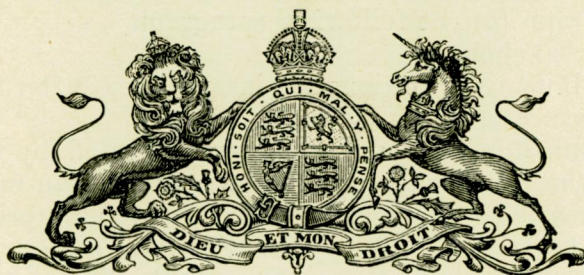


New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. 28, 1909.

An Act to amend the Factories and Shops Act of 1896; and for other purposes. [Assented to, 29th December, 1909.]

BE it enacted by the King'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:—

1. This Act may be cited as the "Factories and Shops (Amendment) Act, 1909," and shall be construed with the Factories and Shops Act of 1896, hereinafter referred to as the Principal Act.

2. Section two of the Principal Act is amended—

Short title.

(a) by inserting before the definition of "child" the following:—

"Bakehouse" means any place in which any bread, pastry, sweetmeats, or sugar goods are made or baked for sale, and includes any place or room used in connection with the bakehouse for storing such food when baked or to be baked, or any material to be used for the manufacture of such food to be baked.

(b)

Factories and Shops (Amendment).

- (b) Paragraph (a) of the definition of "factory" is amended by omitting the word "bakehouses."
- (c) Paragraph (b) in the definition of "factory" is omitted, and the following substituted :—
 - (b) any office, building, or place in which one or more Chinese are so engaged.
- (d) Paragraph (c) of the same definition is amended by inserting after "transit" the words "or in generating electricity, water power, or any other power."
- (e) The same definition is further amended by inserting after paragraph (c) the following paragraph :—
 - (d) any bakehouse.
- (f) The following definitions are inserted next after the definition of "inspector" :—
 - "Mechanical power" means power generated by water, steam, gas, oil, electricity, or any power other than manual power.
 - "Mill-gearing" includes any shaft, whether upright, oblique, or horizontal, and any wheel, drum, pulley, belt, rope, or chain by which the motion of the first moving power is communicated to the operative part of any machine.
- (g) The following is inserted at the end of the definition of "occupier" :—"For the purposes of any structural alteration or building additions required by this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop."

41 and 42 Vic.,
c. 16, s. 96.

Amendment of s. 6.

3. Section six of the said Act is amended—

- (a) by omitting subsection one;
- (b) in subsection two by omitting "any tenement" and inserting "or about to occupy any premises"; by inserting after "so used" the words "or again used"; by omitting "shall register the building" and inserting "may register the premises";
- (c) by omitting the last paragraph of subsection two from "any occupier" to the end of the subsection.
- (d) by adding the following new subsection at the end of the section :—

(III) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister.

Factories and Shops (Amendment).

4. The following new sections are inserted next after section New ss. 6A and 6B. six of the said Act :—

6A. Any person in occupation of an unregistered factory within a district to which at the time of such occupation the provisions of this Act have for a period of at least twenty-eight days been applied shall be liable to a penalty not exceeding ten pounds unless he proves that he had duly applied within the prescribed time for the registration of the factory, and had taken all proper measures to obtain the registration of the factory and that such application had not been refused, or that he is the holder of a permit under this Act authorising him to occupy the factory. Penalty for occupation of unregistered factory.

6B. (1) If, in the opinion of an inspector, any office, building, or place used or about to be used as a factory, is unfit for such purpose, he shall, by notice in writing served on the occupier or the applicant for registration of the factory, personally or posted to his last known address, request such occupier or applicant to comply with such requirements specified in such notice as he may deem necessary to render such office, building, or place fit for occupation as a factory. Notification by inspector of defects in building.

(2) If the occupier or applicant is dissatisfied with the requirements of the said notice, he may, within seven days of service of such notice, appeal to the Minister in writing in the form prescribed, stating what amendments in the said requirements he desires should be made. Appeal to Minister.

(3) The Minister may forthwith determine the appeal, or may appoint a competent person to hold an investigation in such manner and under such conditions as the Minister may approve as to the necessity for, or reasonableness of, the inspector's requirements, and to report to him and make a recommendation as to whether such requirements, or any one or portion of any one of them, should be carried into effect. Determination of appeal.

(4) The Minister shall make such order as he deems just and necessary, and his decision shall be final. Order by Minister on appeal.

(5) Where an inspector reports that in his opinion no requirements that may be specified will, by reason of structural difficulties, sanitary defects, or otherwise, fit any office, building, or place, for use as a factory, he shall so report to the Minister, and the Minister may thereupon take such action as hereinbefore referred to, and make an order forbidding the use of the said office, building, or place as a factory or such other order as he may think fit. Order by Minister forbidding use of factory.

5. (1) Paragraph (ii) of section seven of the said Act is amended by inserting after "nuisances" the words "or any person whom he may think qualified to act as an interpreter." Amendment of s. 7. Act No. 1975 (Vict.), s. 16 (11).

(2) Paragraph (v) of the same section is amended by inserting the following at the end thereof:— Ibid. s. 17 (3).

"Provided that no person shall be required to answer any question, if the answer to such question might incriminate him."

(3)

Factories and Shops (Amendment).

(3) The following paragraph is inserted next after paragraph (v) aforesaid :—

(v A) subject to this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any employee while employed in a factory or shop.

Amendment of s. 12.

6. Section twelve of the said Act is amended by omitting "eighteen" and inserting the words "twenty-one."

Amendment of s. 24.

7. Section twenty-four of the said Act is amended in subsection one by inserting after "his" the words "factory or."

New section 24A.

8. The following new section is inserted next after section twenty-four of the said Act :—

Dressing-rooms for females.

Queensland, 64 Vic. No. 28, s. 32.

24A. Where, in the opinion of the Minister, a change of the dress of any females employed in a factory or shop is rendered necessary by the work to be done, or is desirable for the comfort of such employees, the occupier of such factory or shop shall, at the request in writing of the Minister on or before the date fixed in such request, provide suitable dressing-rooms for such employees, under a penalty not exceeding one pound for each day such room is not provided after the day fixed for so doing.

Sections substituted for section 25.

9. Section twenty-five of the said Act is omitted, and the following sections are substituted in its place :—

Avoidance of infection.

Ibid., s. 34.

58 and 59 Vic. c. 37, s. 6.

25. Every occupier of a factory or shop who causes or permits wearing apparel to be made, cleaned, or repaired in, or issues any materials from, any building, whether a factory or not, in which any person is suffering from a disease declared by or under any law relating to Public Health to be an infectious disease, shall be liable to a penalty not exceeding twenty pounds, unless he proves that he was not aware of the existence of the disease in the building and could not reasonably have been expected to become aware of it.

Premises in connection with factory to be open to inspection.

25A. Where in connection with any factory any employees are lodged in any premises in the possession of the occupier of the factory, whether attached to or detached from such factory, all such premises shall be open to inspection by an inspector, and in respect thereof he may exercise all the powers as to sanitary requirements which he is entitled to exercise in respect of the factory.

Nuisances, &c., punishable under other Acts to be notified.

25B. Where it appears to an inspector that any act, neglect, or default in relation to any drain, water-closet, privy, ashpit, water-supply, nuisance, or other matter in, about, or in the vicinity of a factory, is punishable, or that the consequences of such act, neglect, or default, are remediable, under any law relating to the public health or any other law, but not under this Act, such inspector shall give notice in writing to the authority generally administering the Act

Factories and Shops (Amendment).

Act or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

10. (1) Paragraph (1) of section twenty-eight of the said Act is amended by inserting after "steam-engine" the words "or other engine used for generating mechanical power." Amendment of s. 28.

(2) Paragraph (III) of the same section is amended by inserting after "mill-gearing" the words "and every cog-wheel."

11. Section thirty of the said Act is amended by inserting after "machine," wherever occurring in the section, the words "or mill-gearing." Amendment of s. 30.

12. Subsection three of section thirty-four of the said Act is repealed, and the following is inserted:— Section 34.
New subsection (3).

(3) Every factory in which persons are employed above the first floor shall, in addition to the usual fire escapes, distinct from the stairs in ordinary use, be provided, on each floor above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient. All such means to be approved in writing by the chief officer of fire brigades, or any officer of fire brigades appointed by him in that behalf. Means of escape from fire.

13. The following section is inserted next after section thirty-five of the said Act:— New section 35A.

35A. The Minister may, by order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such order as dangerous, of males under the age of sixteen years or of females in any work in which he considers it undesirable that they should be employed. Employment of women and young persons may be prohibited in certain cases.

Where in any factory there is a contravention of any such order, the occupier of the factory, who has been served with a copy of such order, shall be deemed to be guilty of an offence against this Act.

14. Section thirty-seven of the said Act is amended by adding the following subsections at the end thereof:— Amendment of s. 37.
New subsections.

(2) Notice of having availed himself of the proviso to subsection one of this section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within forty-eight hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was bona fide for the purpose of meeting the exigencies of trade. Notice of overtime working.
Act No. 1975 (Vict.), s. 40 (2) (c).

Factories and Shops (Amendment).

Record of overtime.

See Act No. 1975
(Vict.), s. 40 (2) (d).

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso.

Working must be to
meet exigencies of
trade.*Ibid.* (g).

(4) If the Minister is not satisfied that such working was bona fide for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier; and unless the occupier, within one month from such notice, proves to the satisfaction of the Minister that such working was bona fide for such purpose, the Minister shall direct that a record be made that the working was not bona fide for such purpose.

Occupier debarred
from using proviso.*Ibid.* (b).

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the Minister.

Penalty.

Ibid. (3).

(6) If any person contravenes any provision of this section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds.

Amendment of s. 40.

15. Section forty of the said Act is amended by omitting the words "under eighteen years of age," and by substituting the word "six" for the word "seven."

New section 42A.

16. The following section is inserted next after section forty-two of the said Act:—

Hours of employ-
ment in Chinese and
certain other
factories.*Ibid.* s. 42 (1).

42A. (1) In any factory where any Chinese works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work on any day before half-past seven o'clock in the morning or after six o'clock in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever; and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping place.

Penalty.

Ibid. (2).

(2) If any person offends against any of the provisions of this section, he shall for each and every day in which he offends be liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds; and the registration of a factory, the occupier of which is convicted under this section of a third offence, shall be forthwith cancelled by the Minister.

Evidence.

Ibid. (3).

(3) In any prosecution for an offence against this section, evidence—

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and (b)

Factories and Shops (Amendment).

(b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,
shall be prima facie proof that the provisions of this section have been contravened by the defendant.

(4) In order to meet the exigencies of trade, the Minister may, subject to the conditions and restrictions imposed in section thirty-seven, suspend the operation of this section relating to the working hours in any one or more factories for any period not exceeding two months.

Suspension of operation of section. Act No. 1975 (Vict.), s. 40 (4).

17. Section forty-five of the said Act is amended by adding the following subsection:—

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the Minister, shall be prima facie evidence of such authority without proof of the Minister's signature.

18. The following section is added at the end of the said Act:—

Additional regulations by the Governor.

56. The Governor may also make regulations—

- (a) to provide for the increase or reduction of the temperature of any rooms in a factory or shop;
- (b) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken;
- (c) to require the adequate lighting of any factory or portion thereof;
- (d) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed;
- (e) to prescribe the material of the flooring and ceiling of factories;
- (f) to prescribe the dimensions of dressing rooms in factories or shops;
- (g) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation;
- (h) prescribing that separate closet accommodation for members of each sex employed in a factory or shop and who are not all members of the same family shall be provided;
- (i) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops;
- (j) to compel the supply of sufficient cold drinking water for the use of such employees;
- (k) to compel the fencing of stairways, tanks, vats, and grind-stones in factories;
- (l)

Factories and Shops (Amendment).

- (l) extending the provisions of section twenty-two of this Act so as to apply to shops or any specified classes of shops ;
- (m) extending the provisions of subsection one of section thirty-four of this Act, so as to apply to shops or to any specified classes of shops ;
- (n) regulating the construction of doors of exit in any specified classes of shops, and providing for uninterrupted exit by such doors during working hours ;
- (o) imposing any penalty not exceeding twenty pounds for the breach of any regulation made under this section :

Provided that the Minister by notification in the Gazette may exempt any shops or classes of shops from any regulations made under paragraph (h) or paragraph (l) of this section, and may amend or revoke any such notification.

[6d.]

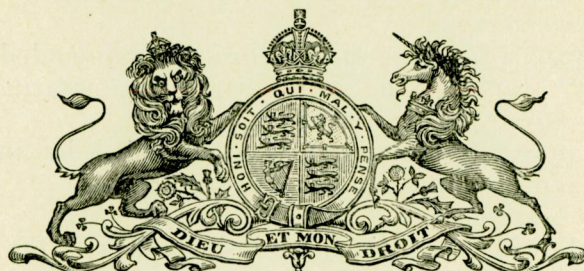
By Authority : WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1910.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 8 December, 1909.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. 28, 1909.

An Act to amend the Factories and Shops Act of 1896; and for other purposes. [Assented to, 29th December, 1909.]

BE it enacted by the King'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:—

1. This Act may be cited as the "Factories and Shops (Amendment) Act, 1909," and shall be construed with the Factories and Shops Act of 1896, hereinafter referred to as the Principal Act.

2. Section two of the Principal Act is amended—

Amendment of s. 2.

(a) by inserting before the definition of "child" the following:—

"Bakehouse" means any place in which any bread, pastry, sweetmeats, or sugar goods are made or baked for sale, and includes any place or room used in connection with the bakehouse for storing such food when baked or to be baked, or any material to be used for the manufacture of such food to be baked.

(b)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.

Factories and Shops (Amendment).

- (b) Paragraph (a) of the definition of "factory" is amended by omitting the word "bakehouses."
- (c) Paragraph (b) in the definition of "factory" is omitted, and the following substituted:—
 - (b) any office, building, or place in which one or more Chinese are so engaged.
- (d) Paragraph (c) of the same definition is amended by inserting after "transit" the words "or in generating electricity, water power, or any other power."
- (e) The same definition is further amended by inserting after paragraph (c) the following paragraph:—
 - (d) any bakehouse.
- (f) The following definitions are inserted next after the definition of "inspector":—
 - "Mechanical power" means power generated by water, steam, gas, oil, electricity, or any power other than manual power.
 - "Mill-gearing" includes any shaft, whether upright, oblique, or horizontal, and any wheel, drum, pulley, belt, rope, or chain by which the motion of the first moving power is communicated to the operative part of any machine.
- (g) The following is inserted at the end of the definition of "occupier":—"For the purposes of any structural alteration or building additions required by this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop."

41 and 42 Vic.,
c. 16, s. 96.

Amendment of s. 6.

3. Section six of the said Act is amended—

- (a) by omitting subsection one;
- (b) in subsection two by omitting "any tenement" and inserting "or about to occupy any premises"; by inserting after "so used" the words "or again used"; by omitting "shall register the building" and inserting "may register the premises";
- (c) by omitting the last paragraph of subsection two from "any occupier" to the end of the subsection.
- (d) by adding the following new subsection at the end of the section:—

(III) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister.

Factories and Shops (Amendment).

4. The following new sections are inserted next after section New ss. 6A and 6B. six of the said Act :—

6A. Any person in occupation of an unregistered factory within a district to which at the time of such occupation the provisions of this Act have for a period of at least twenty-eight days been applied shall be liable to a penalty not exceeding ten pounds unless he proves that he had duly applied within the prescribed time for the registration of the factory, and had taken all proper measures to obtain the registration of the factory and that such application had not been refused, or that he is the holder of a permit under this Act authorising him to occupy the factory. Penalty for occupation of unregistered factory.

6B. (1) If, in the opinion of an inspector, any office, building, or place used or about to be used as a factory, is unfit for such purpose, he shall, by notice in writing served on the occupier or the applicant for registration of the factory, personally or posted to his last known address, request such occupier or applicant to comply with such requirements specified in such notice as he may deem necessary to render such office, building, or place fit for occupation as a factory. Notification by inspector of defects in building.

(2) If the occupier or applicant is dissatisfied with the requirements of the said notice, he may, within seven days of service of such notice, appeal to the Minister in writing in the form prescribed, stating what amendments in the said requirements he desires should be made. Appeal to Minister.

(3) The Minister may forthwith determine the appeal, or may appoint a competent person to hold an investigation in such manner and under such conditions as the Minister may approve as to the necessity for, or reasonableness of, the inspector's requirements, and to report to him and make a recommendation as to whether such requirements, or any one or portion of any one of them, should be carried into effect. Determination of appeal.

(4) The Minister shall make such order as he deems just and necessary, and his decision shall be final. Order by Minister on appeal.

(5) Where an inspector reports that in his opinion no requirements that may be specified will, by reason of structural difficulties, sanitary defects, or otherwise, fit any office, building, or place, for use as a factory, he shall so report to the Minister, and the Minister may thereupon take such action as hereinbefore referred to, and make an order forbidding the use of the said office, building, or place as a factory or such other order as he may think fit. Order by Minister forbidding use of factory.

5. (1) Paragraph (II) of section seven of the said Act is amended by inserting after "nuisances" the words "or any person whom he may think qualified to act as an interpreter." Amendment of s. 7. Act No. 1975 (Vict.), s. 16 (11).

(2) Paragraph (v) of the same section is amended by inserting the following at the end thereof:— Ibid. s. 17 (3).

"Provided that no person shall be required to answer any question, if the answer to such question might incriminate him."

(3)

Factories and Shops (Amendment).

(3) The following paragraph is inserted next after paragraph (v) aforesaid:—

(v A) subject to this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any employee while employed in a factory or shop.

Amendment of s. 12.

6. Section twelve of the said Act is amended by omitting "eighteen" and inserting the words "twenty-one."

Amendment of s. 24.

7. Section twenty-four of the said Act is amended in subsection one by inserting after "his" the words "factory or."

New section 24A.

8. The following new section is inserted next after section twenty-four of the said Act:—

Dressing-rooms for females.

Queensland, 64 Vic. No. 28, s. 32.

24A. Where, in the opinion of the Minister, a change of the dress of any females employed in a factory or shop is rendered necessary by the work to be done, or is desirable for the comfort of such employees, the occupier of such factory or shop shall, at the request in writing of the Minister on or before the date fixed in such request, provide suitable dressing-rooms for such employees, under a penalty not exceeding one pound for each day such room is not provided after the day fixed for so doing.

Sections substituted for section 25.

9. Section twenty-five of the said Act is omitted, and the following sections are substituted in its place:—

Avoidance of infection.

Ibid., s. 34.

58 and 59 Vic. c. 37, s. 6.

25. Every occupier of a factory or shop who causes or permits wearing apparel to be made, cleaned, or repaired in, or issues any materials from, any building, whether a factory or not, in which any person is suffering from a disease declared by or under any law relating to Public Health to be an infectious disease, shall be liable to a penalty not exceeding twenty pounds, unless he proves that he was not aware of the existence of the disease in the building and could not reasonably have been expected to become aware of it.

Premises in connection with factory to be open to inspection.

25A. Where in connection with any factory any employees are lodged in any premises in the possession of the occupier of the factory, whether attached to or detached from such factory, all such premises shall be open to inspection by an inspector, and in respect thereof he may exercise all the powers as to sanitary requirements which he is entitled to exercise in respect of the factory.

Nuisances, &c., punishable under other Acts to be notified.

25B. Where it appears to an inspector that any act, neglect, or default in relation to any drain, water-closet, privy, ashpit, water-supply, nuisance, or other matter in, about, or in the vicinity of a factory, is punishable, or that the consequences of such act, neglect, or default, are remediable, under any law relating to the public health or any other law, but not under this Act, such inspector shall give notice in writing to the authority generally administering the

Act

Factories and Shops (Amendment).

Act or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

10. (1) Paragraph (I) of section twenty-eight of the said Act is amended by inserting after "steam-engine" the words "or other engine used for generating mechanical power." Amendment of s. 28.

(2) Paragraph (III) of the same section is amended by inserting after "mill-gearing" the words "and every cog-wheel."

11. Section thirty of the said Act is amended by inserting after "machine," wherever occurring in the section, the words "or mill-gearing." Amendment of s. 30.

12. Subsection three of section thirty-four of the said Act is repealed, and the following is inserted:— Section 34.
New subsection (3).

(3) Every factory in which persons are employed above the first floor shall, in addition to the usual fire escapes, distinct from the stairs in ordinary use, be provided, on each floor above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient. All such means to be approved in writing by the chief officer of fire brigades, or any officer of fire brigades appointed by him in that behalf. Means of escape from fire.

13. The following section is inserted next after section thirty-five of the said Act:— New section 35A.

35A. The Minister may, by order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such order as dangerous, of males under the age of sixteen years or of females in any work in which he considers it undesirable that they should be employed. Employment of women and young persons may be prohibited in certain cases.

Where in any factory there is a contravention of any such order, the occupier of the factory, who has been served with a copy of such order, shall be deemed to be guilty of an offence against this Act.

14. Section thirty-seven of the said Act is amended by adding the following subsections at the end thereof:— Amendment of s. 37.
New subsections.

(2) Notice of having availed himself of the proviso to subsection one of this section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within forty-eight hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was bona fide for the purpose of meeting the exigencies of trade. Notice of overtime working.
Act No. 1975 (Vict.), s. 40 (2) (c).

Factories and Shops (Amendment).

Record of overtime.
See *Ibid.* (d).

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso.

Working must be to
meet exigencies of
trade.
Ibid. (g).

(4) If the Minister is not satisfied that such working was bona fide for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier; and unless the occupier, within one month from such notice, proves to the satisfaction of the Minister that such working was bona fide for such purpose, the Minister shall direct that a record be made that the working was not bona fide for such purpose.

Occupier debarred
from using proviso.
Act No. 1975 (Vict.),
s. 40 (2) (b).

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the Minister.

Penalty.
Ibid. (3).

(6) If any person contravenes any provision of this section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds.

Amendment of s. 40.

15. Section forty of the said Act is amended by omitting the words "under eighteen years of age," and by substituting the word "six" for the word "seven."

New section 42A.

16. The following section is inserted next after section forty-two of the said Act:—

Hours of employ-
ment in Chinese and
certain other
factories.
Ibid. s. 42 (1).

42A. (1) In any factory where any Chinese works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work on any day before half-past seven o'clock in the morning or after six o'clock in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever; and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping place.

Penalty.
Ibid. (2).

(2) If any person offends against any of the provisions of this section, he shall for each and every day in which he offends be liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds; and the registration of a factory, the occupier of which is convicted under this section of a third offence, shall be forthwith cancelled by the Minister.

Evidence.
Ibid. (3).

(3) In any prosecution for an offence against this section, evidence—

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and (b)

Factories and Shops (Amendment).

(b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,
shall be prima facie proof that the provisions of this section have been contravened by the defendant.

(4) In order to meet the exigencies of trade, the Minister may, subject to the conditions and restrictions imposed in section thirty-seven, suspend the operation of this section relating to the working hours in any one or more factories for any period not exceeding two months. Suspension of operation of section. Ibid. (4).

17. Section forty-five of the said Act is amended by adding the following subsection :— Amendment of s. 45.

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the Minister, shall be prima facie evidence of such authority without proof of the Minister's signature.

18. The following section is added at the end of the said Act :— Additional regulations by the Governor.

56. The Governor may also make regulations—

- (a) to provide for the increase or reduction of the temperature of any rooms in a factory or shop ;
- (b) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken ;
- (c) to require the adequate lighting of any factory or portion thereof ;
- (d) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed ;
- (e) to prescribe the material of the flooring and ceiling of factories ;
- (f) to prescribe the dimensions of dressing rooms in factories or shops ;
- (g) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation ;
- (h) prescribing that separate closet accommodation for members of each sex employed in a factory or shop and who are not all members of the same family shall be provided ;
- (i) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops ;
- (j) to compel the supply of sufficient cold drinking water for the use of such employees ;
- (k) to compel the fencing of stairways, tanks, vats, and grindstones in factories ;
- (l)

Act No. 28, 1909.

Factories and Shops (Amendment).

- (l) extending the provisions of section twenty-two of this Act so as to apply to shops or any specified classes of shops ;
- (m) extending the provisions of subsection one of section thirty-four of this Act, so as to apply to shops or to any specified classes of shops ;
- (n) regulating the construction of doors of exit in any specified classes of shops, and providing for uninterrupted exit by such doors during working hours ;
- (o) imposing any penalty not exceeding twenty pounds for the breach of any regulation made under this section :

Provided that the Minister by notification in the Gazette may exempt any shops or classes of shops from any regulations made under paragraph (h) or paragraph (l) of this section, and may amend or revoke any such notification.

In the name and on behalf of His Majesty I assent to this Act.

*State Government House,
Sydney, 29th December, 1909.*

G. B. SIMPSON,
Administrator.

10

FACTORIES AND SHOPS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 3rd December, 1909.

- Page 1, clause 2, line 10. Omit "includes" insert "**means**"
- Page 1, clause 2, line 12. After "and" insert "**includes**"
- Page 2, clause 2. Before paragraph (b c) insert new paragraph (b)
- Page 2, clause 2, line 5. Omit "laundry"
- Page 2, clause 2, line 6. Omit "Asiatics" insert "**Chinese**"
- Page 2, clause 2. After paragraph (e d) insert new paragraph (e)
- Page 5, clause 12, line 16. Omit "on or"
- Page 5, clause 12, line 18. Omit "on or"
- Page 5, clause 12, line 23. Omit "the Government Architect and"
- Page 5, clause 12, lines 24 and 25. Omit "or other competent person"
- Page 6, clause 15. At end of clause add "**and by substituting the word 'six' for**
"the word 'seven' ""
- Page 6, clause 16, line 25. Omit "Asiatic" insert "**Chinese**"
- Page 6, clause 16, line 29. Omit "five" insert "**six**"

THE HOUSE OF REPRESENTATIVES

REPORT OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 12, 1870

AND

REPORT OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

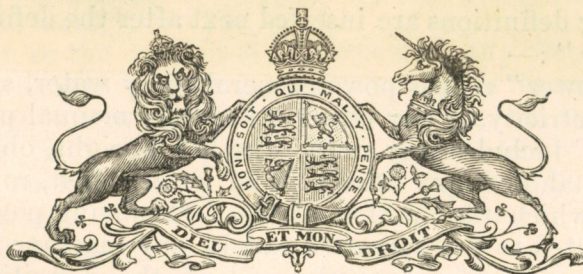
PASSED MAY 12, 1870

*Legislative Assembly Chamber,
Sydney, 11 November, 1909.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 3rd December, 1909.*

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

* * * * *

Act No. , 1909.

An Act to amend the Factories and Shops Act of 1896; and
for other purposes.

BE it enacted by the King'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. This Act may be cited as the "Factories and Shops ^{Short title.} (Amendment) Act, 1909," and shall be construed with the Factories and Shops Act of 1896, hereinafter referred to as the Principal Act.

2. Section two of the Principal Act is amended—

Amendment of s. 2.

(a) by inserting before the definition of "child" the following :—
 10 "Bakchouse" includes means any place in which any bread,
 pastry, sweetmeats, or sugar goods are made or baked for
 sale, and includes any place or room used in connection
 with the bakchouse for storing such food when baked or
 15 to be baked, or any material to be used for the manufacture
 of such food to be baked.

6—

(b)

49949

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Factories and Shops (Amendment).

- (b) Paragraph (a) of the definition of "factory" is amended by omitting the word "bakehouses."
- (b c) Paragraph (b) in the definition of "factory" is omitted, and the following substituted :—
- 5 (b) any laundry, office, building, or place in which one or more Asiatics Chinese are so engaged.
- (e d) Paragraph (c) of the same definition is amended by inserting after "transit" the words "or in generating electricity, water power, or any other power."
- 10 (e) Any bakehouse.
- (d f) The following definitions are inserted next after the definition of "inspector" :—
- "Mechanical power" means power generated by water, steam, gas, oil, electricity, or any power other than manual power.
- 15 "Mill-gearing" includes any shaft, whether upright, oblique, 41 and 42 Vic., or horizontal, and any wheel, drum, pulley, belt, rope, or c. 16, s. 96. chain by which the motion of the first moving power is communicated to the operative part of any machine.
- (e g) The following is inserted at the end of the definition of "occupier" :—"For the purposes of any structural alteration or building additions required by this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop."
- 20 3. Section six of the said Act is amended—
- (a) by omitting subsection one;
- (b) in subsection two by omitting "any tenement" and inserting "or about to occupy any premises"; by inserting after "so used" the words "or again used"; by omitting "shall register the building" and inserting "may register the premises";
- 35 (c) by omitting the last paragraph of subsection two from "any occupier" to the end of the subsection.
- (d) by adding the following new subsection at the end of the section :—
- 40 (III) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required
- 45 in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister. 4.

(e) The same definition is further amended by inserting after paragraph (c) the following paragraph (d)

Factories and Shops (Amendment).

4. The following new sections are inserted next after section New ss. 6A and 6B. six of the said Act :—

6A. Any person in occupation of an unregistered factory within a district to which at the time of such occupation the provisions of this Act have for a period of at least twenty-eight days been applied shall be liable to a penalty not exceeding ten pounds unless he proves that he had duly applied within the prescribed time for the registration of the factory, and had taken all proper measures to obtain the registration of the factory and that such application had not been refused, or that he is the holder of a permit under this Act authorising him to occupy the factory.

Penalty for occupation of unregistered factory.

6B. (1) If, in the opinion of an inspector, any office, building, or place used or about to be used as a factory, is unfit for such purpose, he shall, by notice in writing served on the occupier or the applicant for registration of the factory, personally or posted to his last known address, request such occupier or applicant to comply with such requirements specified in such notice as he may deem necessary to render such office, building, or place fit for occupation as a factory.

Notification by inspector of defects in building.

(2) If the occupier or applicant is dissatisfied with the requirements of the said notice, he may, within seven days of service of such notice, appeal to the Minister in writing in the form prescribed, stating what amendments in the said requirements he desires should be made.

Appeal to Minister.

(3) The Minister may forthwith determine the appeal, or may appoint a competent person to hold an investigation in such manner and under such conditions as the Minister may approve as to the necessity for, or reasonableness of, the inspector's requirements, and to report to him and make a recommendation as to whether such requirements, or any one or portion of any one of them, should be carried into effect.

Determination of appeal.

(4) The Minister shall make such order as he deems just and necessary, and his decision shall be final.

Order by Minister on appeal.

(5) Where an inspector reports that in his opinion no requirements that may be specified will, by reason of structural difficulties, sanitary defects, or otherwise, fit any office, building, or place, for use as a factory, he shall so report to the Minister, and the Minister may thereupon take such action as hereinbefore referred to, and make an order forbidding the use of the said office, building, or place as a factory or such other order as he may think fit.

Order by Minister forbidding use of factory.

5. (1) Paragraph (II) of section seven of the said Act is amended by inserting after "nuisances" the words "or any person whom he may think qualified to act as an interpreter."

Amendment of s. 7.

Act No. 1975 (Vict.), s. 16 (11).

(2) Paragraph (v) of the same section is amended by inserting the following at the end thereof:—

Ibid. s. 17 (3).

"Provided that no person shall be required to answer any question, if the answer to such question might incriminate him."

(3)

Factories and Shops (Amendment).

(3) The following paragraph is inserted next after paragraph (v) aforesaid :—

5 (v A) subject to this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any employee while employed in a factory or shop.

10 6. Section twelve of the said Act is amended by omitting "eighteen" and inserting the words "twenty-one." Amendment of s. 12.

7. Section twenty-four of the said Act is amended in subsection one by inserting after "his" the words "factory or." Amendment of s. 24.

8. The following new section is inserted next after section twenty-four of the said Act :— New section 24A.

15 24A. Where, in the opinion of the Minister, a change of the dress of any females employed in a factory or shop is rendered necessary by the work to be done, or is desirable for the comfort of such employees, the occupier of such factory or shop shall, at the request in writing of the Minister on or before the date fixed in such request, provide suitable dressing-rooms for such employees, under a penalty not exceeding one pound for each day such room is not provided after the day fixed for so doing. Dressing-rooms for females. Queensland, 64 Vic. No. 28, s. 32.

9. Section twenty-five of the said Act is omitted, and the following sections are substituted in its place :— Sections substituted for section 25.

25. Every occupier of a factory or shop who causes or permits wearing apparel to be made, cleaned, or repaired in, or issues any materials from, any building, whether a factory or not, in which any person is suffering from a disease declared by or under any law relating to Public Health to be an infectious disease, shall be liable to a penalty not exceeding twenty pounds, unless he proves that he was not aware of the existence of the disease in the building and could not reasonably have been expected to become aware of it. Avoidance of infection. Ibid., s. 34. 58 and 59 Vic. c. 37, s. 6.

25A. Where in connection with any factory any employees are lodged in any premises in the possession of the occupier of the factory, whether attached to or detached from such factory, all such premises shall be open to inspection by an inspector, and in respect thereof he may exercise all the powers as to sanitary requirements which he is entitled to exercise in respect of the factory. Premises in connection with factory to be open to inspection.

25B. Where it appears to an inspector that any act, neglect, or default in relation to any drain, water-closet, privy, ashpit, water-supply, nuisance, or other matter in, about, or in the vicinity of a factory, is punishable, or that the consequences of such act, neglect, or default, are remediable, under any law relating to the public health or any other law, but not under this Act, such inspector shall give notice in writing to the authority generally administering the Act Nuisances, &c., punishable under other Acts to be notified.

Act

Factories and Shops (Amendment).

Act or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

10. (1) Paragraph (1) of section twenty-eight of the said Act is amended by inserting after "steam-engine" the words "or other engine used for generating mechanical power." Amendment of s. 28.

(2) Paragraph (III) of the same section is amended by inserting after "mill-gearing" the words "and every cog-wheel."

11. Section thirty of the said Act is amended by inserting after "machine," wherever occurring in the section, the words "or mill-gearing." Amendment of s. 30.

12. Subsection three of section thirty-four of the said Act is repealed, and the following is inserted:— Section 34.
New subsection (3).

(3) Every factory in which persons are employed ~~on or~~ above the first floor shall, in addition to the usual fire escapes, distinct from the stairs in ordinary use, be provided, on each floor ~~on or~~ above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient. All such means to be approved in writing by ~~the Government Architect and~~ the chief officer of fire brigades or any officer of fire brigades ~~or other~~ competent person appointed by him in that behalf. Means of escape
from fire.

13. The following section is inserted next after section thirty-five of the said Act:— New section 35A.

35A. The Minister may, by order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such order as dangerous, of males under the age of sixteen years or of females in any work in which he considers it undesirable that they should be employed. Employment of
women and young
persons may be
prohibited in certain
cases.

Where in any factory there is a contravention of any such order, the occupier of the factory, who has been served with a copy of such order, shall be deemed to be guilty of an offence against this Act.

14. Section thirty-seven of the said Act is amended by adding the following subsections at the end thereof:— Amendment of s. 37.
New subsections.

(2) Notice of having availed himself of the proviso to subsection one of this section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within forty-eight hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was bona fide for the purpose of meeting the exigencies of trade. Notice of overtime
working.
Act No. 1975 (Vict.),
s. 40 (2) (c).

Factories and Shops (Amendment).

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso. Record of overtime. See *Ibid.* (d).

5 (4) If the Minister is not satisfied that such working was bona fide for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier; and unless the occupier, within one month from such notice, proves to the satisfaction of the Minister that such working was bona fide for such purpose, the Minister shall direct that a record be made that
10 the working was not bona fide for such purpose. Working must be to meet exigencies of trade. *Ibid.* (g).

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the
15 Minister. Occupier debarred from using proviso. Act No. 1975 (Vict.), s. 40 (2) (b).

(6) If any person contravenes any provision of this section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds. Penalty. *Ibid.* (3).

20 15. Section forty of the said Act is amended by omitting the words "under eighteen years of age," and by substituting the word "six" for the word "seven." Amendment of s. 40.

16. The following section is inserted next after section forty-two of the said Act:— New section 42A.

25 42A. (1) In any factory where any Asiatic Chinese works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work on any day before half-past seven o'clock in the morning or after five six o'clock
30 in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever; and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping place. Hours of employment in Asiatic Chinese and certain other factories. *Ibid.* s. 42 (1).

(2) If any person offends against any of the provisions of this section, he shall for each and every day in which he offends be
35 liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds; and the registration of a factory, the occupier of which is convicted under this section of a third offence, shall be forthwith
40 cancelled by the Minister. Penalty. *Ibid.* (2).

(3) In any prosecution for an offence against this section, evidence— Evidence. *Ibid.* (3).

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and (b)

Factories and Shops (Amendment).

(b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,
shall be prima facie proof that the provisions of this section have been
5 contravened by the defendant.

(4) In order to meet the exigencies of trade, the Minister may, subject to the conditions and restrictions imposed in section thirty-seven, suspend the operation of this section relating to the working hours in any one or more factories for any period not exceeding
10 two months.

Suspension of
operation of section.
Ibid. (4).

17. Section forty-five of the said Act is amended by adding the following subsection :—

Amendment of s. 45.

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the
15 Minister, shall be prima facie evidence of such authority without proof of the Minister's signature.

18. The following section is added at the end of the said Act :—

Additional
regulations by the
Governor.

56. The Governor may also make regulations—

- 20 (a) to provide for the increase or reduction of the temperature of any rooms in a factory or shop ;
- (b) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken ;
- 25 (c) to require the adequate lighting of any factory or portion thereof ;
- (d) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed ;
- 30 (e) to prescribe the material of the flooring and ceiling of factories ;
- (f) to prescribe the dimensions of dressing rooms in factories or shops ;
- 35 (g) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation ;
- 40 (h) prescribing that separate closet accommodation for members of each sex employed in a factory or shop and who are not all members of the same family shall be provided ;
- (i) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops ;
- (j) to compel the supply of sufficient cold drinking water for the use of such employees ;
- 45 (k) to compel the fencing of stairways, tanks, vats, and grind-stones in factories ;

(l)

Factories and Shops (Amendment).

- 5 (l) extending the provisions of section twenty-two of this Act
so as to apply to shops or any specified classes of shops ;
(m) extending the provisions of subsection one of section thirty-
four of this Act, so as to apply to shops or to any specified
10 classes of shops ;
(n) regulating the construction of doors of exit in any specified
classes of shops, and providing for uninterrupted exit by
such doors during working hours ;
(o) imposing any penalty not exceeding twenty pounds for the
15 breach of any regulation made under this section :

Provided that the Minister by notification in the Gazette
may exempt any shops or classes of shops from any regulations made
under paragraph (h) or paragraph (l) of this section, and may amend
or revoke any such notification.

Sydney : William Applegate Gullick, Government Printer. —1909.

[6d.]

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, 11 November, 1909. }*

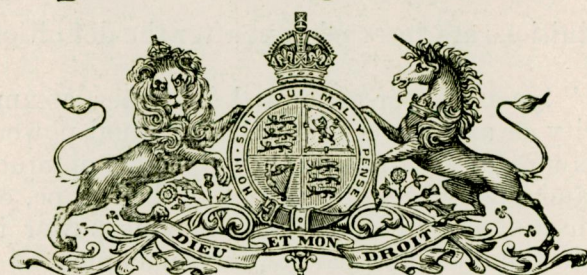
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, December, 1909. }*

Clerk of the Parliaments.

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. , 1909.

**An Act to amend the Factories and Shops Act of 1896; and
for other purposes.**

BE it enacted by the King'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. This Act may be cited as the "Factories and Shops Short title.
(Amendment) Act, 1909," and shall be construed with the Factories
and Shops Act of 1896, hereinafter referred to as the Principal Act.

2. Section two of the Principal Act is amended—

Amendment of s. 2.

10 (a) by inserting before the definition of "child" the following:—
"Bakehouse" ~~includes~~ **means** any place in which any bread,
pastry, sweetmeats, or sugar goods are made or baked for
sale, and **includes** any place or room used in connection
with the bakehouse for storing such food when baked or
to be baked, or any material to be used for the manufacture
15 of such food to be baked.

6—

(b)

49949

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Factories and Shops (Amendment).

- (b) Paragraph (a) of the definition of "factory" is amended by omitting the word "bakehouses."
- (c) Paragraph (b) in the definition of "factory" is omitted, and the following substituted :—
- 5 (b) any ~~laundry~~, office, building, or place in which one or more ~~Asiatics~~ Chinese are so engaged.
- (d) Paragraph (c) of the same definition is amended by inserting after "transit" the words "or in generating electricity, water power, or any other power."
- 10 (e) **Any bakehouse.**
- (f) The following definitions are inserted next after the definition of "inspector" :—
- "Mechanical power" means power generated by water, steam, gas, oil, electricity, or any power other than manual power.
- 15 "Mill-gearing" includes any shaft, whether upright, oblique, ^{41 and 42 Vic.,} or horizontal, and any wheel, drum, pulley, belt, rope, or ^{s. 16, s. 96.} chain by which the motion of the first moving power is communicated to the operative part of any machine.
- (g) The following is inserted at the end of the definition of "occupier" :—"For the purposes of any structural alteration or building additions required by this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop."
- 20 **3. Section six of the said Act is amended—**
- (a) by omitting subsection one;
- (b) in subsection two by omitting "any tenement" and inserting "or about to occupy any premises"; by inserting after "so used" the words "or again used"; by omitting "shall register the building" and inserting "may register the premises";
- 35 (c) by omitting the last paragraph of subsection two from "any occupier" to the end of the subsection.
- (d) by adding the following new subsection at the end of the section :—
- 40 (III) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required
- 45 in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister.

Amendment of s. 6.

Factories and Shops (Amendment).

4. The following new sections are inserted next after section New ss. 6A and 6B.
six of the said Act :—

6A. Any person in occupation of an unregistered factory Penalty for occupation of unregistered factory.
within a district to which at the time of such occupation the provisions
5 of this Act have for a period of at least twenty-eight days been applied
shall be liable to a penalty not exceeding ten pounds unless he proves
that he had duly applied within the prescribed time for the registration
of the factory, and had taken all proper measures to obtain the
registration of the factory and that such application had not been
10 refused, or that he is the holder of a permit under this Act authorising
him to occupy the factory.

6B. (1) If, in the opinion of an inspector, any office, building, Notification by inspector of defects in building.
or place used or about to be used as a factory, is unfit for such purpose,
he shall, by notice in writing served on the occupier or the applicant
15 for registration of the factory, personally or posted to his last known
address, request such occupier or applicant to comply with such
requirements specified in such notice as he may deem necessary to
render such office, building, or place fit for occupation as a factory.

(2) If the occupier or applicant is dissatisfied with the Appeal to Minister.
20 requirements of the said notice, he may, within seven days of service
of such notice, appeal to the Minister in writing in the form prescribed,
stating what amendments in the said requirements he desires should
be made.

(3) The Minister may forthwith determine the appeal, or Determination of appeal.
25 may appoint a competent person to hold an investigation in such
manner and under such conditions as the Minister may approve as to
the necessity for, or reasonableness of, the inspector's requirements,
and to report to him and make a recommendation as to whether such
requirements, or any one or portion of any one of them, should be
30 carried into effect.

(4) The Minister shall make such order as he deems just Order by Minister on appeal.
and necessary, and his decision shall be final.

(5) Where an inspector reports that in his opinion no Order by Minister forbidding use of factory.
requirements that may be specified will, by reason of structural
35 difficulties, sanitary defects, or otherwise, fit any office, building, or
place, for use as a factory, he shall so report to the Minister, and the
Minister may thereupon take such action as hereinbefore referred to,
and make an order forbidding the use of the said office, building, or
place as a factory or such other order as he may think fit.

40 5. (1) Paragraph (II) of section seven of the said Act is amended
by inserting after "nuisances" the words "or any person whom he
may think qualified to act as an interpreter." Amendment of s. 7.
Act No. 1975 (Vict.),
s. 16 (11).

(2) Paragraph (v) of the same section is amended by inserting Ibid. s. 17 (3).
the following at the end thereof:—

45 "Provided that no person shall be required to answer any
question, if the answer to such question might incriminate him."

(3)

Factories and Shops (Amendment).

(3) The following paragraph is inserted next after paragraph (v) aforesaid:—

5 (v A) subject to this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any employee while employed in a factory or shop.

6. Section twelve of the said Act is amended by omitting Amendment of s. 12.
10 "eighteen" and inserting the words "twenty-one."

7. Section twenty-four of the said Act is amended in subsection Amendment of s. 24.
one by inserting after "his" the words "factory or."

8. The following new section is inserted next after section New section 24A.
twenty-four of the said Act:—

15 24A. Where, in the opinion of the Minister, a change of the Dressing-rooms for
dress of any females employed in a factory or shop is rendered necessary females.
by the work to be done, or is desirable for the comfort of such Queensland, 64 Vic.
employees, the occupier of such factory or shop shall, at the request No. 28, s. 32.
in writing of the Minister on or before the date fixed in such
20 request, provide suitable dressing-rooms for such employees, under a
penalty not exceeding one pound for each day such room is not
provided after the day fixed for so doing.

9. Section twenty-five of the said Act is omitted, and the Sections substituted
following sections are substituted in its place:— for section 25.

25 25. Every occupier of a factory or shop who causes or permits Avoidance of
wearing apparel to be made, cleaned, or repaired in, or issues any infection.
materials from, any building, whether a factory or not, in which any Ibid., s. 34.
person is suffering from a disease declared by or under any law 58 and 59 Vic. c. 37,
relating to Public Health to be an infectious disease, shall be liable s. 6.
30 to a penalty not exceeding twenty pounds, unless he proves that he
was not aware of the existence of the disease in the building and
could not reasonably have been expected to become aware of it.

25A. Where in connection with any factory any employees Premises in
are lodged in any premises in the possession of the occupier of the connection with
35 factory, whether attached to or detached from such factory, all such factory to be open
premises shall be open to inspection by an inspector, and in respect to inspection.
thereof he may exercise all the powers as to sanitary requirements
which he is entitled to exercise in respect of the factory.

25B. Where it appears to an inspector that any act, neglect, or Nuisances, &c.,
40 default in relation to any drain, water-closet, privy, ashpit, water-punishable under
supply, nuisance, or other matter in, about, or in the vicinity of a other Acts to be
factory, is punishable, or that the consequences of such act, neglect, notified.
or default, are remediable, under any law relating to the public
health or any other law, but not under this Act, such inspector shall
45 give notice in writing to the authority generally administering the
Act

Factories and Shops (Amendment).

Act or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

10. (1) Paragraph (I) of section twenty-eight of the said Act is amended by inserting after "steam-engine" the words "or other engine used for generating mechanical power." Amendment of s. 28.

(2) Paragraph (III) of the same section is amended by inserting after "mill-gearing" the words "and every cog-wheel."

11. Section thirty of the said Act is amended by inserting after "machine," wherever occurring in the section, the words "or mill-gearing." Amendment of s. 30.

12. Subsection three of section thirty-four of the said Act is repealed, and the following is inserted:— Section 34.
New subsection (3).

(3) Every factory in which persons are employed ~~on or~~ above the first floor shall, in addition to the usual fire escapes, distinct from the stairs in ordinary use, be provided, on each floor ~~on or~~ above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient. All such means to be approved in writing by the ~~Government Architect and~~ the chief officer of fire brigades or any officer of fire brigades ~~or other~~ competent person appointed by him in that behalf. Means of escape
from fire.

13. The following section is inserted next after section thirty-five of the said Act:— New section 35A.

35A. The Minister may, by order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such order as dangerous, of males under the age of sixteen years or of females in any work in which he considers it undesirable that they should be employed. Employment of
women and young
persons may be
prohibited in certain
cases.

Where in any factory there is a contravention of any such order, the occupier of the factory, who has been served with a copy of such order, shall be deemed to be guilty of an offence against this Act.

14. Section thirty-seven of the said Act is amended by adding the following subsections at the end thereof:— Amendment of s. 37.
New subsections.

(2) Notice of having availed himself of the proviso to subsection one of this section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within forty-eight hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was bona fide for the purpose of meeting the exigencies of trade. Notice of overtime
working.
Act No. 1975 (Vict.),
s. 40 (2) (c).

Factories and Shops (Amendment).

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso. Record of overtime. See *Ibid.* (d).

(4) If the Minister is not satisfied that such working was bona fide for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier; and unless the occupier, within one month from such notice, proves to the satisfaction of the Minister that such working was bona fide for such purpose, the Minister shall direct that a record be made that the working was not bona fide for such purpose. Working must be to meet exigencies of trade. *Ibid.* (g).

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the Minister. Occupier debarred from using proviso. Act No. 1975 (Vict.), s. 40 (2) (b).

(6) If any person contravenes any provision of this section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds. Penalty. *Ibid.* (3).

15. Section forty of the said Act is amended by omitting the words "under eighteen years of age," and by substituting the word "six" for the word "seven." Amendment of s. 40.

16. The following section is inserted next after section forty-two of the said Act:— New section 42A.

42A. (1) In any factory where any Asiatic Chinese works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work on any day before half-past seven o'clock in the morning or after five six o'clock in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever; and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping place. Hours of employment in Asiatic Chinese and certain other factories. *Ibid.* s. 42 (1).

(2) If any person offends against any of the provisions of this section, he shall for each and every day in which he offends be liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds; and the registration of a factory, the occupier of which is convicted under this section of a third offence, shall be forthwith cancelled by the Minister. Penalty. *Ibid.* (2).

(3) In any prosecution for an offence against this section, evidence— Evidence. *Ibid.* (3).

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and (b)

Factories and Shops (Amendment).

(b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,
shall be prima facie proof that the provisions of this section have been
5 contravened by the defendant.

(4) In order to meet the exigencies of trade, the Minister may, subject to the conditions and restrictions imposed in section thirty-seven, suspend the operation of this section relating to the working hours in any one or more factories for any period not exceeding
10 two months.

Suspension of
operation of section.
Ibid. (4).

17. Section forty-five of the said Act is amended by adding the following subsection :—

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the
15 Minister, shall be prima facie evidence of such authority without proof of the Minister's signature.

18. The following section is added at the end of the said Act :—

Additional
regulations by the
Governor.

56. The Governor may also make regulations—

- 20 (a) to provide for the increase or reduction of the temperature of any rooms in a factory or shop ;
- (b) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken ;
- 25 (c) to require the adequate lighting of any factory or portion thereof ;
- (d) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed ;
- 30 (e) to prescribe the material of the flooring and ceiling of factories ;
- (f) to prescribe the dimensions of dressing rooms in factories or shops ;
- 35 (g) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation ;
- 40 (h) prescribing that separate closet accommodation for members of each sex employed in a factory or shop and who are not all members of the same family shall be provided ;
- (i) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops ;
- (j) to compel the supply of sufficient cold drinking water for the use of such employees ;
- 45 (k) to compel the fencing of stairways, tanks, vats, and grind-stones in factories ;

(1)

Factories and Shops (Amendment).

- 5
- 10
- (l) extending the provisions of section twenty-two of this Act so as to apply to shops or any specified classes of shops ;
 - (m) extending the provisions of subsection one of section thirty-four of this Act, so as to apply to shops or to any specified classes of shops ;
 - (n) regulating the construction of doors of exit in any specified classes of shops, and providing for uninterrupted exit by such doors during working hours ;
 - (o) imposing any penalty not exceeding twenty pounds for the breach of any regulation made under this section :

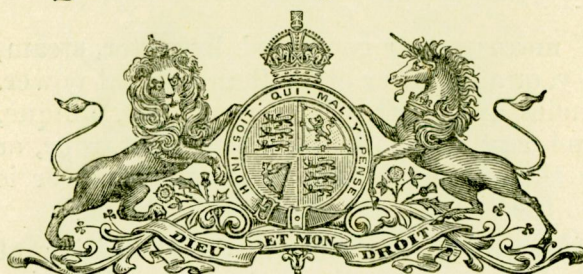
Provided that the Minister by notification in the Gazette may exempt any shops or classes of shops from any regulations made under paragraph (h) or paragraph (l) of this section, and may amend or revoke any such notification.

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, 11 November, 1909. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO NONO

EDWARDI VII REGIS.

Act No. , 1909.

An Act to amend the Factories and Shops Act of 1896; and
for other purposes.

BE it enacted by the King'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. This Act may be cited as the "Factories and Shops Short title.
(Amendment) Act, 1909," and shall be construed with the Factories
and Shops Act of 1896, hereinafter referred to as the Principal Act.

2. Section two of the Principal Act is amended—

Amendment of s. 2.

10 (a) by inserting before the definition of "child" the following:—
"Bakehouse" includes any place in which any bread, pastry,
sweetmeats, or sugar goods are made or baked for sale, and
any place or room used in connection with the bakehouse
for storing such food when baked or to be baked, or any
material to be used for the manufacture of such food to
be baked.

15

6—

(b)

Factories and Shops (Amendment).

- (b) paragraph (b) in the definition of "factory" is omitted, and the following substituted :—
- (b) any laundry, office, building, or place in which one or more Asiatics are so engaged.
- 5 (c) Paragraph (c) of the same definition is amended by inserting after "transit" the words "or in generating electricity, water power, or any other power"
- (d) The following definitions are inserted next after the definition of "inspector" :—
- 10 "Mechanical power" means power generated by water, steam, gas, oil, electricity, or any power other than manual power.
- "Mill-gearing" includes any shaft, whether upright, oblique, ^{41 and 42 Vic., c. 16, s. 96.} or horizontal, and any wheel, drum, pulley, belt, rope, or chain by which the motion of the first moving power is communicated to the operative part of any machine.
- 15 (e) The following is inserted at the end of the definition of "occupier" :—"For the purposes of any structural alteration or building additions required by this Act to be made to a factory or shop, the Minister may, by notice in the form prescribed, notify the owner of the factory or shop, or the person receiving the rent for the same, whether on his own account or on account of any other person, that he will regard him for such special purposes as the occupier of the same; and thereafter the said owner or person shall, for the said purposes, be deemed to be the occupier of the factory or shop."
- 20
- 25
3. Section six of the said Act is amended—
- (a) by omitting subsection one;
- 20 (b) in subsection two by omitting "any tenement" and inserting "or about to occupy any premises"; by inserting after "so used" the words "or again used"; by omitting "shall register the building" and inserting "may register the premises";
- (c) by omitting the last paragraph of subsection two from "any occupier" to the end of the subsection.
- 35 (d) by adding the following new subsection at the end of the section :—
- (III) The inspector or such other person as aforesaid may, if he thinks fit, instead of registering the premises, issue a permit
- 40 authorising the use of the premises for a period to be named in such permit pending the carrying out of any alterations or repairs required in order to make such premises suitable for a factory. Such permit may, from time to time, be extended by the Minister.

Amendment of s. 6

Factories and Shops (Amendment).

4. The following new sections are inserted next after section New ss. 6A and 6B, six of the said Act :—

- 6A. Any person in occupation of an unregistered factory Penalty for occupation of unregistered factory.
 within a district to which at the time of such occupation the provisions
 5 of this Act have for a period of at least twenty-eight days been applied
 shall be liable to a penalty not exceeding ten pounds unless he proves
 that he had duly applied within the prescribed time for the registration
 of the factory, and had taken all proper measures to obtain the
 registration of the factory and that such application had not been
 10 refused, or that he is the holder of a permit under this Act authorising
 him to occupy the factory.
- 6B. (1) If, in the opinion of an inspector, any office, building, Notification by inspector of defects in building.
 or place used or about to be used as a factory, is unfit for such purpose,
 he shall, by notice in writing served on the occupier or the applicant
 15 for registration of the factory, personally or posted to his last known
 address, request such occupier or applicant to comply with such
 requirements specified in such notice as he may deem necessary to
 render such office, building, or place fit for occupation as a factory.
- (2) If the occupier or applicant is dissatisfied with the Appeal to Minister.
 20 requirements of the said notice, he may, within seven days of service
 of such notice, appeal to the Minister in writing in the form prescribed,
 stating what amendments in the said requirements he desires should
 be made.
- (3) The Minister may forthwith determine the appeal, or Determination of appeal.
 25 may appoint a competent person to hold an investigation in such
 manner and under such conditions as the Minister may approve as to
 the necessity for, or reasonableness of, the inspector's requirements,
 and to report to him and make a recommendation as to whether such
 requirements, or any one or portion of any one of them, should be
 30 carried into effect.
- (4) The Minister shall make such order as he deems just Order by Minister on appeal.
 and necessary, and his decision shall be final.
- (5) Where an inspector reports that in his opinion no Order by Minister forbidding use of factory.
 requirements that may be specified will, by reason of structural
 35 difficulties, sanitary defects, or otherwise, fit any office, building, or
 place, for use as a factory, he shall so report to the Minister, and the
 Minister may thereupon take such action as hereinbefore referred to,
 and make an order forbidding the use of the said office, building, or
 place as a factory or such other order as he may think fit.
- 40 5. (1) Paragraph (II) of section seven of the said Act is amended Amendment of s. 7.
 by inserting after "nuisances" the words "or any person whom he
 may think qualified to act as an interpreter." Act No. 1975 (Vict.), s. 16 (11).
- (2) Paragraph (v) of the same section is amended by inserting Ibid. s. 17 (3).
 the following at the end thereof:—
- 45 "Provided that no person shall be required to answer any
 question, if the answer to such question might incriminate him."

(3)

Factories and Shops (Amendment).

(3) The following paragraph is inserted next after paragraph (v) aforesaid:—

- 5 (v A) subject to this Act, to conduct prosecutions in connection herewith, whether the information be laid in his name or not, to take proceedings for the punishment of offences against this Act, and to attend and examine witnesses at any inquest into the cause of the death of any employee while employed in a factory or shop.

6. Section twelve of the said Act is amended by omitting Amendment of s. 12.
10 “eighteen” and inserting the words “twenty-one.”

7. Section twenty-four of the said Act is amended in subsection Amendment of s. 24.
one by inserting after “his” the words “factory or.”

8. The following new section is inserted next after section New section 24A.
twenty-four of the said Act:—

- 15 24A. Where, in the opinion of the Minister, a change of the Dressing-rooms for
dress of any females employed in a factory or shop is rendered necessary females.
by the work to be done, or is desirable for the comfort of such Queensland, 64 Vic.
employees, the occupier of such factory or shop shall, at the request No. 28, s. 32.
in writing of the Minister on or before the date fixed in such
20 request, provide suitable dressing-rooms for such employees, under a
penalty not exceeding one pound for each day such room is not
provided after the day fixed for so doing.

9. Section twenty-five of the said Act is omitted, and the Sections substituted
following sections are substituted in its place:— for section 25.

- 25 25. Every occupier of a factory or shop who causes or permits Avoidance of
wearing apparel to be made, cleaned, or repaired in, or issues any infection.
materials from, any building, whether a factory or not, in which any *Ibid.*, s. 34.
person is suffering from a disease declared by or under any law 58 and 59 Vic. c. 37,
relating to Public Health to be an infectious disease, shall be liable s. 6.
30 to a penalty not exceeding twenty pounds, unless he proves that he
was not aware of the existence of the disease in the building and
could not reasonably have been expected to become aware of it.

25A. Where in connection with any factory any employees Premises in
are lodged in any premises in the possession of the occupier of the connection with
35 factory, whether attached to or detached from such factory, all such factory to be open
premises shall be open to inspection by an inspector, and in respect to inspection.
thereof he may exercise all the powers as to sanitary requirements
which he is entitled to exercise in respect of the factory.

- 25B. Where it appears to an inspector that any act, neglect, or Nuisances, &c.,
40 default in relation to any drain, water-closet, privy, ashpit, water- punishable under
supply, nuisance, or other matter in, about, or in the vicinity of a other Acts to be
factory, is punishable, or that the consequences of such act, neglect, notified.
or default, are remediable, under any law relating to the public
health or any other law, but not under this Act, such inspector shall
45 give notice in writing to the authority generally administering the
Act

Factories and Shops (Amendment).

Act or the local authority in whose district the factory is situate, and it shall be the duty of such authority to make such inquiry into the subject of the notice, and take such action thereon as to such authority may seem proper for the purpose of enforcing or carrying out the law.

10. (1) Paragraph (I) of section twenty-eight of the said Act is amended by inserting after "steam-engine" the words "or other engine used for generating mechanical power." Amendment of s. 28.

(2) Paragraph (III) of the same section is amended by inserting after "mill-gearing" the words "and every cog-wheel."

11. Section thirty of the said Act is amended by inserting after "machine," wherever occurring in the section, the words "or mill-gearing." Amendment of s. 30.

12. Subsection three of section thirty-four of the said Act is repealed, and the following is inserted:— Section 34.
New subsection (3).

(3) Every factory in which persons are employed on or above the first floor shall, in addition to the usual fire escapes, distinct from the stairs in ordinary use, be provided, on each floor, on or above the first floor, with means by which persons prevented by flames or smoke from descending by the ordinary ways may be enabled to descend in safety from windows or other openings or by external stairs, ladders, or by such other means as may be deemed sufficient. All such means to be approved in writing by the Government Architect and the chief officer of fire brigades or any officer of fire brigades or other competent person appointed by him in that behalf. Means of escape
from fire.

13. The following section is inserted next after section thirty-five of the said Act:— New section 35A.

35A. The Minister may, by order, prohibit the employment in any factory or class of factory, at or in connection with any machinery described in such order as dangerous, of males under the age of sixteen years or of females in any work in which he considers it undesirable that they should be employed. Employment of
women and young
persons may be
prohibited in certain
cases.

Where in any factory there is a contravention of any such order, the occupier of the factory, who has been served with a copy of such order, shall be deemed to be guilty of an offence against this Act.

14. Section thirty-seven of the said Act is amended by adding the following subsections at the end thereof:— Amendment of s. 37.
New subsections.

(2) Notice of having availed himself of the proviso to subsection one of this section shall be given by the occupier of the factory to an inspector or such other person as the Minister may name, within forty-eight hours after the commencement of the working of such overtime, and a copy thereof shall be affixed in the factory within such period. The notice shall be accompanied by a statement signed by the occupier of the facts on which he relies to show that such working was bona fide for the purpose of meeting the exigencies of trade. Notice of overtime
working.
Act No. 1975 (Vict.),
s. 40 (2) (c).

(3)

Factories and Shops (Amendment).

(3) The occupier of a factory shall keep a record each week, in the form and containing the particulars prescribed, of the occasions on which he avails himself of the said proviso. Record of overtime. See *Ibid.* (d).

(4) If the Minister is not satisfied that such working was bona fide for the purpose of meeting the exigencies of trade, he shall give notice in writing of his dissatisfaction to the occupier; and unless the occupier, within one month from such notice, proves to the satisfaction of the Minister that such working was bona fide for such purpose, the Minister shall direct that a record be made that the working was not bona fide for such purpose. Working must be to meet exigencies of trade. *Ibid.* (g).

(5) If the Minister directs such record to be made in regard to any occupier of a factory three times within any twelve months such occupier shall not thereafter at any time be entitled to avail himself of the said proviso unless by the special permission of the Minister. Occupier debarred from using proviso. Act No. 1975 (Vict.), s. 40 (2) (b).

(6) If any person contravenes any provision of this section he shall be liable on conviction to a penalty for the first offence not exceeding five pounds, and for any subsequent offence not exceeding twenty pounds. Penalty. *Ibid.* (3).

15. Section forty of the said Act is amended by omitting the words "under eighteen years of age." Amendment of s. 40.

16. The following section is inserted next after section forty-two of the said Act:— New section 42A.

42A. (1) In any factory where any Asiatic works, and in any other factory where any person is employed in preparing or manufacturing articles of furniture, no person shall work, or shall employ or authorise or permit any person whomsoever to work on any day before half-past seven o'clock in the morning or after five o'clock in the evening, or on a Saturday after one o'clock in the afternoon, or on Sunday at any time whatever; and no portion of a factory used for the purpose of preparing or manufacturing goods or articles for trade or sale shall at any time be used as a sleeping place. Hours of employment in Asiatic and certain other factories. *Ibid.* s. 42 (1).

(2) If any person offends against any of the provisions of this section, he shall for each and every day in which he offends be liable on conviction to a penalty for the first offence not exceeding ten pounds, and for a second or subsequent offence not exceeding twenty-five pounds; and the registration of a factory, the occupier of which is convicted under this section of a third offence, shall be forthwith cancelled by the Minister. Penalty. *Ibid.* (2).

(3) In any prosecution for an offence against this section, evidence— Evidence. *Ibid.* (3).

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard, such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and

(b)

Factories and Shops (Amendment).

(b) that during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,
shall be prima facie proof that the provisions of this section have been
5 contravened by the defendant.

(4) In order to meet the exigencies of trade, the Minister may, subject to the conditions and restrictions imposed in section thirty-seven, suspend the operation of this section relating to the working hours in any one or more factories for any period not exceeding
10 two months.

Suspension of operation of section. Ibid. (4).

17. Section forty-five of the said Act is amended by adding the following subsection :—

Amendment of s. 45.

(2) In a prosecution for any such breach or contravention, an authority to prosecute, purporting to have been signed by the
15 Minister, shall be prima facie evidence of such authority without proof of the Minister's signature.

18. The following section is added at the end of the said Act :—

Additional regulations by the Governor.

56. The Governor may also make regulations—

- 20 (a) to provide for the increase or reduction of the temperature of any rooms in a factory or shop ;
- (b) to prescribe the precautions to be taken against the risk of accident in a factory, and to impose on certain persons the duty of seeing that such precautions are taken ;
- 25 (c) to require the adequate lighting of any factory or portion thereof ;
- (d) to prescribe the cubical spaces and the amount of ventilation for each person employed in a factory or in a room in a factory, and to prevent the overcrowding of persons so employed ;
- 30 (e) to prescribe the material of the flooring and ceiling of factories ;
- (f) to prescribe the dimensions of dressing rooms in factories or shops ;
- 35 (g) to regulate closet accommodation in factories and shops with regard to situation, design, construction, material, approach, space, and ventilation, as may be necessary for decency or the health and convenience of employees, and to secure proper sanitation ;
- 40 (h) prescribing that separate closet accommodation for members of each sex employed in a factory or shop and who are not all members of the same family shall be provided ;
- (i) to compel the supply of sufficient wash-basins and water for the use of employees in factories or shops ;
- (j) to compel the supply of sufficient cold drinking water for the use of such employees ;
- 45 (k) to compel the fencing of stairways, tanks, vats, and grind-stones in factories ;

(1)

Factories and Shops (Amendment).

- 5 (l) extending the provisions of section twenty-two of this Act
so as to apply to shops or any specified classes of shops ;
(m) extending the provisions of subsection one of section thirty-
four of this Act, so as to apply to shops or to any specified
classes of shops ;
(n) regulating the construction of doors of exit in any specified
classes of shops, and providing for uninterrupted exit by
such doors during working hours ;
10 (o) imposing any penalty not exceeding twenty pounds for the
breach of any regulation made under this section :

Provided that the Minister by notification in the Gazette
may exempt any shops or classes of shops from any regulations made
under paragraph (h) or paragraph (l) of this section, and may amend
or revoke any such notification.