time, and require the 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 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 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 admission to a factory shall, if required, produce to the occupier such certificate.

Inspector may take Inspector of Nuisances into factory.

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

Annual report of chief inspector.

25. The chief inspector shall prepare an annual report for the Minister 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 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. Such report shall not refer by name to any particular occupier of a factory or workroom, or be so framed as to lead to the identification of any such occupier.

Record of outside work done for factories to be kept for statistical purposes.

26. Every occupier of a factory or workroom who has work done for the purposes of his factory elsewhere than in such factory shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quantity of the work done outside of such factory, and of the name and address of the person by whom the same is done. Such record shall be kept for the information of the inspector who alone shall be entitled to inspect the same and who may at all reasonable hours inspect the same. No inspector shall divulge the contents of any such record, except to the Minister or the officers of his department, nor shall he make use of the knowledge of the contents thereof, except for the purpose of the compilation of general statistical information as required by this Act, or for the purposes of enforcing the provisions of this Act.

School attendance officer may enter factory.

27. Any school attendance officer appointed under the provisions of the Public Instruction Act may enter any factory for the purpose of determining whether any person employed in such factory is so employed in contravention of the provisions of this Act.

28.

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

(I) Prescribing the maximum number of persons to be employed in any one room in any factory.

(II) Providing for the regulation of the warmth, the ventilation, and the cleanliness of any factory, workshop, or workroom.

(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.

(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) 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.

29. 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*.

30. Every offence against the provisions of this Act shall be reported to the Minister, who may if he think fit direct proceedings to be taken against the offender. Proceedings against offenders to be directed by Minister.

31. 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.

32. In any proceedings under this Act when a child or young person is in the opinion of the Court apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age. Proof of age.

33. The parent of a child or young person employed in a factory contrary to the provisions of this Act shall be liable, 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.

34. 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.

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

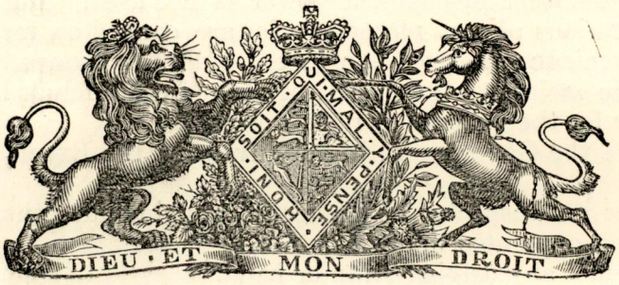
(III) It shall be sufficient to state the name of the ostensible occupier of the factory or the title of the firm by which the occupier of the factory is usually known.

(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.

(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.

Sydney: Charles Potter, Government Printer.—1888.

[6*d*.]



This Public Bill *originated in the* Legislative Council, *and, having this day passed, is now ready for presentation to the* Legislative Assembly *for its concurrence.*

Legislative Council Chamber,
Sydney, 18th July, 1888.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. .

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

Preamble. 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 :—

Short title. 1. The short title of this Act is the "Factories and Workshops Regulation Act, 1888."

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

"Board" means the Board of Health appointed under forty-fifth Victoria number twenty-five, or such other sanitary authority as may hereafter be appointed to fulfil the purposes of a Board of Health.

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

"Young person" means a boy between the ages of fourteen and sixteen, or a girl between the ages of fourteen and eighteen years.

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

"Employ" includes and applies to any manual labour exercised by way of trade or for purposes of gain in or incidental to the making, altering, finishing, or otherwise adapting any article by way of trade or for purposes of gain or for sale.

"Factory" means and includes any factory, workshop, or workroom, any office, building, or place, in which six or more persons are engaged directly or indirectly in working for hire or reward in any handicraft, or in preparing or manufacturing articles for trade or sale, and includes any factory, workshop, or workroom, and any office, building, or place, in which steam or other mechanical power is used, but shall not include any dwelling, office, building, or place, in which the persons engaged in working are shown to the satisfaction of the Inspector to be all members of the same family, nearly related the one to the other by blood or marriage; and in which steam or other mechanical power is not used. But when the operations of any manufactories are carried on for safety or convenience in several adjacent buildings grouped together in one enclosure, these shall be classed and included as one factory for the purpose of registration.

"Governor" means the Governor with the advice of the Executive Council.

"Inspector" means an Inspector of Factories, and includes the Chief Inspector appointed under this Act.

"Machinery" includes any driving-strap or band.

"Minister" means the responsible Minister of the Crown for the time being administering this Act.

Limit of age of employment.

3. No person under the age of twelve years shall be employed in any factory.

Persons under fourteen years of age.

4. No person under fourteen years of age shall be employed in any factory 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," or who shall be exempted in accordance with the provisions of the said Act and the regulations made thereunder.

Certificate of fitness for employment.

5. No young person or child employed in a factory 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.

Limitation of time of employment of young persons and children.

6. No boy under fourteen years of age and no girl under sixteen years of age shall work in any factory between the hours of six of the clock in the evening and six of the clock in the morning.

Forty-eight working hours only in each week.

7. No person shall employ in any factory any young person, or child for more than forty-eight hours in any one week.

Time to be allowed for meals.

8. 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 five hours without an interval of at least half an hour for a meal.

Persons not to be employed during meal-times.

(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.

Children may be employed in sets or shifts or on alternate days.

9. 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.

(II)

(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 such manner on two successive days.

Exemptions.

10. Nothing in this Act shall be deemed or be taken to prevent—

Saleswomen in retail places of business.

(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 employment of females as saleswomen after the hours they have 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.

Females who may be employed for eight hours during the day.

(II) The employment of any female in any woollen, cloth, flannel, 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.

Notices to be posted in each room of factory and to be sent to inspector.

11. In every factory there shall be posted in 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 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 alternate days, together with the name and address of the inspector in the district in which such factory or workshop is situated. True copies of all such notices shall be signed by the employer or his authorized 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.

Registration of factories.

12. Every person—

(I) Occupying a factory at the time of the passing of this Act shall within four weeks thereafter, or

(II) Going into occupation of any factory after the passing of this Act shall within four weeks of such going into occupation, or

(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 shall within four weeks from the time when such building or place becomes or again becomes a factory

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 description of the factory, the place where it is situated, the nature of the work, a description of the motive power (if any) therein, the name of the firm under which the business of the factory 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 inspector shall issue under his hand a certificate of registration of such factory.

13. 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 shall before the same is used as such forward to 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 until the Board has in writing approved of such building or place as suitable for a factory or has within thirty days after the receipt of such plan and particulars omitted to notify to such person any objection thereto.

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

14. With respect to the fencing of machinery in a factory 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 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.

15. Where an inspector considers that in a factory 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 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 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 or impossible 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 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 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.

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

16. Where an inspector considers that in a factory a vat, pan, or other structure which is used in the process or handicraft carried out in such factory 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 child or person employed in the factory, he shall serve on the occupier of the factory 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 fails constantly to maintain the fencing required for the prevention of danger 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.

17. Where an inspector discovers in a factory 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 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 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.

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

18. No female, young person, or child shall be allowed 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 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.

Notice of accidents causing death or bodily injury.

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

(i) Causes loss of life to a person employed in the factory or

(ii) Causes bodily injury to a person employed in the factory, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or 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 within forty-eight hours after the occurrence of the accident,

written notice of the accident shall as soon as practicable be sent to an inspector stating the residence of the person killed or injured or the place to which he may have been removed.

Appointment of inspectors.

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

Duties of inspector

21. Any inspector may enter and inspect any factory at any time, and require the production of the registers, certificates, notices, and documents kept in pursuance of this Act and the regulations

made

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 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 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 admission to a factory shall, if required, produce to the occupier such certificate.

Inspector may take Inspector of Nuisances into factory.

22. An inspector for the purposes of this Act may take with him into a factory any inspector of nuisances or officer of the Board for the purpose of inspecting the sanitary conditions of any such factory.

Annual report of chief inspector.

23. The chief inspector shall prepare an annual report for the Minister to be laid before Parliament, giving information as to the number of persons engaged in working in factories throughout New South Wales, classifying them according 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. Such report shall not refer by name to any particular occupier of a factory, or be so framed as to lead to the identification of any such occupier.

Record of outside work done for factories to be kept for statistical purposes.

24. Every occupier of a factory who has work done for the purposes of his factory elsewhere than in such factory shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quantity of the work done outside of such factory, and of the name and address of the person by whom the same is done. Such record shall be kept for the information of an inspector who alone shall be entitled to inspect the same and who may at all reasonable hours inspect the same. No inspector shall divulge the contents of any such record, except to the Minister or the officers of his department, nor shall he make use of the knowledge of the contents thereof, except for the purpose of the compilation of general statistical information as required by this Act.

School attendance officer may enter factory.

25. Any school attendance officer appointed under the provisions of the Public Instruction Act may enter any factory for the purpose of determining whether any person employed in such factory is so employed in contravention of the provisions of this Act.

Regulations.

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

(I) Prescribing the maximum number of persons to be employed in any one room in any factory.

(II) Providing for the regulation of the warmth, the ventilation, and the cleanliness of any factory.

(III) Providing for the prevention of accidents and the general safety of those employed in factories.

(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.

(V) Providing for the supply of proper sanitary requirements and conveniences.

(VI) Providing for the separation of the sexes when necessary.

(VII)

(VII) Providing for the determination of the fitness of any female, young person, or child for the employment engaged in.

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

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

Regulations to be published in *Gazette*.

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 10 Session, and if not within fourteen days after the commencement of the then next ensuing Session of Parliament.

Proceedings against offenders to be directed by Minister.

28. Every offence against the provisions of this Act shall be reported to the Minister, who may if he think fit direct proceedings to be taken against the offender.

Penalties.

15 29. 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 before a Stipendiary or Police Magistrate or any two Justices of the Peace, or to be imprisoned by the order of a Stipendiary or Police Magistrate 20 or any two Justices of the Peace for a term not exceeding three months with or without hard labour.

Proof of age.

30. In any proceedings under this Act when a child or young person is in the opinion of the adjudicating Justices apparently of the age alleged by the informant, it shall lie on the defendant to prove 25 that the child or young person is not of that age.

Parent liable for child employed contrary to Act.

31. The parent of a child or young person employed in a factory contrary to the provisions of this Act shall be liable in respect thereof, unless it can be shown that such offence was committed without the consent, connivance, or wilful default of such parent.

Limitation of time and general provisions as to proceedings.

30 32. The following provisions shall have effect in proceedings for breaches of this Act—

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

(II) It shall be sufficient to allege that a factory is a factory 35 within the meaning of this Act.

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

(IV) A conviction or order made in any matter arising under this 40 Act either originally or on appeal shall not be quashed for want of form.

(V) Any person aggrieved by conviction or order under this Act may appeal therefrom to the Court of General Sessions appointed to be holden in the district where the offence was 45 committed.

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