ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

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No. 945.

An Act to consolidate and amend the Law relating to Factories, and for other purposes.

[*Assented to, December 21st, 1907.*]

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

1. This Act may be cited as "The Factories Act, 1907." Short title.

2. (1) This Act shall come into operation on a day to be fixed by Proclamation. Date of operation.

3. This Act is divided into Parts and Divisions, as follows:— Division of Act.

PART I.—Operation, Interpretation, and Repeal—

DIVISION I.—Operation of Act:

DIVISION II.—Interpretation:

DIVISION III.—Repeal.

PART II.—Administration—

DIVISION I.—Appointment of Officers:

DIVISION II.—Registration of Factories:

DIVISION III.—Registration of Outside Workers.

DIVISION IV.—Records and Notices by Occupiers.

PART III.—Powers and Duties of Factory Inspectors.

PART

PART IV.—Sanitation in Factories—

DIVISION I.—Cleanliness and Overcrowding:

DIVISION II.—Safety, Conveniences, and Appliances:

DIVISION III.—Sleeping-places:

DIVISION IV.—Lime-washing:

DIVISION V.—Remedying Defects:

DIVISION VI.—Meals of Employés.

PART V.—Special Provisions for Certain Trades—

DIVISION I.—Bakehouses:

DIVISION II.—Dust-generating Factories:

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PART VI.—Regulation and Use of Machinery in Factories.

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DIVISION IV.—Accidents.

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DIVISION I.—Ages and Working Hours of Employés:

DIVISION II.—Working Hours in Factories where Chinese Employed:

DIVISION III.—Certification of Fitness for Employment of Persons Under Sixteen Years:

DIVISION IV.—Employment of Boys and Females as Type-setters.

PART VIII.—Wages Boards—

DIVISION I.—Appointment of Boards:

DIVISION II.—Records and Notices by Employers.

DIVISION III.—Mode of Appointment:

DIVISION IV.—General Provisions relating to Constitution of Boards:

DIVISION V.—Objects and Duties of Boards:

DIVISION VI.—Piece-work Rates may be Fixed by Employer:

DIVISION VII.—Aged, Slow, and Infirm Workers:

DIVISION VIII.—Duration, Publication, and Application of Determinations:

DIVISION

DIVISION IX.—Suspension of Determinations:

DIVISION X.—Powers and Duties of Inspectors.

DIVISION XI.—Minimum Wage and Prohibition of Premiums and Guarantees.

DIVISION XII.—General Provisions:

DIVISION XIII.—Court of Industrial Appeals.

PART IX.—Regulations.

PART X.—Legal Procedure—

DIVISION I.—Proceedings to try title of Member of Board and Validity of Determination:

DIVISION II.—Evidence:

DIVISION III.—Summary Procedure and Penalties.

PART I.

PART I.

OPERATION, INTERPRETATION, AND REPEAL.

DIVISION I.—OPERATION OF ACT.

DIVISION I.

Application of Act. Cf. Factories Act, 1904, sec. 3; Factories Act, 1900, sec. 4; Vic. Act, No. 1975, sec. 6.

4. (1) This Act applies to the Metropolitan area.

Extension of application of Act.

(2) The application of this Act, or of any part thereof, may (subject to section 5) be extended by Proclamation to any portion of the State specified therein.

Resolution of both Houses required.

(3) No such Proclamation shall be issued until after the passing by both Houses of Parliament of a resolution affirming the desirability of such extension.

Revocation of extension of Act.

(4) The Governor may, upon a resolution passed by both Houses of Parliament affirming the desirability thereof, revoke, alter, or vary any Proclamation made under subsection (2).

(5) When a determination of a Board has, pursuant to section 105, subsection (2), been applied to any locality or area outside the metropolitan area, this Act, so far as its provisions may be necessary to give effect to such determination, shall apply to such locality or area.

Exemptions from application of Act. Vic. Act No. 1975, sec. 8.

5. The application of Parts I. to VII. inclusive shall not, as regards agricultural, horticultural, viticultural, or pastoral pursuits, or butter or cheese making, be extended to any employer or employé engaged therein, or to any factory connected therewith.

DIVISION II.—INTERPRETATION.

DIVISION II.

Interpretation.

6. In this Act, unless inconsistent with the context—

"Act" includes Regulations made hereunder:

"Apprentice"

PART I.
DIVISION II.

"Apprentice" means and includes—

(*a*) A person under twenty-one years of age who is bound by indentures of apprenticeship, entered into prior to the passing of this Act, which bind the employer to instruct such person, for a period of not less than three years, in the particular process, trade, business, occupation, or calling carried on by such employer, or in any part thereof approved by the Chairman; and

(*b*) A person under the age of twenty-one years who is bound by indentures of apprenticeship, entered into after the passing of this Act, which bind the employer to instruct such person in the particular process, trade, business, occupation, or calling carried on by such employer, or any part thereof approved by the Chairman, and which indentures—

I. Are in the form prescribed by the order made by the Board pursuant to section 93, subsection VI.; and

II. Are entered into for the term prescribed by such order; or where no such term is prescribed, then for a term of not less than three years:

(*c*) A person bound by indentures of apprenticeship approved by the Chairman under section 97, subsection (1); and

(*d*) A person bound pursuant to section 97, subsection (2), by indentures of apprenticeship which comply with the order made by the Board pursuant to section 93, subsection VI.:

(*e*) Any person under the age of twenty-one years who has completed his apprenticeship, such apprenticeship having been for a term of not less than three years:

"Board" means the Wages Board appointed under this Act in respect of the particular process, trade, business, occupation, or calling, or group, or part concerned:

"Chairman" means the Chairman of the Board:

"Chief Inspector" means the Chief Inspector of Factories:

"Child" means a person under the age of thirteen years:

"Clothing or wearing apparel" includes boots and shoes:

"Factory" means and includes—

Cf. 1 Ed. VII., c. 22, sec. 149.

(1) Any premises or place within which or the precincts thereof the occupier employs any one person at manual labor which is exercised by way of trade or for purposes of gain in or incidental to—

I. Any handicraft;

II. The

II. The making of any article or part of any article; or

III. The altering, repairing, ornamenting, or finishing of any article; or

IV. The adapting for sale of any article;

and to or over which premises or place or the precincts thereof the employer of any person so working therein has the right of access or control.

(2) For the purposes of registration and the computation of registration fees, any number of adjacent buildings or places.

"Furniture" means furniture of which wood forms a part, and such as is usually made by cabinetmakers, chairmakers, couchmakers, upholsterers, woodcarvers, or woodturners:

"*Gazette*" means *The South Australian Government Gazette:*

"Handicraft" includes any work whatsoever done in any laundry or dye works, and whether or not done in preparing or manufacturing articles for trade or sale:

"Improver" means and includes—

(*a*) Any person who

I. Is not an apprentice; and

II. Is not over the age of twenty-one years; and

(*b*) Any person who, being over the age of twenty-one years, holds a licence from the Chairman to be paid as an improver:

"Inspector" means an inspector of factories appointed under this Act, and includes the Chief Inspector:

"Laundry" shall not include—

(*a*) Any prison, reformatory, industrial school, or home for erring women; or

(*b*) Any institution conducted exclusively for charitable purposes;

"Machinery" includes any driving strap, band, wire, rope, or cable of any kind:

"Metropolitan area" comprises the whole of the area contained in the present Electoral Districts of Adelaide, Torrens, and Port Adelaide:

"Mill-gearing" includes every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or appliance by which the motion of the first moving power is communicated to any machine in a factory:

"Minister" means the Minister of Industry or the Minister of the Crown for the time being performing the duties of Minister of Industry:

"Occupier"

PART I.
DIVISION II.

"Occupier" means the person, company, corporate body, or association employing persons in a factory, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of any such factory:

"Parent" means parent, guardian, or person having the custody of or control over any young person or child:

"Proclamation" means a Proclamation by the Governor published in the *Gazette*:

"Prescribed" means prescribed by regulations made under this Act:

"Woman" means any person of the female sex over the age of sixteen years:

"Young person" means a boy or girl between the age of thirteen and sixteen years.

Penalties.

7. Where a penalty or term of imprisonment is mentioned in or at the foot of any section or subsection any contravention of the section or subsection, whether by act or omission, shall be an offence against this Act punishable upon conviction by a penalty or term of imprisonment, with or without hard labor, not exceeding that mentioned.

DIVISION III.

DIVISION III.—REPEAL.

Repeal.

8. (1) The Acts mentioned in the First Schedule are hereby repealed.

Savings.

(2) Such repeal shall not affect any right, interest, or liability already created, existing, or incurred, nor anything lawfully done or suffered under any of the said Acts.

(3) Any proceeding in respect of such right, interest, or liability may be carried on as if such repeal had not taken place.

(4) All officers appointed under the repealed Acts and in office at the time of such repeal shall be deemed appointed under this Act.

(5) All orders and notifications made under the repealed Acts and in force at the time of such repeal shall be deemed to have been made under this Act.

PART II.

PART II.

ADMINISTRATION.

DIVISION I.

DIVISION I.—APPOINTMENT OF OFFICERS.

Governor may appoint inspectors. Factories Act, 1894, sec. 5.

9. The Governor may appoint a Chief Inspector and so many inspectors as may appear necessary.

Districts.

See Vic. Act No. 1975, sec. 9.

10. The Minister may, for the purposes of this Act, divide the State into such and so many districts as he thinks fit, and allot or assign one or more of such districts to one or more inspectors.

Certifying medical practitioners.

Vic. Act No. 1975, sec. 10.

11. (1) The Minister may—

(*a*) Appoint any persons, being legally qualified medical practitioners, to be certifying medical practitioners for the purposes of this Act; and

(*b*) Allot

(*b*) Allot or assign one or more districts under this Act to one or more certifying medical practitioners.

PART II.
DIVISION I.

Public vaccinators to act in certain cases.

(2) In any part of the State to which no certifying medical practitioner has been allotted or assigned hereunder, every public vaccinator shall, without further or other authority than this section, be and act as certifying medical practitioner within the district for which he is public vaccinator.

DIVISION II.—REGISTRATION OF FACTORIES.

DIVISION II.

Factory not to be used until registered.

New Zealand Act, 59 of 1901, sec. 10.

Factories Act. 1900, secs. 52 and 53.

12. No person shall occupy or use a factory unless and until the same is duly registered.

Penalty, Five Pounds for every day during which such unregistered factory is occupied or used.

Application for registration.

Factories Act 1894, sect. 6.

Vic. Act No. 1975, sec. 11

13. (1) Every person—

(*a*) Who is in occupation of a factory when this Act comes into force (whether such factory is registered under the Acts hereby repealed or not); or

(*b*) Who, after this Act has come into force, goes into occupation of a factory; or

(*c*) Who is in occupation of a building or place which becomes for the first time, or, after a period of disuse, again becomes a factory;

shall register such factory.

(2) The registration of a factory shall be renewed every five years.

(3) Application for registration or for renewal of registration shall be in writing in the prescribed form, served upon or posted in a registered letter addressed to the Chief Inspector at his office.

Contents of application.

(4) Such application shall contain—

(*a*) The full name of such person and a description of his factory;

(*b*) The place where it is situated;

(*c*) The nature of the work carried on or to be carried on therein;

(*d*) A description of the motive power (if any) therein;

(*e*) The trade name (if any) under which the business of the factory is carried on; and

(*f*) Such further particulars as may be prescribed.

When to be made.

(5) Applications for registration shall be served or posted within the times following:—

(*a*) Under division (*a*) of subdivision (1) of this section, within three months after this Act has come into force:

(*b*) Under

PART II. DIVISION II.

(*b*) Under division (*b*), within twenty-one days of such going into occupation:

(*c*) Under division (*c*) within twenty-one days of such building or place becoming or again becoming a factory.

Registration fee.

(6) Every application for registration or renewal of registration shall be accompanied by the fee required by this Act.

Approval of Chief Inspector to opening of factory.

Vic. Act No. 1975, sec. 21.

14. (1) No building or place which at any time after this Act has come into force—

(*a*) Is about to become for the first time; or

(*b*) After a period of disuse is about to again become a factory,

Certificate of suitability, &c.

shall be registered until the Chief Inspector has in writing certified—

(*a*) That such building or place is suitable for a factory; and

(*b*) That the prescribed requirements have been complied with.

Exemption.

(2) This section shall not apply to any premises or place which by any extension of this Act, under section 4 hereof, becomes for the first time a factory.

Registration.

Vic. Act No. 1975, sec. 13.

15. (1) Registration or renewal of registration shall be effected by entering in a register to be kept by the Chief Inspector such particulars as may be prescribed.

(2) Such register shall be either in the form set out in the Second Schedule or in a prescribed form.

Annual fee.

Vic. Act No. 1975, sec. 14.

16. (1) The annual fee to be paid in respect of every factory—

(*a*) Shall be that specified in the Third Schedule;

(*b*) Shall, in the year when such factory is first registered, accompany the application for registration; and

(*c*) Shall in each and every year thereafter be paid by the occupier of such factory on or before the thirty-first day January.

Half fee where factory, &c., opened after 30th June.

(2) When any factory is opened during any year after the thirtieth day of June the fee to be paid on registration for that year shall be one-half of the rate specified in the said Schedule.

In default of payment factory to be deemed unregistered.

(3) Any factory in respect of which such annual registration fee has not been paid shall be deemed to be not duly registered.

Notice closing factory.

Factories Act, 1900, sec. 5.

17. The occupier of a factory who intends to close and cease to use it shall give the Chief Inspector seven days' previous notice in writing of such intention.

Penalty, Five Pounds.

DIVISION

PART II.
DIVISION III.

DIVISION III.—REGISTRATION OF OUTSIDE WORKERS.

Outside workers to register names and addresses.

Factories Act, 1900, sec. 12.

Vic. Act No. 1975, sec. 23.

18. (1) Every person who outside a factory wholly or partly prepares or manufactures, either directly or indirectly, any article for the occupier of such factory for trade or sale shall, either personally or by written notice, register with the Chief Inspector—

(*a*) His full name and address; and

(*b*) Any change in such address from time to time.

(2) Every person so registered shall answer all questions put to him by an inspector—

(*a*) As to the person for whom the articles are being prepared or manufactured; and

(*b*) The price or rate to be paid to him therefor

Penalty, Ten Shillings.

DIVISION IV.

DIVISION IV.—RECORDS AND NOTICES BY OCCUPIERS.

Records and notices by occupiers.

Factories Act, 1900, sec. 10.

See Vic. Act No. 1975 of 1905, sec. 20.

19. (1) Every occupier of a factory shall—

(*a*) Make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, and wages of the persons employed in such factory, and the age of every such person under twenty-one years of age:

Production to inspector.

(*b*) Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the Chief Inspector:

Information to be posted in factory.

(*c*) Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employés, a notice containing—

Name of inspector.

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

Holidays.

II. The holidays and the working hours of the employés:

Abstracts of Act and regulations.

III. True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed:

IV. The name and address of the certifying medical practitioner for the district:

Name of occupier.

(*d*) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve—

I. The name of such occupier; or,

II. If such occupier is a company, the registered name of such company; or,

III. If such occupier is a firm, the firm name:

Record of fines.

(*e*) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve, a detailed record of all fines levied by such occupier upon his employés:

(*f*) Forward

Record of fines to be forwarded.

(*f*) Forward to the Chief Inspector a copy of such record of fines at such times and in such form as may be prescribed.

Penalty, One Pound for every day during which any of the provisions of this section are not complied with.

Record of outside work done for factories to be kept.

20. (1) Every occupier of a factory for whom, directly or indirectly, outside such factory any person wholly or partly prepares or manufactures any article for trade or sale shall also keep in the prescribed manner a record of—

Factories Act, 1900, sec. 11.
Vic. Act No. 1975, sec. 21.

(*a*) The description and quantity of such work ; and

(*b*) The name and address of the person by whom the same is done; and

(*c*) The prices paid in each instance for such work.

Penalty, Two Pounds for every day during which, without reasonable excuse, such record is not kept.

Inspectors may examine same.

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

Record to be supplied to Chief Inspector.

(3) Every such occupier shall, whenever demanded, forward such record or a true copy thereof to the Chief Inspector.

Penalty, Ten Shillings.

And may be published by authority of Minister.

(4) The Chief Inspector shall publish in the *Gazette* any particulars contained in any such record, including the name and address of such occupier, as the Minister may direct.

Limitation on publishing.

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

Meaning of "occupier" in this section.

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

Exemption.

(7) No person shall be convicted under subsection (1) who proves—

(*a*) That he acted in good faith and without any intention to evade the provisions of this section; and

(*b*) That, on demand made by or on behalf of the inspector, he gave all information in his power with respect to the alleged offence.

Inspector divulging contents of record.
Vic. Act No. 1975, sec. 24.

21. (1) No inspector shall divulge the contents of any record of persons employed in or of the work done in or outside of a factory, except to the Minister or the officers of his department:

(2) No inspector or officer shall make use of his knowledge of the contents thereof, except for the purpose of the compilation of general statistical information as required by this Act, or for the purpose of enforcing the provisions of this Act.

Two years' imprisonment.

PART III.

PART III.

POWERS AND DUTIES OF FACTORY INSPECTORS.

Powers of inspector.

Factories Act, 1894, sec. 8.

See Vic. Act No. 1975, sec. 15.

22. (1) Every inspector may—

(*a*) Enter, inspect, and examine—

I. Any factory at any time when he has reasonable cause to believe that any person is employed therein; and

II. At all reasonable times any place which he has reasonable cause to believe to be a factory:

(*b*) Take with him a constable into a factory or place in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty:

(*c*) Inspect and examine machinery in any factory:

(*d*) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all health laws are complied with, as regards the factory and the employés therein:

(*e*) Report to the Board of Health for the district any breaches of the health laws:

(*f*) Question, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory, and require such person to answer the questions put, and to sign a declaration of the truth of his answers:

(*g*) Require the production of any book, notice, record, list, indentures of apprenticeship, or document which is by this Act required to be kept or exhibited, and inspect, examine, and copy the same:

(*h*) Exercise such powers and authorities as may be prescribed.

Inspector may be accompanied by interpreter.

Vic. Act No. 1975, sec. 16.

23. (1) An inspector entering, inspecting, and examining a factory may take with him an interpreter.

Effect of inquiry, &c., by interpreter.

Ibid.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Occupiers to allow entry and inspection.

Factories Act, 1894, sec. 10.

Vic. Act No. 1975, sec. 17.

24. The occupier of a factory shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers in relation to such factory.

Orders, &c., to be in writing.

Factories Act, 1894, sec. 21.

25. Every order, requisition, or determination made by an inspector shall be in writing, and served on the occupier.

Certificates of appointment of inspectors.

26. Every inspector—

(*a*) Shall be furnished with a certificate of his appointment; and

(*b*) On

Factories Act, 1894, sec. 8.

Vic. Act No. 1975 sec. 19.

(*b*) On applying for admission to a factory, or any place which he has reason to believe to be a factory, shall, if required, produce such certificate to the occupier.

Obstruction a breach of this Act.

Factories Act, 1894, sec. 11.

Vic. Act No. 1975, secs. 17 and 18.

27. No person shall—

(*a*) Obstruct or wilfully delay an inspector or interpreter in the execution of his duties or powers; or

(*b*) Omit to comply with the requirements of section 24, or of any direction which the inspector is authorised to give pursuant to this Act; or

(*c*) Omit to truly answer or reply to any question which any inspector is authorised to ask under section 22; or

(*d*) Fail to produce any book, notice, record, list, or document which, pursuant to section 22, he is required by an inspector to produce; or

(*e*) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Penalty, Ten Pounds.

Penalty for forgery, etc., of certificate.

Factories Act, 1894 sec. 25.

Vic. Act No. 1975, sec. 19.

28. No person shall—

(*a*) Forge or counterfeit any certificate of appointment; or

(*b*) Make use of any forged, counterfeited, or false certificate; or

(*c*) Falsely pretend to be an inspector under this Act.

Six months' imprisonment.

Report by Chief Inspector.

Chief Inspector to report annually

Vic. Act No. 1975, sec. 25.

29. (1) The Chief Inspector shall prepare an annual report for the Minister.

(2) Such report shall be of a general and comprehensive character, for the purpose of informing Parliament of the course and conditions of trade.

(3) Such report shall not—

(*a*) Refer by name to any particular occupier of a factory or employer engaged in any process, trade, business, occupation, or calling in respect whereof a Board is appointed; or

(*b*) Be so framed as to readily admit of the identification of any such occupier or employer.

(4) Such report—

(*a*) Shall show as nearly as possible the whole number of persons engaged in working in factories;

(*b*) Shall classify them according to their sex, age, and average weekly earnings, whether in wages or by piecework, or both in wages and by piecework, in each branch;

(*c*) Shall

(*c*) Shall show their hours of labor;

(*d*) Shall show the percentage of work done in the factories and the percentage of work done outside thereof; and

(*e*) Shall contain such other particulars as the Minister may require.

PART III.

PART IV.

PART IV.

SANITATION IN FACTORIES.

DIVISION I.—CLEANLINESS AND OVERCROWDING.

DIVISION I.

Sanitary condition of factory. Factories Act, 1894, sec. 12. Vic. Act No. 1975, sec. 26.

30. The occupier of a factory shall keep the same clean and free from effluvia arising from any drain, privy, urinal, or nuisance.

31. (1) A factory or any portion thereof—

Overcrowding.

(*a*) Shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein:

Ventilation.

(*b*) Shall contain the prescribed amount of cubical space for each person employed; and

Ventilation.

(*c*) Shall be ventilated in the prescribed manner, and so as to render harmless, as far as practicable, all the gases, vapors, dust, and impurities generated therein, and injurious to health.

Heating appliances. Vic. Act No. 2008, sec. 5.

(2) Every heating appliance in any factory, whether used for warming persons therein engaged, or for the manufacturing process, shall be provided with a flue of such size and construction as may be prescribed, unless the factory is of such open construction as to render such flue unnecessary.

(3) A factory in respect whereof there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

DIVISION II.—SAFETY, CONVENIENCES, AND APPLIANCES.

DIVISION II.

Notice of defects in factory. Vic. Act No. 1975, sec. 27

32. (1) Written notice shall be given by the Chief Inspector to the occupier of a factory which, or any part of which, in the opinion of such inspector, is defective by reason of being—

(*a*) Dilapidated; or

(*b*) Unsafe; or

(*c*) Unfit for use; or

(*d*) Injurious to health; or

(*e*) Insufficiently provided—

I. With privies or urinals; or

II. With proper appliances for the extinction of fires; or

III. With sufficient means of egress in case of fire; or

IV. With natural light, where reasonably practicable.

(2) Such

Contents of notice.

(2) Such notice shall specify—

(*a*) The nature of the defect;

(*b*) The repairs, alterations, or improvements required to be made; and

(*c*) The time within which such repairs, alterations, or improvements are to be completed.

Power to cancel registration.

(3) Unless such repairs, alterations, or improvements are completed within the period in that behalf specified in such notice, the Chief Inspector may lay an information before a Justice of the Peace that the occupier has failed to comply with the provisions of this section.

(4) Upon such information the occupier shall be summoned to appear before a Special Magistrate, to show cause why the registration of such factory should not be cancelled.

(5) Unless the occupier satisfies him that such factory or such part thereof is not defective in any of the matters set forth in the notice, such magistrate shall make an order specifying the repairs, alterations, and improvements to be made, and a time for effecting the same.

(6) If the occupier fails to comply with such order the Minister may instruct the Chief Inspector to cancel the registration of such factory, and the same shall not be re-registered until such orders are complied with.

Doors, &c., to be kept clear of obstructions.

Vic. Act No. 2008, sec. 6.

33. (1) The occupier of a factory shall keep all doors, passages, and staircases thereof—

(*a*) Clear and free from obstruction; and

(*b*) In such manner as to be always available as a means of escape.

(2) No person shall in any way whatever obstruct or permit to be obstructed any such door, passage, or staircase.

Penalty, for the first offence Five Pounds, and for every subsequent offence Twenty Pounds.

Fire prevention appliances to be kept ready for use.

Vic. Act No. 2008, sec. 7.

34. (1) The occupier of a factory shall keep all prescribed appliances (including fire-buckets full of water) for the prevention or extinction of fire in a constant state of repair, and available for immediate use.

(2) A factory in which such appliances are not so kept shall be deemed to be not kept in conformity with this Act.

DIVISION III.

DIVISION III.—SLEEPING PLACES.

Provisions as to sleeping places at factories.

35. (1) No factory where any person is at any time employed shall be used as a sleeping place.

(2) No

PART IV.
DIVISION III.

(2) No room or place connected with or in the same enclosure as any such factory shall be used as a sleeping place, unless such sleeping place is effectually separated from the factory by a substantial wall or partition extending from the floor to the ceiling

Vic. Act No. 1975, sec. 28.

(3) No person shall let or occupy, or continue to let, or knowingly suffer to be occupied, any factory, room, or place contrary to this section.

Penalty, for the first offence Two Pounds, and for every subsequent offence Five Pounds.

DIVISION IV.

DIVISION IV.—LIME-WASHING.

Lime-washing of interior of factories.

Vic. Act No. 1975, sec. 30.

36. (1) The Chief Inspector may, by notice under his hand, require the occupier of a factory to cause to be lime-washed, or washed with some wash liquid approved by the Chief Inspector—

(*a*) All the internal wall surfaces of such factory; and

(*b*) All the ceilings or the internal surface of the roof where not ceiled:

which have not been painted with oil paint or varnished once at least within the seven years prior to the service of such notice.

(2) In the case of surfaces or ceilings which have been so painted or varnished, the Chief Inspector may in like manner require such occupier to cause the same to be washed with hot water and soap once at least within every two years, to date from the period when last painted or so washed.

(3) A factory in respect whereof there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

(4) This section shall not apply to blacksmiths', agricultural implement makers', and wheelwrights' shops, foundries, saw-mills, bone-mills, tanneries, rope-walks, smelting works, chaff-cutting, corn-crushing, wool-washing, or boiler-making establishments.

Appeal to Minister.

Vic., Act No. 1975, sec. 30.

37. (1) An occupier served with a notice under section 36 may appeal to the Minister.

(2) The Minister may—

(*a*) Cancel such notice and direct the Chief Inspector to serve a fresh notice; or

(*b*) Dismiss the appeal.

DIVISION V.

DIVISION V.—REMEDYING DEFECTS.

Notices by inspector to Board of Health of sanitary defects in factory.

Vic. Act No. 1975, sec. 29.

38. (1) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water supply, nuisance, or other matter in a factory is punishable or remediable under the health laws, but not under this Act, such inspector shall give notice in writing of such act, neglect, or default to the Board of Health for the district in which such factory is situate.

(2) Such

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DIVISION V.

Board to act.

(2) Such Board shall thereupon make such inquiry and take such action as to such Board may seem proper.

Power of inspector.

(3) An inspector may, for the purposes of this Act or the health laws, take with him into a factory an officer of health, inspector of nuisances, or other officer of the Board.

(4) Any such officer of health, inspector of nuisances, or other officer of the Board may, at all reasonable times, enter and inspect any factory.

DIVISION VI.

DIVISION VI.—MEALS OF EMPLOYÉS.

Interval for meals.

Vic. Act No. 1975 of 1905, sec. 31.

Factories Act, 1894, s. 17.

39. (1) No employer shall, except when the operation of this section is suspended, employ continuously in any factory for more than five hours, without an interval of at least half an hour for a meal, any woman, young person, or child.

Penalty, Five Pounds.

(2) The Minister may suspend the operation of this section whenever, in his opinion, the exigencies of trade so require.

(3) A notification of such suspension shall be published in the *Gazette*.

Meals not to be taken in room where employés are working or in certain cases where employés have been working.

Vic. Act No. 1975 of 1905, sec. 32.

40. (1) No occupier of a factory shall permit or suffer any person employed therein to take any meal in any room in such factory—

(*a*) In which any manufacturing process or handicraft is then being carried on; or

(*b*) In which persons employed are then engaged in their employment.

(2) An inspector may exempt from the provisions of this section any factory which is of open construction, and in connection with which the occupier has provided a meal-room approved by the inspector.

(3) No occupier of a factory in which is carried on any manufacturing process, handicraft, or employment declared by the Governor to be noxious shall permit or suffer any person to take a meal in any room therein in which any person has during the day been employed.

(4) Every occupier mentioned in subsection (3) shall provide a fit and proper room where his employés may take their meals.

Penalty, Five Pounds.

(5) The Minister may, by written licence, exempt the occupier of a factory from providing a meal-room.

PART V.

PART V.

SPECIAL PROVISIONS FOR CERTAIN TRADES.

DIVISION I.

DIVISION I.—BAKEHOUSES.

Lime-washing, painting, and washing of the interior of bakehouses.

41. (1) The occupier of every bakehouse—

(*a*) In which bread or pastry is baked for sale or gain; and

(*b*) Which

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PART V.
DIVISION I.

(*b*) Which is situated within a city, town, or township,

shall either paint with oil paint, or varnish, or wash with lime, or some other wash liquid approved by the Chief Inspector, all the internal wall surfaces, ceilings, and internal surface of the roof, where not ceiled, of such bakehouse.

Vic. Act No. 1975, sec. 33.

New Zealand Act 1901, sec. 42.

(2) Where paint or varnish is used, there shall be three coats thereof, and the same shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every twelve months.

(3) Where limewash or other approved wash liquid is used the same shall be renewed once at least in every six months.

(4) A bakehouse in respect of which there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

Provision as to sleeping places near bakehouses.

Vic. Act No. 1975, sec. 34.

New Zealand Act, 1901, sec. 42.

42. (1) No place on the same level with any such bakehouse and forming part of the same building shall be used as a sleeping place—

(*a*) Unless such sleeping place is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(*b*) Unless there is an external glazed window of at least nine superficial feet in area, of which at least four and a half superficial feet are made to open for ventilation.

(2) No person shall let or occupy, or continue to let, or knowingly suffer to be occupied, any place contrary to this section.

Penalty, for the first offence One Pound, and for every subsequent offence Five Pounds.

DIVISION II.

DIVISION II.—DUST-GENERATING FACTORIES.

Provision as to ventilation by fan in factories.

Vic. Act No. 1975, sec. 35

43. (1) The Chief Inspector may order that a fan or other properly constructed mechanical means for preventing inhalation of dust by the workers be provided by the occupier, and continuously used in every factory, when—

(*a*) Any process is carried on by which dust is generated, and by the workers inhaled to an injurious extent; and

(*b*) In the opinion of the Chief Inspector such inhalation would be to a great extent thereby prevented.

(2) Such order shall specify—

(*a*) The mechanical means to be provided; and

(*b*) The time allowed for providing same.

(3) A factory in which such order is not complied with shall be deemed to be not kept in conformity with this Act.

DIVISION

PART V.

DIVISION III.

DIVISION III.—WET SPINNING ROOMS.

Protection of workers in wet spinning.

Vic. Act No. 1975, sec. 36.

44. (1) No occupier of a factory shall employ any female or any male under eighteen years of age in any part of such factory in which wet spinning is carried on, unless sufficient means be continuously used—

(*a*) For protecting the workers from being wetted; and

(*b*) Where hot water is used, for preventing the escape of steam into the room occupied by the workers.

(2) A factory in which such means are not continuously used shall be deemed to be not kept in conformity with this Act.

PART VI.

PART VI.

REGULATION AND USE OF MACHINERY IN FACTORIES.

DIVISION I.

DIVISION I.—FENCING OF MACHINERY.

Inspector to be a qualified mechanic.

Factories Act, 1900, sec. 41.

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

Traversing carriage of self-acting machine.

Factories Act, 1900, sec. 39.

See N.S.W. Act, 1896, sec. 26.

46. (1) No occupier of a factory shall permit the traversing carriage of any self-acting machine therein to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space through which any person is likely to pass.

Dangerous machinery to be fenced.

Factories Act, 1900, sec. 40.

See N.S.W. Act, 1896, sec. 28.

Vic. Act No. 1975, sec. 58.

(2) The occupier of a factory shall securely fence or safeguard—

(*a*) All dangerous parts of the machinery therein, and in particular:

(*b*) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam, gas, oil, electric, water, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel; and

(*c*) Every wheel-race, unless the same be securely fenced close to the edge of the wheel-race; and

(*d*) Every part of the mill gearing, unless the same be in such position or of such construction as to be equally safe to every person employed in the factory.

(3) Such occupier shall cause all fencing and safeguards to be constantly maintained in an efficient state while the parts required to be fenced or safeguarded are in motion or use for the purpose of any manufacturing process.

(4) A factory in which the above provisions are not observed shall be deemed to be not kept in conformity with this Act.

47. (1) An

PART VI.
DIVISION I.

Fencing of other dangerous machinery and structures upon notice given by inspector.

Vic. Act No. 1975, secs. 59 and 60.

47. (1) An inspector shall serve on the occupier of a factory a notice requiring him to fence or safeguard, and keep fenced or safeguarded—

(*a*) Any part of the machinery therein:

i. To which the provisions of section 46 do not apply; and

ii. Which is not securely fenced; and

iii. Which is so dangerous as to be likely to cause bodily injury to any employé; and

(*b*) Any vat, pan, or structure; and

(*c*) Any stairway, staging, or place

over, on, or near to which any person is liable to be or pass, and which, in the opinion of the inspector, is dangerous.

(2) Such occupier may, within seven days after the receipt of the notice, serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, to be conducted in manner prescribed.

(3) If the arbitrators or their umpire decide that it is unnecessary or impossible to comply with the notice—

(*a*) They shall cancel the notice; and

(*b*) The occupier need not comply therewith; and

(*c*) The Minister shall pay the expenses of the arbitration.

(4) If the occupier—

(*a*) Does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration; or

(*b*) Does not appoint an arbitrator within the time prescribed;

or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to comply with the notice, such occupier shall comply therewith, or with the same as modified by the award.

(5) The expenses of the arbitration in the case mentioned in subsection (4) shall be paid by the occupier, and shall be recoverable from him by the inspector in any Court of competent jurisdiction.

(6) If the award modifies the notice, the expenses of the arbitration shall be in the discretion of the arbitrators or umpire.

(7) A factory in which the above provisions are not observed shall be deemed to be not kept in conformity with this Act.

DIVISION II.

DIVISION II.—GRINDSTONES.

Fixing of grindstones securely and replacing faulty grindstone.

48. (1) An inspector shall serve on the occupier of a factory a notice requiring him to replace or to properly fix any grindstone worked by mechanical power, which is so faulty or so fixed as to be dangerous.

(2) The

Vic. Act 1975, sec. 61.

(2) The provisions of section 47 shall, with the necessary modifications, apply hereto.

DIVISION III.

DIVISION III.—RESTRICTIONS AS TO YOUNG PERSONS AND FEMALES.

Management of elevators.

Factories Act, 1900, sec. 46.

See N.S.W. Act, 1896, sec. 32.

49. No occupier of a factory shall permit or suffer any male under sixteen years of age or any female to have the care, custody, management, or working of an elevator or lift in a factory.

Restriction on employment under certain age.

Factories Act, 1900, sec 46.

Vic. Act No. 1975, sec. 62

See N.S.W. Act, 1896, sec. 32.

50. (1) No occupier of a factory shall permit or suffer any male under eighteen years of age or any female—

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

(*b*) To work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of mechanical power.

Penalty, Twenty Pounds.

Prohibition of young persons working at dangerous machinery.

Factories Act, 1900, sec. 44.

Vic. Act No. 1975, sec. 63.

51. (1) The Governor may, by order published in the *Gazette*, prohibit the employment in any factory of any person under the age of sixteen years at or in connection with any particular machinery or class of machinery specified in such order as dangerous.

(2) No occupier of a factory shall employ therein any person contrary to such order.

Penalty, Twenty Pounds.

DIVISION IV.

DIVISION IV.—ACCIDENTS.

Notice of accidents in factories.

Factories Act, 1900, sec. 48.

N.S.W. Act, 1896, sec. 33.

Vic. Act No. 1975, sec. 64.

52. (1) The occupier of a factory shall send written notice to the nearest inspector when an accident occurs therein which—

(*a*) Causes loss of life to an employé; or

(*b*) Incapacitates an employé for work for more than twenty-four hours.

Contents of notice.

(2) Such notice shall—

(*a*) In case of death be sent forthwith thereafter; and

(*b*) In case of such incapacity be sent immediately after the expiration of such twenty-four hours:

(*c*) State the cause of death, or the nature and extent of the injury, as the case may be, and the residence of the person killed or injured, or the place to which he has been removed.

Penalty, Five Pounds.

Inspector to inquire and report.

Factories Act, 1900, sec. 49.

53. The inspector—

(*a*) Shall, immediately on receiving notice, proceed to the factory and inquire into the cause of such accident;

(*b*) May question the occupier and all persons employed in such factory.

54. (1) Every

54. (1) Every occupier of a factory shall, at each floor thereof, protect the opening of every hoistway, elevator, lift, well hole, or stairway with good and sufficient trapdoors or self-closing hatches and safety catches, or such safeguards as an inspector may approve.

Hoists and lifts to be protected.

Factories Act, 1900, sec. 45.

See N.S.W. Act, 1896, sec. 31.

(2) No occupier of a factory shall use or permit to be used therein an elevator or lift which an inspector—

(*a*) Considers dangerous; and

(*b*) Has given written notice to such occupier not to use.

Penalty, Twenty Pounds.

Unsafe or dangerous elevator or lift.

Factories Act, 1900, sec. 45.

See N.S.W. Act, 1896, sec. 31.

55. (1) No occupier of a factory shall use or permit to be used therein any machine—

(*a*) Which in the opinion of the Minister cannot be used without danger to life or limb; and

(*b*) The use whereof he has by written notice prohibited.

Penalty, Fifty Pounds.

(2) The Minister shall, in writing, withdraw such prohibition when such machine has been repaired or altered to his satisfaction.

Dangerous machinery

Factories Act, 1900, sec. 44.

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

56. The Minister may confirm, modify, or annul any decision or notice given by an inspector under this part of this Act.

Minister may modify or annul terms.

Factories Act, 1900, sec. 50.

PART VII.

PART VII.

RESTRICTIONS REGARDING EMPLOYES IN FACTORIES.

DIVISION I.—AGES AND WORKING HOURS OF EMPLOYES.

DIVISION I.

57. No occupier of a factory shall employ therein a child who has not—

(*a*) Passed the compulsory educational standard; and

(*b*) Obtained the permission of the Chief Inspector to be so employed.

Penalty, Ten Pounds.

No child to be employed.

Factories Act, 1894, sec. 14.

Vic. Act 1975, sec. 37.

See N.Z. Act, 1901, sec. 25.

58. (1) All females, of whatever age, and all males under eighteen years of age who work in a factory, whether for wages or not—

(*a*) In a manufacturing process or handicraft; or

(*b*) In cleaning any part of a factory used for any manufacturing process or handicraft; or

(*c*) In cleaning or oiling any part of the machinery; or

(*d*) In any other kind of work whatsoever incidental to or connected with any manufacturing process or handicraft, or connected with the article made or otherwise the subject of any manufacturing process or handicraft, shall

Definition of employment and working for hire.

Vic. Act No. 1975, sec. 38.

PART VII. DIVISION I.

shall, save as otherwise herein provided, be deemed to be employed by the occupier.

(2) For the purposes of this Act an apprentice shall be deemed to work for hire.

Restriction of employment in mirror and white lead making.

Vic. Act No. 1975, sec. 39.

59. No occupier of a factory shall employ a person under eighteen years of age in any part of such factory in which there is carried on—

(*a*) The process of silvering of mirrors by the mercurial process; or

(*b*) The process of making white lead.

Penalty, Ten Pounds.

Restriction of employment in glassworks.

Vic. Act No. 1975, sec. 39

60. No occupier of a factory shall employ a male under fourteen years of age or a female under eighteen years of age in any part of such factory in which the process of melting or annealing glass is carried on.

Penalty, Ten Pounds.

Restriction of employment in brick and salt making.

Vic. Act No. 1975, sec. 39.

61. No occupier of a factory shall employ therein a girl under sixteen years of age if there is carried on therein—

(*a*) The making or finishing of bricks or tiles not being ornamental tiles; or

(*b*) The making or finishing of salt.

Penalty, Ten Pounds.

Restriction of employment in metal-grinding and lucifer match-dipping.

Vic. Act No. 1975, sec. 39.

62. No occupier of a factory shall employ a person under sixteen years of age in any part of such factory in which is carried on—

(*a*) Any dry grinding in the metal trade; or

(*b*) The dipping of lucifer matches

Penalty, Ten Pounds.

Restriction of employment in metal trades.

Vic. Act. No. 1975, sec. 39.

63. No occupier of a factory shall employ in fustian cutting or in any grinding in the metal trades other than dry-grinding a person under the age of fourteen years

Penalty, Ten Pounds.

Notices to be posted in factory.

Vic. Act No. 1975, sec. 39.

64. The occupier of a factory shall affix and keep affixed, in legible characters, in some conspicuous place therein, and so as to be easily read by the employés, a copy of such of the sections 59, 60, 61, 62, and 63 as are applicable to such factory, such notices to be supplied by the Minister.

Penalty, Ten Pounds.

65. (1) No

Working hours for women, children, and young persons.

65. (1) No occupier of a factory, shall, except as in subsection (2) provided, employ or authorise or permit to be employed therein any child, young person, or woman—

Factories Act, 1906, sec. 56.

Vic. Act No. 1975, sec. 40.

(*a*) For more than forty-eight hours in any one week; or

(*b*) For more than ten hours in any one day; or

(*c*) Later than nine o'clock in the evening.

Provision for unforeseen press of work.

(2) In order to meet an unforeseen press of work, the hours of employment mentioned in subsection (1) may be exceeded, as regards women and boys over fourteen years of age, but subject to the following conditions:—

Conditions.

(*a*) The hours of employment shall not exceed fifty-five hours in one week:

(*b*) The aggregate number of hours of employment above forty-eight hours per week shall not exceed one hundred hours in any one year:

(*c*) Such occupier shall—

I. Within twenty-four hours after the commencement of such extra working, give to the Chief Inspector the prescribed written notice of having availed himself of the provisions of this subsection; and

II. Give to the Chief Inspector with such notice a full statement, signed by such occupier, of the facts on which he relies as showing that such working was in fact for the purpose of meeting an unforeseen press of work;

III. Pay overtime for each day on which he avails himself of the provisions of this section to each wage worker at the rate of time and a quarter, and to each piece worker at the rate of rate and a quarter:

IV. Pay not less than Six Pence tea money to every such person employed after six o'clock in the evening:

Penalty, for the first offence Five Pounds, and for any subsequent offence Twenty Pounds.

Dissatisfaction of Minister.

Factories Act, 1906, sec. 56, ss. (*f*).

66. (1) The Minister shall give notice in writing to such occupier if he is not satisfied that such working was in fact for the purpose of meeting an unforeseen press of work.

Vic. Act No. 1975, sec. 40.

(2) Unless such occupier, within one month, satisfies the Minister that such working was in fact for such purpose, the Minister shall direct the Chief Inspector to record that such working was not in fact for such purpose.

67. No

Occupier to forfeit right to work overtime in certain cases. Factories Act, 1906, sec. 56. Vic. Act No. 1975, sec. 40.

67. No occupier shall be entitled to avail himself of the provisions of section 65 if the Minister directs such record to be made in regard to such occupier three times within any period of twelve months.

Suspension of sec. 65. Factories Act, 1906, sec. 56. Vic. Act No. 1975, sec. 46.

68. (1) The Minister may, upon payment of the prescribed fee, by notice under his hand published in the *Gazette*, suspend the operation of section 65—

(*a*) In any factory, and

(*b*) In all factories of a particular description:

Conditions of suspension.

(2) Every suspension under subsection (1) shall be made subject to such conditions as may be prescribed.

Limit of suspension.

(3) No such suspension shall have any force or effect for more than two months.

Revocation of suspension.

(4) The Minister may, upon breach of any of such conditions, revoke such suspension by a notice posted to the occupier affected thereby and published in the *Gazette*.

Calculation of working time. Factories Act, 1906, sec. 56. Vic. Act No. 2008, sec. 8.

69. On any day all persons under sixteen years of age, and all women employed in any capacity in a factory, shall (meal times excepted) be deemed to be employed therein from the time when they commence work until the time they leave the factory.

Hours of work, how reckoned. Vic. Act No. 1975, sec. 41.

70. All the time in any day or week during which any child, young person, or woman is employed at work of any description for an occupier shall count in calculating the hours of employment under section 65.

Employés not to be boarders. Factories Act, 1906, sec. 57. Vic. Act No. 2008, sec. 33

71. (1) No occupier shall, nor shall the wife or child of such occupier—

(*a*) Directly or indirectly, for any consideration, keep or receive as boarders or lodgers any adult in his employ whose wages are fixed by a Board; or

(*b*) Have any share or interest in the keeping of a lodging-house in which any such adult boards or lodges.

(2) The provision of subsection (1) shall not apply to chemists' shops, coffee-houses, confectioners, eating-houses, fish and oyster shops, fruit and vegetable shops, restaurants, tobacconists' shops, booksellers and news agents' shops, and cooked meat other than tinned meat shops.

(3) The Chief Inspector may, subject to such conditions as he may impose, allow any such occupier, or his wife or child, to accept money for board or lodging from an employé.

(4) Except as in this section provided, no such employé shall pay to any such occupier, or his wife or child, any sum of money whatever for board or lodging, or give credit therefor.

Penalty, Ten Pounds.

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DIVISION II.

DIVISION II.—WORKING HOURS IN FACTORIES WHERE CHINESE EMPLOYED.

Limitation of working hours in factories where Chinese are employed.

Vic. Act No. 1975 sec. 42.

72. (1) In a factory where any Chinese person is employed no person shall work for himself or for hire or reward, either directly or indirectly, or shall employ or authorise or permit any person to work—

I. On any day before half-past seven o'clock in the morning, or after five o'clock in the evening; or

II. On a Saturday, after two o'clock in the afternoon; or

III. On a Sunday.

Penalty, for the first offence Ten Pounds, and for any subsequent offence Twenty-five Pounds.

Cancellation of registration.

(2) The Chief Inspector shall forthwith cancel the registration of a factory, the occupier of which is convicted under this section of a third offence; and such factory shall not be re-registered without the sanction of the Minister.

Proof of contravention.

(3) In a prosecution for an offence against this section upon the Court being satisfied—

(*a*) That at any time during which work is prohibited by this section in a 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*) That during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,

the onus of proof that the offence charged has not in fact been committed shall be on the defendant.

Power to suspend operation of section 72.

Vic. Act No. 2008, sec. 10.

73. The Minister may—

(*a*) In order to meet an unforeseen press of work, and

(*b*) Subject to the conditions and restrictions imposed in section 65,

suspend the operation of section 72 in respect of any factory for any period not exceeding two months.

Effect of work in factory during prohibited hours.

Vic. Act No. 2008, sec. 9.

74. In a prosecution under section 72 the occupier of a factory shall be deemed to have contravened the provisions thereof if any person is proved to have been working therein at a time when work is prohibited by the said section.

DIVISION III.

DIVISION III.—CERTIFICATION OF FITNESS FOR EMPLOYMENT OF PERSONS UNDER SIXTEEN YEARS.

Certificate of fitness for employment of persons under sixteen years of age.

75. (1) Every employé under the age of sixteen years shall obtain, and when required by an inspector produce to him a certificate,

PART VII. DIVISION III.

See Factories Act, 1894, sec. 15. Vic. Act No. 1975, sec. 43.

cate, in the prescribed form, of his fitness for employment in any factory—

(*a*) In such cases as may be prescribed; and

(*b*) In such cases as the Chief Inspector, owing to special circumstances, may by written notice require.

(2) Such certificate may be granted by a certifying medical practitioner for the district, and shall be to the effect that he—

(*a*) Is satisfied by the production of a certificate of birth or other sufficient evidence that the person named in the certificate of fitness is of the age therein specified; and

(*b*) Has personally examined such person and found him not to be incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(3) Every employé under the age of sixteen years shall, where a certificate of fitness is not required, obtain and produce, when demanded by an inspector, a certificate of birth, as provided in section 76. Penalty, Five Pounds.

Supplemental provisions as certificates of fitness for employment.

Factories Act, 1894, sec. 16. Vic. Act No. 1975, sec. 44

76. (1) All factories or any of them may be specified in the certificate of fitness for employment if the certifying medical practitioner is of opinion that he can truly give the certificate for employment therein.

(2) The certificate of birth referred to in section 75 shall be—

(*a*) A certified copy of the entry in a register of births kept pursuant to law of the birth of the person; or

(*b*) A statutory declaration as to the age of the person.

(3) An inspector shall annul a certificate granted by a certifying medical practitioner on evidence other than a certificate of birth, if he has reasonable cause to believe that the real age of the person named in it is less than that mentioned in the certificate.

(4) Such annulment shall be in writing served upon such occupier.

DIVISION IV.

DIVISION IV.—EMPLOYMENT OF BOYS AND FEMALES AS TYPE-SETTERS.

Restriction in employment of boys and females as type-setters.

Vic. Act No. 1975, sec. 46.

77. (1) No person shall employ a boy under sixteen years of age or a female as type-setter in a printing office—

(*a*) For longer than eight hours in any one day; or

(*b*) Between the hours of six o'clock in the evening and six o'clock in the morning.

Penalty, Ten Pounds.

(2) The Chief Inspector may, as regards a boy under sixteen years of age, in a case of emergency, grant a certificate of exemption from the provisions of subsection (1), but only on condition that no such boy shall be employed for twelve hours preceding and for twelve hours following any night work.

PART

PART VIII.

PART VIII.

WAGES BOARDS.

DIVISION I.—APPOINTMENT OF BOARDS.

DIVISION I.

Appointment of Boards for specified trades, &c. Factories Act, 1906, sec. 6.

78. (1) The Governor shall appoint Wages Boards for the following processes, trades, businesses, occupations, or callings:—

(*a*) The preparation and manufacture of clothing and wearing apparel: Vic. Act No. 1975, sec. 75.

(*b*) The preparation and manufacture of furniture: Factories Act, 1906, sec. 33.

(*c*) The preparation and manufacture of overmantels and of wood mantelpieces (other than wood mantelpieces to be painted, such as are usually made in saw mills): Ibid.

(*d*) The preparation and manufacture of mattresses and bedding: Ibid.

(*e*) The making and baking of bread and small goods: Ibid.

(*f*) Of a pastrycook:

(*g*) Of a butcher and seller of meat, and maker and seller of small goods: Factories Act, 1906 sec. 6.

(*h*) Of brickmaking: Ibid.

(*i*) Of drivers of trollies, wagons, drays, and carriers' vehicles: Ibid.

(*j*) Agricultural machinery and implement makers:

(*k*) Printers, bookbinders, paper rulers and cutters: House of Assembly resolution, 3/9/07.

(*l*) Brushmakers:

(*m*) Carpenters and joiners:

(*n*) Coopers:

(*o*) Hairdressers:

(*p*) Laundries:

(*q*) Painters and decorators:

(*r*) Galvanized-iron workers engaged in the construction of buildings, plumbers, and gasfitters:

(*s*) Saddlers and harnessmakers, including collarmakers, bridle-cutters, and machinists employed in the trade:

(*t*) Sawmills, timber yards, and wood box makers:

(*u*) Tanners, curriers, and tanyards:

(*v*) For any other process, trade, business, occupation, or calling in respect whereof both Houses of Parliament pass a resolution approving such appointment.

(2) In carrying out the provisions of subsection (1) the Governor may—

(*a*) Appoint a separate Board for each process, trade, business, occupation, or calling; or

(*b*) Appoint a separate Board in respect of the preparation and manufacture of particular articles of clothing and wearing apparel and of furniture; or

(*c*) With

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(*c*) With the authority of a resolution of both Houses of Parliament, appoint a separate Board for any specified part or parts of any one or more of such processes, trades, businesses, occupations, or callings: Provided that nothing in this subsection shall be deemed to require any such resolution in the case of the Boards referred to in subsection (*b*):

(*d*) Group together any one or more of such processes, trades, businesses, occupations, or callings, or part or parts thereof, and appoint one Board for each group.

Continuation of present Boards and determinations.

New.

79. (1) The Boards heretofore appointed by the Governor, and specified in the Fourth Schedule, shall, for all purposes, be deemed to have been duly appointed under this Act, and the members at the time of the passing of this Act of each Board, other than the Chairman thereof, shall hold office, and the Board shall continue for three years from the date set opposite the title of such Board in the said Schedule.

(2) The present Chairman of such Boards shall, upon the coming into operation of this Act, retire from office and new Chairmen shall be appointed in manner prescribed by section 87.

(3) A casual vacancy occurring in any such Board shall be filled in manner provided in section 91.

(4) Any determinations made by any such Board shall, for all purposes:

(*a*) Be deemed to have been duly made by a Board duly appointed under this Act, and take effect accordingly; and

(*b*) Remain in force until altered by such Board under section 107, or a subsequent Board, or in accordance with an order of the Court of Industrial Appeals.

Short title of Boards.

Factories Act, 1906, sec. 39.

Vic. Act No. 1975, sec. 109.

80. (1) The Boards specified in the Fourth Schedule may be described for all purposes by the short titles therein set out.

(2) The Governor may, by order published in the *Gazette*, direct that any Board hereafter appointed may be described by a specified short title.

DIVISION II.

DIVISION II.—RECORDS AND NOTICES BY EMPLOYERS.

Records and notices by employers.

Factories Act, 1900, sec. 10.

See Vic. Act, No. 1975 of 1905, sec. 20.

81. (1) Every employer engaged in any process, trade, business, occupation, or calling, or group or part, in respect whereof a Board is appointed, shall—

(*a*) Make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, and wages of the persons employed by him, and the age of every person under twenty-one years of age:

Production to inspector.

(*b*) Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the Chief Inspector:

(*c*) Affix

(*c*) Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employés, a notice containing— Information to be posted.

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

ii. The holidays and the working hours of the employés: Holidays.

iii. True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed: Abstracts of Act and regulations.

iv. A copy of the determination of the Board for the time being in force: Determination of Board.

(*d*) Affix and keep affixed in legibile characters, in such place as an inspector may direct or approve— Name of employer.

i. The name of such employer; or,

ii. If such employer is a company, the registered name of such company; or,

iii. If such employer is a firm, the firm name:

(*e*) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve, a detailed record of all fines levied by such employer upon his employés: Record of fines.

(*f*) Forward to the Chief Inspector a copy of such record of fines at such times and in such form as may be prescribed. Record of fines to be forwarded.

Penalty, One Pound for every day during which any of the provisions of this section are not complied with.

DIVISION III.—MODE OF APPOINTMENT.

DIVISION III.

82. (1) One-half of the representative members of every Board shall be appointed as representatives of employers and one-half as representatives of employés. Constitution of Board. Factories Act, 1906, sec. 7. Vic. Act No. 1975, sec. 76.

(2) If a Board be appointed exclusively for men's and boys' clothing the representatives of employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing. Men's and Boys' Clothing Board. Factories Act, 1906, sec. 9. Vic. Act No. 1975, sec. 79.

(3) The representatives of the employers shall be, or shall have been, *bonâ fide* and actual employers in the process, trade, business, occupation, or calling, or group, or part for which the Board is to be appointed, concerned, or managing experts. Representatives. Ibid, amended.

(4) The representatives of the employés shall be or shall have been *bonâ fide* and actual employés in such process, trade, business, occupation, or calling, or group, or part.

83. A member shall, upon the expiration of his term of office, be eligible for re-appointment. Member of Board to be eligible for re-election. Factories Act, 1906, sec. 7 Vic. Act No. 1975, sec. 76.

84. (1) The

PART VIII. DIVISION III.

Notice that Board is to be appointed.

New.

84. (1) The Minister shall publish in the *Gazette* a notice which shall—

I. Specify the process, trade, business, occupation, or calling, or group or part, in respect of which such Board is to be appointed; and

II. Fix a date on or before which every employer engaged in such process, trade, business, occupation, or calling, or group or part, shall forward to the Chief Inspector a return containing—

(*a*) The employer's full name, address, and occupation; and

(*b*) Particulars of the names, work, and wages of the persons employed by him therein.

(2) Every employer shall duly forward the return mentioned in sub-paragraph II. of subsection (1).

Penalty, Ten Pounds.

(3) The Chief Inspector shall prepare a summary of such returns for the information of the Minister.

Provision for appointment after nomination of representative members of Board without previous election.

Factories Act, 1906, sec. 8.

Vic. Act No. 1975, sec. 77.

(4) The Minister may nominate persons for appointment on such Board as representatives of employers and representatives of employés.

(5) The Minister shall publish in the *Gazette* a notice setting out the names, addresses, and occupations of the persons nominated.

Objections to persons nominated and election.

Factories Act, 1906, sec. 8.

Vic. Act No. 1975, sec. 77.

85. (1) The Governor shall appoint the persons so nominated, unless objected to, pursuant to subsection (2).

(2) If in the opinion of the Minister, having regard to the records contained in the latest report of the Chief Inspector or the summary mentioned in subsection (3) of section 84—

(*a*) Not less than one-fifth of the employers have objected in writing to the persons nominated as the representatives of employers; or

(*b*) Not less than one-fifth of the adult employés have objected in writing to the persons nominated as the representatives of employés,

the representatives of the employers or employés so objected to shall be elected in manner prescribed.

(3) Objections to nominations may be made within twenty-one days from the date of the publication of such nominations.

(4) The Governor shall appoint the persons so elected.

(5) When the representatives of employers and employés have been appointed the Governor shall publish such appointment in the *Gazette*.

DIVISION IV.—GENERAL PROVISIONS RELATING TO CONSTITUTION OF BOARDS.

PART VIII. DIVISION IV.

Number of members and term of office. Factories Act, 1906, sec. 6.

86. Every Board hereafter appointed shall—

(*a*) Consist of not less than four nor more than ten representative members and a Chairman; and

(*b*) Be appointed for a period of three years from the date of appointment of the Chairman.

Appointment of Chairman.

87. (1) The majority of the representative members of every Board, before exercising any powers conferred upon them by this Act, shall nominate in writing some person (not being one of such members) to be Chairman of such Board, and such person shall be appointed by the Governor to such office.

(2) In the event of such nomination not being made within twenty-eight days from the appointment of such Board, the Governor may appoint any Stipendiary Magistrate as such Chairman until a Chairman shall be nominated by the said Board.

(3) In the event of any vacancy occurring in the office of Chairman of any Board, such vacancy shall be filled in manner aforesaid.

(4) The Chairman shall be deemed a member of the Board, and the Governor shall publish his appointment in the *Gazette*.

Exercise of powers. Factories Act, 1906, sec. 14. Vic. Act No. 1975, sec. 84.

88. All powers of a Board may be exercised by a majority of the members thereof present at any meeting.

Governor may remove member of Board. Factories Act, 1906, sec. 6. Vic. Act No. 1975, sec. 75.

89. The Governor may, by order published in the *Gazette*, remove any member.

Resignation of member of Board.

90. A member may resign by writing under his hand, addressed and forwarded to the Minister.

Governor may appoint in certain cases. Factories Act, 1906, sec. 11. Vic. Act No. 1975, sec. 81.

91. (1) The Governor may appoint a person to fill a vacancy caused by death, resignation, or removal of a member, or under an order of Justices pursuant to section 147: Provided that if within fourteen days of such vacancy occurring, a majority of the representatives on the Board of the employers or employés, as the case may be, nominate a person to be appointed to fill such vacancy, the Governor shall appoint the person so nominated.

(2) No person shall be so appointed unless qualified for nomination under section 82.

(3) The term of office of a member so appointed shall be limited to the residue of the term of office for which such Board is appointed.

(4) A person so appointed shall be deemed to have been elected by the employers or employés, as the case may be.

92. During

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DIVISION IV.

Effect of vacancy.
Factories Act, 1906, sec. 15.
Vic Act No. 1975, sec. 85

92. During a vacancy in a Board (other than in the office of Chairman) the continuing members may, unless a member objects, act as if no vacancy existed.

DIVISION V.

DIVISION V.—OBJECTS AND DUTIES OF BOARDS.

Board to determine lowest price or rate of payment.
Factories Act, 1906, secs. 6, 17.
Vic. Act No. 1975, sec. 87.

93. Every Board, so far as regards the particular process, trade, business, occupation, or calling, or group or part, for which it is appointed—

I. May classify the employés:

II. Shall determine the lowest prices or rates of payment which may be paid:

(*a*) To each class; or

(*b*) For any specified work:

Board shall also fix maximum number of hours, &c.
Factories Act, 1906, sec. 20.
Vic. Act No. 1975, sec. 90.

III. Shall fix the maximum number of hours per week in respect of which such wages prices or rates shall be paid:

Wages for time worked in excess of maximum, &c.

IV. Shall determine wages prices or rates higher than those determined for such maximum number of hours, which shall be paid to male employés over sixteen years of age in respect of time above such maximum worked in any week:

Number of improvers.
Factories Act, 1906, sec. 21.
Vic. Act No. 1975, sec. 91.

V. Shall fix the maximum number or proportionate number of improvers who may be employed by an employer, with power to fix a different proportion of male and female improvers.

VI. Shall, by notice published in the *Gazette*, prescribe, as regards persons thereafter apprenticed, a form of indenture of apprenticeship, and may by such notice prescribe the term of such apprenticeship, such term being not less than three years.

Outside work in clothing trade to be at piece-work rates.
Factories Act, 1906, sec. 17.
Vic. Act No. 1975, sec. 87.

94. Notwithstanding the provisions of section 93—

(*a*) The Board shall, as regards work done outside a factory in respect of the manufacture or preparation of articles of clothing or wearing apparel, fix piece-work prices or rates, and not wages prices or rates:

Wages prices or rates for machine hands if requested.

(*b*) The Board shall, if requested by an employer, fix wages prices or rates for his machine hands:

Rates for furniture to be both piece-work and wages rates if practicable.
Factories Act, 1906, sec. 18.
Vic. Act No. 1975, sec. 88.

(*c*) The Board shall, as regards work done in respect of the manufacture or preparation of furniture, fix, wherever practicable, both piece-work prices or rates and wages prices or rates:

Piece-work rate, when fixed by Board, to be based on wages rate.
Factories Act, 1906, sec. 19.
Vic. Act No. 1975, sec. 89.

(*d*) Where the Board fixes both piece-work prices or rates and wages prices or rates for any work the piece-work prices or rates shall be based on the wages prices or rate; but no determination shall be questioned or challenged for non-compliance with this subsection.

95. In

95. In making a determination as to prices or rates, every Board shall be bound by the following rules:—

Principles of determination by Boards.

Factories Act, 1906, sec. 13.

Vic. Act No. 1975, sec. 83, altered.

I. The Board shall, upon such evidence as it may deem satisfactory, ascertain as a question of fact the average prices or rates of payment (whether piece-work prices or rates or wages prices or rates) paid by reputable employers to employés of average capacity:

II. The lowest prices or rates determined shall not exceed the average prices or rates so ascertained:

III. The Board shall take into consideration—

(*a*) The nature, kind, and class of the work;

Factories Act, 1906, sec. 6, subsec. (3).

(*b*) The mode and manner in which the work is to be done;

Vic. Act No. 1975, sec. 75.

(*c*) The age and sex of the workers, and, in addition, as regards apprentices and improvers, their experience at the process, trade, business, occupation, or calling; and

(*d*) Any matter prescribed.

96. (1) The Board shall report to the Court of Industrial Appeals whenever the average prices or rates ascertained under section 95, subsection I., are not sufficient, in its opinion, to afford a reasonable limit for its determination.

Board to report to Court when no reasonable limit.

(2) Thereupon such Court shall fix the lowest prices or rates to be paid, and may disregard the provisions of section 95, subsection I.

(3) The Board shall embody in its determination the prices or rates so fixed by the Court.

97. (1) A person at the time of the passing of this Act employed as an apprentice under an agreement which does not contain a covenant to teach may enter into indentures of apprenticeship which bind the employer to instruct such person in the particular process, trade, business, occupation, or calling carried on by such employer, or some specified part thereof approved by the Chairman, and upon such terms and for such period as the Chairman may in writing approve.

Special provisions for apprentices.

New.

(2) A person who is over the age of eighteen years and under the age of twenty-one years may enter into indentures of apprenticeship which bind the employer to instruct such person in the particular trade, process, business, occupation, or calling carried on by such employer, or some specified part thereof.

(3) After the expiration of one month from the publication of the notice under section 93, subsection VI., and subject to subsection (1) of this section, no employer shall take an apprentice except under indentures in the form and for the term fixed by such notice or by this Act; and indentures contravening the provisions of this subsection shall be void.

Penalty, Twenty Pounds.

98. (1) The

Power of Chairman of Board to administer oaths.
Factories Act, 1906, sec. 16.
Vic. Act No. 1975, sec. 86.

98. (1) The Chairman may require a person (including a member of the Board) giving evidence before the Board to give his evidence on oath.

(2) The Chairman may administer such oath.

Wage for less than maximum hours to be *pro rata*.
Factories Act, 1906, sec. 20.
Vic. Act No. 1975, sec. 90.

99. Every employer shall pay to an employé who in any week works less than the maximum number of hours fixed under section 93, subsection III., a *pro rata* amount of the wages price or rate determined for such maximum number of hours.

Penalty, Five Pounds.

Experience of apprentice, &c., how calculated.
Factories Act, 1906, sec. 24.
Vic. Act No. 1975, sec. 94.

100. All the time during which an apprentice or improver has worked at the process, trade, business, occupation, or calling in which he is for the time being employed, shall be reckoned in calculating his experience, whenever by the determination of the Board his wages are to vary in accordance with his experience.

Brushmakers in charitable institutions at piece-work rates only.

101. No person engaged in brushmaking in a charitable institution or an institution for the blind shall be bound by any determination of the Brushmakers' Board, except so far as such determination fixes a piece-work rate.

Penalty Five Pounds.

DIVISION VI.

DIVISION VI.—PIECE-WORK RATES MAY BE FIXED BY EMPLOYER.

Piece-work rate may be fixed by employer in certain cases.
Factories Act, 1906, sec. 28.
Vic. Act No. 1975, sec. 98.

102. (1) A Board, instead of determining the lowest piece-work prices or rates—

(*a*) May fix the lowest wages prices or rates; and

(*b*) May determine that piece-work prices or rates based thereon may be fixed and paid by the employer.

Piece-work rates to be based on earnings of average worker.

(2) Every such employer shall base such piece-work prices or rates on the earnings of an average worker—

(*a*) Working at work similar to that for which the piece-work prices or rates are fixed; and

(*b*) Being paid at the wages rates fixed by such Board.

Statement to Chief Inspector.

(3) Such employer shall, when required by the Chief Inspector, forward to him a statement of such piece-work prices or rates.

When piece-work rate fixed, offering lower rate an offence.

(4) No employer who has so fixed piece-work prices or rates shall, either directly or indirectly, or by any pretence or device, pay or offer, or attempt to pay, any employé, at lower prices or rates.

Proof that piece-work price corresponds to wages rate.

(5) The onus of proof that this section has been complied with shall lie on the defendant.

Penalty, for the first offence Two Pounds, and for every subsequent offence Ten Pounds.

DIVISION VII.

DIVISION VII.—AGED, SLOW, AND INFIRM WORKERS.

Aged, slow, or infirm workers.
Factories Act, 1906, sec. 29.

103. (1) The Chief Inspector may grant to an aged, slow, or infirm worker a licence to work at a wage less than the wage fixed by the Board.

(2) The

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Vic. Act No. 1975, sec. 99.

(2) The Chief Inspector shall not grant such licence until satisfied that such worker is, by reason of age, slowness, or infirmity, unable to obtain employment at the wage fixed by the Board.

(3) Such licence—

(*a*) Shall specify the wage at which such worker is licensed to work; and

(*b*) May be renewed; and

(*c*) Shall be in force for any period specified therein not exceeding twelve months from date of issue or renewal.

Appeal.

(4) An appeal shall lie from a refusal by the Chief Inspector to grant such licence.

(5) Such appeal shall be to the Board, which may—

(*a*) Uphold such refusal; or

(*b*) Fix the wage and direct such Inspector to issue a licence.

(6) No employer shall, without the consent of the Board, employ any number of licensed aged, slow, or infirm workers exceeding one-fifth of the whole number of persons employed by him in the particular process, trade, business, occupation, or calling at the wage fixed for adults or at piece-work rates.

(7) Notwithstanding subsection 6, every employer may employ one licensed slow worker.

Penalty.

104. No person shall, either directly or indirectly, or by any pretence or device, pay or offer to pay any such aged or infirm or slow worker at a wage lower than that specified in such licence.

Penalty, for the first offence Two Pounds, and for every subsequent offence Ten Pounds.

DIVISION VIII.

DIVISION VIII.—DURATION, PUBLICATION, AND APPLICATION OF DETERMINATIONS.

Determination to remain in force until altered.

Factories Act, 1906 sec. 30.

Vic. Act No. 1975, sec. 100.

105. (1) The determination of a Board shall—

(*a*) Be signed by the Chairman and forwarded by him to the Minister;

(*b*) Be forthwith published by the Minister in the *Gazette;*

(*c*) Come into force on a date to be fixed by the Board, and being not less than thirty days after the making thereof.

(2) The determination of a Board, including any determination referred to in section 79, shall—

(*a*) Apply to all employers and employés who are engaged in the particular process, trade, business, occupation, or calling, or group or part—

I. Within the metropolitan area; and

II. Within any other locality or area specified by the Governor in an Order published in the *Gazette;* and

(*b*) Remain

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(*b*) Remain in force until altered by such Board under section 107, or pursuant to an order of the Court of Industrial Appeals, or by a subsequent Board;

(*c*) When so altered, shall remain in force as altered.

Child of employer not affected.
Factories Act, 1906, sec. 32.
Vic. Act No. 1975, sec. 102.

106. No determination of a Board shall apply to a child of the employer.

DIVISION IX.

DIVISION IX.—SUSPENSION OF DETERMINATION.

Power to suspend determination of any Board.
Factories Act, 1906, sec. 35.
Vic. Act No. 1975, sec. 105.

107. (1) Notwithstanding section 105, the Governor may, by Order published in the *Gazette*, suspend the operation of the whole or any part of the determination of a Board.

(2) Thereupon such Board—

(*a*) Shall reconsider such determination, or part thereof, and take evidence thereon; and

(*b*) May either alter or adhere to the same.

Publication of amended determination.

(3) If the Board makes an alteration, its determination as altered—

(*a*) Shall be forwarded by the Chairman to the Minister;

(*b*) Shall be forthwith published by the Minister in the *Gazette*; and

(*c*) Shall for all purposes be the determination of the Board.

Suspended determination.

(4) The suspended determination shall thereupon become void.

Removal of suspension.

(5) If the Board adheres to its determination without alteration—

(*a*) The Chairman shall notify the Minister in writing:

(*b*) The Governor shall thereupon, by Order published in the *Gazette*, revoke the suspension:

(*c*) Such revocation shall take effect from a date, not later than fourteen days, to be fixed in such Order.

DIVISION X.

DIVISION X.—POWERS AND DUTIES OF INSPECTORS.

Powers of Inspector.
Factories Act, 1894, sec. 8.
see Vic. Act No. 1975, sec. 15.

108. (1) Every inspector as regards any premises or place wherein is carried on any process, trade, business, occupation, or calling, or group or parts for which a Board is appointed, may—

(*a*) Enter, inspect, and examine any such premises or place at any time when he has reasonable cause to believe that any person is employed therein:

(*b*) Take with him a constable when he has reasonable cause to apprehend any serious obstruction in the execution of his duty:

(*c*) Question, with respect to matters under this Act, every person whom he finds in or about such premises or place, or whom he has reasonable cause to believe to be or to have been within

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within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers:

(*d*) Require the production of any book, notice, record, list, or document which is by this Act required to be kept or exhibited, and inspect, examine, and copy the same:

(*e*) Require the production of, and inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employé whose wages are fixed by a Board:

(*f*) Exercise such powers and authorities as may be prescribed.

Inspector may be accompanied by interpreter. Vic. Act No. 1975, sec. 16.

109. (1) An inspector entering, inspecting, and examining any such premises or place may take with him an interpreter.

Effect of inquiry, &c. by interpreter. Ibid.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Occupiers to allow entry and inspection. Factories Act, 1894, sec. 10. Vic. Act No. 1975, sec. 17.

110. Every employer shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

Orders, &c., to be in writing. Factories Act, 1894, sec. 21.

111. Every order, requisition, or determination made by an inspector shall be in writing, and served on the employer.

Certificates of appointment of inspectors. Factories Act, 1894, sec. 8. Vic. Act No. 1975, s.-c. 19.

112. Every inspector—

(*a*) Shall be furnished with a certificate of his appointment; and

(*b*) On applying for admission to any such premises or place shall, if required, produce such certificate to the employer or person in charge.

Obstruction a breach of this Act. Factories Act, 1894, sec. 11. Vic. Act No. 1975, secs. 17 and 18.

113. No person shall—

(*a*) Obstruct or wilfully delay an inspector or interpreter in the execution of his duties or powers; or

(*b*) Omit to comply with the requirements of section 110, or of any direction which the inspector is authorised to give pursuant to this Act; or

(*c*) Omit to truly answer or reply to any question which any inspector is authorised to ask under section 108; or

(*d*) Fail to produce any book, notice, record, list, or document which, pursuant to section 108, he is required by an inspector to produce; or

(*e*) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Penalty, Ten Pounds.

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DIVISION XI.

DIVISION XI.—MINIMUM WAGE AND PROHIBITION OF PREMIUMS AND GUARANTEES.

Minimum wage in factory.
Vic. Act No. 1975, sec. 48.

114. (1) No occupier of a factory shall pay any employé therein a weekly wage of less than Four Shillings.

Penalty, Ten Pounds.

No premium to be demanded for female apprentices or improvers.
Factories Act, 1900, sec. 35.
Vic. Act No. 1975, sec. 49.

115. (1) No person shall either directly or indirectly, or by any pretence or device—

(*a*) Require or permit any person to pay or give, or

(*b*) Receive from any person

any consideration, premium, or bonus for engaging or employing a female as an apprentice or improver in preparing or manufacturing articles of clothing or wearing apparel.

Penalty, Ten Pounds.

(2) The person who pays or gives such consideration, premium, or bonus may recover the same in a Court of competent jurisdiction from the person who receives the same.

Prohibition of Certain Guarantees.

Certain guarantees illegal.
Vic. Act No. 2008, sec. 11.

116. (1) Except with the consent in writing of the Minister, no person shall require or permit any person—

(*a*) To pay a sum of money; or

(*b*) To enter into or make a guarantee or promise requiring or undertaking that such person shall pay a sum of money,

in the event of the behaviour or attendance or obedience of an apprentice, improver, or employé not being satisfactory to the employer.

Penalty, Ten Pounds.

(2) Any such guarantee or promise, or a guarantee or promise to the like effect, entered into or made after the commencement of this Act without such consent shall be void.

(3) Any sum which after the commencement of this Act is paid in contravention of this section shall, unless repaid upon demand, be recoverable with costs in a Court of competent jurisdiction.

DIVISION XII.

DIVISION XII.—GENERAL PROVISIONS.

Payment of employé engaged in two or more classes of work.
Factories Act, 1906, sec. 37, ss. 1.
Vic. Act, 1975, sec. 107.

117. (1) Where an employé performs two or more classes of work to which a rate fixed by a Board is applicable, his employer shall pay such employé in respect of the time occupied in each class of work at the rate fixed by the Board therefor.

Rate of wages throughout day.
Factories Act 1906, sec. 37, ss. 2.
Vic. Act No. 2008, sec. 15.

(2) When an employé is, during any part of a day, employed at work for which a Board has fixed wages prices or rates, his employer shall pay such employé at such prices or rates for all work whatever done by him during such day for such employer.

Penalty, Ten Pounds.

118. The

118. The alteration, suspension, or avoidance of a determination shall not affect—

Effect on legal proceedings of amendment of a determination.

Factories Act 1906, sec. 38.

Vic. Act No. 1975, sec. 108.

(*a*) Legal proceedings theretofore commenced in relation to such determination; or

(*b*) Rights existing at the time of such alteration, suspension, or avoidance.

119. Whenever—

Piece-work rate not affected by omission of details.

Vic. Act No. 1975, sec. 111.

(*a*) A Board has fixed piece-work prices or rates for work; and

(*b*) Such Board has, in the description of such work, enumerated several operations; and

(*c*) Any such operation is omitted with the express or implied consent of the employer,

such omission shall not affect the prices or rates to be paid for such work, but such prices or rates shall, unless otherwise provided in such determination, be the prices or rates fixed for the whole work described.

120. Where a Board has fixed wages prices or rates and no piece-work prices or rates have been determined by the Board or fixed by the employer pursuant to section 102—

Effect of fixing a wages rate only.

Factories Act, 1906. sec. 42.

Vic. Act No. 1975, sec. 112.

(*a*) No employer shall, directly or indirectly, pay, or authorise or permit to be paid, piece-work prices or rates; and

(*b*) Every employé shall be paid such wages prices or rates, and may recover the full amount thereof in a Court of competent jurisdiction, notwithstanding the receipt or acceptance of piece-work prices or rates.

Penalty, Five Pounds.

121. When a Board has fixed piece-work prices or rates only—

Effect of fixing piece-work rates only.

New.

(*a*) No employer shall, directly or indirectly, pay, or authorise or permit to be paid, wages prices or rates; and

(*b*) Every employé shall be paid such piece-work prices or rates, and may recover the full amount thereof in a Court of competent jurisdiction, notwithstanding the receipt or acceptance of wages prices or rates.

Penalty, Five Pounds.

122. (1) Every employer liable to pay wages prices or rates or piece-work prices or rates shall, notwithstanding any agreement to the contrary, pay his employés in money and not otherwise, and without deduction.

Employés to be paid in money.

Factories Act, 1906, sec. 43.

Vic. Act No. 1975, sec. 113.

Penalty, Twenty Pounds.

(2) Every employé may recover in a Court of competent jurisdiction any amount not paid in accordance with subsection (1).

(3) All proceedings under subsection (2) shall be commenced within twelve months.

123. (1) No

Penalty for not paying wages fixed.
Factories Act, 1906, sec. 47.
Vic. Act No. 1975, sec. 119.
New.

123. (1) No employer engaged in a process, trade, business, occupation, or calling, or group or part, in respect whereof prices or rates have been fixed by a Board shall, directly or indirectly, pay any employé therein at a lower price or rate than that so fixed, and applicable to such employé.

Penalty, Twenty Pounds.

(2) Every employé may, notwithstanding any agreement to the contrary, recover in a Court of competent jurisdiction any amount short paid.

(3) All proceedings under subsection (2) shall be commenced within twelve months.

Penalty against employing excess number of improvers.
Ibid.

124. No employer shall, directly or indirectly, employ any improver in excess of the number authorised by a determination under section 93, subsection (v.).

Penalty, Twenty Pounds.

DIVISION XIII.

DIVISION XIII.—COURT OF INDUSTRIAL APPEALS.

Constitution of Court.
Factories Act, 1906, sec. 48.
Vic. Act No. 1975, sec. 120.

125. (1) A Court of Industrial Appeals is hereby constituted for the purpose of—

(*a*) Deciding all appeals against a determination of a Board;

(*b*) Dealing with any determination referred to the Court under section 129; and

(*c*) Fixing the prices or rates pursuant to section 96;

(*d*) Deciding, pursuant to section 148, all disputes as to the legality of a determination.

(2) The Court shall consist of such Judge of the Supreme Court as the Governor may appoint.

(3) If the Judge appointed is unable to act, the Governor may appoint any other Judge of the Supreme Court to constitute the Court during such inability.

Registrar of Court.

126. The Governor may appoint a Registrar of the Court of Industrial Appeals.

Assessors.
Factories Act, 1906, sec. 53.
Vic. Act No. 1975, sec. 124.

127. (1) The Court shall appoint two assessors to assist the Court.

Nomination of assessors.

(2) Within such time as the Court specifies, the representatives on the Board of the employers and of the employés may respectively nominate one of such assessors.

Court may appoint upon default.

(3) If default is made in nominating an assessor the Court may appoint an assessor without nomination.

Fees to assessors.

(4) Each assessor shall be paid a fee of One Pound for every day on which he attends the Court by order of the Court.

128. (1) An

128. (1) An appeal to the Court against a determination of a Board in force in the metropolitan area may be made—

Appeal to Court.
Factories Act, 1906, sec. 52.
Vic. Act No. 1975, sec. 123.

(*a*) By a majority of the representatives of employers on the Board; or

(*b*) By a majority of the representatives of employés on the Board; or

(*c*) By an employer or group of employers employing not less than one-quarter of the total number of employés subject to the determination; or

(*d*) By not less than one-quarter of the employés subject to the determination.

(2) An appeal to the Court against a determination of a Board in force in any particular locality or area outside the metropolitan area, and referred to in subdivision II. of section 105, may be made—

(*a*) By not less than five employers in such locality or area, and who are subject to the determination; or

(*b*) By not less than twenty-five employés employed in such locality or area, and subject to the determination.

(3) For the purposes of subsections (1) and (2) the Court shall accept the records contained in the latest annual report of the Chief Inspector.

(4) Such appeal may be made in the prescribed manner, and at any time.

129. The Minister may at any time refer any determination of a Board for consideration by the Court.

Reference by the Minister to the Court.
Factories Act, 1906, sec. 52.
Vic. Act No. 1975, sec. 123.

130. No appeal against or reference to the Court of a determination which has been published in the *Gazette* shall suspend or delay the operation of such determination.

Appeal not to suspend determination.
Factories Act, 1906, sec. 52, ss. 3.

131. The Chief Inspector shall forward to the Registrar of the Court—

Documents to be forwarded.
Ibid, ss. 4.

(*a*) Every determination required by the Court; and

(*b*) All documents necessary for the information of the Court.

132. (1) Except as herein provided, no solicitor or agent shall be heard by the Court.

Appearance by solicitor or agent.
Ibid, ss. 5.

(2) By the direction of the Court, or with the consent of both parties, either party may, at its own cost, be represented by a solicitor or agent.

(3) In appeals under section 128 the Court may give such directions for the representation of parties as it may deem proper.

133. No

Disclosure of trade secret.

Ibid, sec. 52, ss. 8.

133. No evidence relating to a trade secret, or to the profits or financial position of a witness or party, shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

Powers of Court as to determinations.

Factories Act, 1906, s. 52, s.s. 6.

134. (1) The Court—

(*a*) On an appeal under section 128, subsection (1), may order the Board to alter or may confirm the determination;

(*b*) On an appeal under section 128, subsection (2), may order the Board to alter or may confirm the determination, so far as the same applies, either within the whole of the locality or area referred to in such subsection or a particular part thereof to be specified in the order of the Court.

(*c*) On a reference under section 129 may order the Board to alter or may confirm the determination referred to.

(2) The order of the Court shall specify the alteration to be made by the Board.

(3) The Board shall make such alterations accordingly.

Powers of Court.

Factories Act, 1906, sec. 52, ss. 6.

Powers as to witnesses and documents.

Factories Act, 1906, sec. 52, ss. 7.

135. The Court may exercise, in respect of the summoning and examining of witnesses, production of documents and books, and in respect of persons summoned or giving evidence before the Court, the like powers by "The Witnesses on Commissions Oaths Act" (No. 20 of 1873) conferred on Commissioners when the Governor directs that the witnesses to be examined before them shall be examined on oath.

Every summons to attend the Court shall be signed by the Registrar.

Principles of determinations by Court of Appeal.

Factories Act, 1906, secs. 50 and 51.

Vic. Act No. 1975, secs. 121 and 122.

136. Where a determination of a Board is under consideration the Court—

(*a*) Shall take into consideration the matters referred to in section 95, subsection III.; and

(*b*) Shall consider whether such determination has had or may have the effect of prejudicing the progress, maintenance of, or scope of employment in the process, trade, business, occupation, or calling, or group, or part affected thereby; and

Living wage.

(*c*) If of opinion that such determination has had or may have such effect, shall order the Board to make such alterations as in the opinion of the Court may be necessary—

I. To remove or prevent such effect; and

II. At the same time to secure a living wage to the employés affected.

137. (1) A

137. (1) A determination of a Board, to the extent to which it has been altered pursuant to an order of the Court, or has been confirmed by the Court—

Determination final.

Ibid, sec. 52, ss. 9.

(*a*) Shall be final and without appeal; and

(*b*) May not be reviewed or altered by a Board, or without leave of the Court by any other Court.

(2) The Court, if satisfied upon affidavit that a *primâ facie* case for review exists, may either give such leave or may direct a rehearing before the Court, when the Court may itself alter or amend its order.

138. The Registrar shall forward the order of the Court to the Board and to the Minister.

Determination to be forwarded to Minister

Ibid, sec. 52, ss. 10.

139. (1) When a determination is confirmed the Minister shall publish in the *Gazette* a notice of such confirmation.

Notification of confirmation.

(2) The Minister shall publish such altered determination in the *Gazette*.

140. When a determination is altered the Board shall forward to the Minister the determination as altered.

Notification of alteration.

PART IX.

PART IX.

REGULATIONS.

141. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act.

Regulations.

See Factories Act, 1906, sec. 59.

Vic. Act No. 1975, sec. 150.

(2) All such regulations shall—

(*a*) Be published in the *Gazette*;

(*b*) Take effect from the date of such publication or from a later date to be specified therein; and

(*c*) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament be then in Session, and if not, then within fourteen days after the commencement of the next Session.

(3) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Proviso as to powers of Parliament.

142. (1) A

PART IX.

Regulations unchallengeable unless quashed.

Vic. Act No. 1975, sec. 151.

142. (1) A person desiring to dispute the validity of a regulation may apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

PART X.
DIVISION I.

PART X.

LEGAL PROCEDURE.

DIVISION I.—PROCEEDINGS TO TRY TITLE OF MEMBER OF BOARD AND VALIDITY OF DETERMINATION.

No writ of *quo warranto* allowed to try title to any office.

New.

143. No writ of *quo warranto*, information in the nature of a *quo warranto*, or other proceeding, shall issue, or be filed, or had, or taken in the Supreme Court to try or question the title of a person to act as a member of a Board.

Mandamus abolished.

New.

144. No writ of mandamus shall issue from the Supreme Court to admit or restore to office a member of a Board.

Proceedings for trying title to office.

New.

145. The proceedings—

(*a*) For trying the title of a member of a Board to his office; and

(*b*) For trying the right of a person to be admitted or restored to such office; and

(*c*) To compel his restoration or admission

shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

Time within which proceedings may be taken.

New.

146. (1) No proceedings to try the title of a person as a member of a Board shall be had or taken except upon information.

(2) Such information shall be laid within two calendar months from the time at which the person whose title is disputed was appointed or elected.

Jurisdiction of Justices.

New.

147. (1) The information under section 146 may be laid at the instance of any person interested.

(2) The Justices may make an order declaring—

(*a*) That a person is not entitled to the office then possessed by him, and that such office is vacant; or

(*b*) That the informant is entitled to the said office.

(3) No order to admit or restore a person to any office shall be made whilst any other person is in possession of such office.

Validity

PART X.
DIVISION I.

Validity of Determination.

Determinations of Board challengeable before the Supreme Court only.

Factories Act, 1906, sec. 46.

Vic. Act No. 1975, sec. 118.

148. (1) A person desiring to challenge or dispute a determination of a Board for the illegality thereof may apply to the Court of Industrial Appeals, upon motion supported by affidavit, for a rule calling upon the Board to show cause why such determination should not be quashed, either wholly or in part.

(2) The Court may make absolute or discharge the said rule with or without costs, or may state a special case for the opinion of the Supreme Court.

(3) No determination of a Board shall be in any other manner challenged or disputed for the illegality thereof.

DIVISION II.

DIVISION II.—EVIDENCE.

General provisions as to proceedings before Justices.

Vic Act No. 1975, sec. 162.

149. In all proceedings in respect of offences against this Act—

(*a*) The information shall be laid within six months after the offence:

(*b*) It shall be sufficient to allege that a factory or bakehouse is a factory or bakehouse:

(*c*) The onus shall be on the defendant to prove—

I. That the person, firm, or company named in an information is not the occupier of the factory or bakehouse;

II. That the provisions of this Act relating to the registration of factories have been complied with as to any particular factory; or

III. That articles wholly or partly prepared, or manufactured, or made are not wholly or partly prepared, or manufactured, or made for sale;

IV. That the provisions of this Act and of any determination of a Board with regard to the number or proportionate number of improvers who may be employed have been complied with;

V. That the provisions of this Act with regard to the painting, varnishing, washing, or lime-washing of factories have been complied with;

VI. That a person named in an information as being either an employé of the defendant generally or an employé of the defendant in a certain capacity was not so employed;

VII. That the premises or place mentioned in an information as being within a certain locality or area are or is not therein:

(*d*) The allegations contained in the information shall be deemed proved in the absence of proof by the defendant to the contrary.

(*e*) Subsection

PART X.
DIVISION II.

(*e*) Subsection (*d*) shall not apply where the offence is directly punishable by imprisonment.

Presumption of law and evidence in proceedings.

Vic. Act No. 1975, sec. 163.

150. (1) If a person is shown to be employed under such circumstances as in the opinion of the Court adjudicating raise a suspicion that such employment was contrary to the provisions of this Act, the offence charged shall be deemed proved in the absence of proof to the contrary.

(2) A declaration by a certifying medical practitioner that he has personally examined a person named therein, and believes him to be under the age set forth in such declaration, shall be admissible as evidence of the age of such person.

Evidence of determination.

Factories Act, 1906, sec. 45.

Vic. Act No. 1975, sec. 117.

151. The production in a Court of the *Gazette* purporting to contain the determination of a Board shall, except in proceedings under section 148 of this Act, be conclusive evidence of the due making and existence of such determination.

Offences to be reported to Minister, who may direct prosecution.

Vic. Act No. 1975, sec. 153.

152. (1) Every offence against this Act shall be reported to the Minister.

(2) No proceedings shall be taken without the consent in writing of the Minister.

Proceedings, by whom taken.

Ibid.

(3) Such consent may be proved by the production of a document in the form in the Fifth Schedule, or to the like effect, purporting to signed by the Minister.

(4) Proceedings may be taken by a member of the police force or by an inspector.

DIVISION III.

DIVISION III.—SUMMARY PROCEDURE AND PENALTIES.

Penalty for not keeping factory or bakehouse in conformity with Act.

Vic. Act No. 1975, sec. 154.

153. (1) The occupier of a factory or bakehouse—

(*a*) Which is not kept in conformity with this Act; or

(*b*) In which there is a contravention of any of the provisions of this Act;

shall, if no other penalty is provided, be liable—

I. To a penalty not exceeding Ten Pounds; and

II. To a further penalty of One Pound for every day during which such breach continues after the delivery by the inspector at his factory or bakehouse of a notice notifying him that a breach of the provisions of this Act is taking place by such factory or bakehouse not being kept in conformity with this Act, or by a contravention thereof otherwise occurring.

(2) The Court, in addition to or instead of imposing such penalty, may order such occupier to adopt certain means for the purpose of bringing his factory or bakehouse into conformity with this Act.

(3) Such

(3) Such order shall specify—

(*a*) The means to be adopted by such occupier; and

(*b*) The time within which such means shall be so adopted, which time may be enlarged by the Court upon application.

Compensation to person injured by want of fence to machinery, &c.

Vic. Act No. 1975, sec. 155.

(4) If, after the expiration of the time as originally specified, or subsequently enlarged, the order is not complied with, such occupier shall on conviction be liable to a penalty not exceeding One Pound for every day that such non-compliance continues.

Injury in consequence of neglect of occupier of factory.

154. (1) If a person is killed or suffers bodily injury in consequence of the occupier of a factory having neglected—

(*a*) To fence machinery required by or in pursuance of this Act to be securely fenced; or

(*b*) To fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced; or

(*c*) To maintain any such fencing,

such occupier shall on conviction be liable to a penalty not exceeding One Hundred Pounds.

(2) The whole or any part of such penalty may be applied for the benefit of the injured person or his family or otherwise, as the Minister determines.

(3) No occupier shall be liable to a penalty under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure by which the death occurred or bodily injury was inflicted has been heard and dismissed within one month previous to the time when the death occurred or bodily injury was inflicted.

(4) This section shall not deprive the injured person or his representatives of any right of action to recover damages.

Cancellation of registration.

155. The registration of the factory of any person who is convicted of a third offence under Part VIII. of this Act shall be forthwith cancelled by the Chief Inspector.

Penalty on parent for allowing child or young person to be employed contrary to the Act.

Vic. Act No. 1975, sec. 157.

156. The parent of a child or person under eighteen years of age shall, if such child or person is employed in a factory contrary to this Act, be liable on conviction to a penalty not exceeding Twenty Shillings for each offence, unless it appears to the Court that such offence was committed without the consent, connivance, or wilful default of such parent.

Forgery of certificates, false entries, and declarations.

Vic. Act No. 1975 sec. 158.

157. (1) No person shall—

(*a*) Forge or counterfeit any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or (*b*) Give

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DIVISION III.

(*b*) Give or sign any such certificate knowing the same to be false in any material particular; or

(*c*) Utter or make use of any certificate, knowing the same to be forged, counterfeited, or false; or

(*d*) Knowingly utter or make use of as applying to any person a certificate which does not so apply; or

(*e*) Personate any person named in the certificate; or

(*f*) Wilfully connive at such forging, counterfeiting, giving, signing, uttering, making use of, or personating.

Penalty, One Hundred Pounds, or imprisonment for two years.

(2) No person shall—

(*a*) Wilfully make a false entry in a book, register, notice, certificate, list, record, or document required by this Act to be kept, or served, or sent; or

(*b*) Wilfully make or sign a false declaration or return under this Act; or

(*c*) Make use of any such entry, declaration, or return, knowing the same to be false.

Penalty, Fifty Pounds, or imprisonment for one year.

Penalty on lock-out.
Cf. Conciliation Act, 1896, sec. 63.

158. No organisation of employers or member thereof and no employer shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any matter in respect of which a Board has made a determination.

Penalty, in the case of an organisation Five Hundred Pounds, and in the case of an individual Twenty Pounds.

Penalty on strike.
Cf. ibid., 64.

159. No organisation of employés or member thereof and no employé shall counsel, take part in, support, or assist directly or indirectly any strike on account of any matter in respect of which a Board has made a determination.

Penalty, in the case of an organisation Five Hundred Pounds, and in the case of an individual Twenty Pounds.

Penalty on persons committing offence for which employer is liable.
Vic. Act No. 1975, sec. 159.

160. Where an offence for which an employer is liable under this Act to a penalty has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same penalty as if he were the employer.

Exemption of employer from penalty or conviction of the actual offender.
Vict. Act No. 1975. sec. 160.

161. (1) An employer charged with an offence against this Act may, upon information duly laid by him, have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge.

(2) If,

(2) If, after the commission of the offence has been proved, such employer satisfies the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and such employer shall be exempt from any penalty.

(3) The informant shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer, whenever it is made to appear to his satisfaction at the time of discovering the offence—

(*a*) That such employer has used all due diligence to enforce the observance of this Act; and

(*b*) By whom such offence has been committed; and

(*c*) That such offence has been committed without the knowledge, consent, or connivance of such employer, and in contravention of his orders.

Penalty for offence for which no other penalty provided.

Vic. Act No. 1975, sec. 161.

162. Every person guilty of an offence against this Act or any regulation thereunder, for which no other penalty is provided, shall on conviction be liable to a penalty for the first offence of not more than Two Pounds, and for every subsequent offence to a penalty of not less than One Pound or more than Ten Pounds.

Justices may apply penalty towards costs.

Factories Act, 1894, sec. 28.

163. (1) The Special Magistrate or Justices imposing a penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings.

(2) Subject to such directions, all penalties shall be paid to the Treasurer.

Fines may be recovered before two Justices.

164. All fines and penalties for an offence against this Act may be recovered before a Special Magistrate or two or more Justices in a summary way.

Proceedings before Justices.

165. All proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any other Act that may be law in that behalf.

On non-payment of penalties, &c., Justice may imprison.

166. (1) Any Justice may commit any person who makes default in payment of a fine or pecuniary penalty or amends under this Act to any gaol for any time not exceeding three months.

(2) The imprisonment shall cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

(3) This section shall not affect any remedy under Ordinance No. 6 of 1850 or Act No. 298 of 1883-4 for the recovery of fines or pecuniary penalties or amends.

167. (1) There

PART X.
DIVISION III.

Appeal to Local Court from order made by Justices.

167. (1) There shall be an appeal—

(*a*) From an order of Justices;

(*b*) From a conviction by Justices; and

(*c*) From an order dismissing an information or complaint.

(2) Such appeal shall be to the Local Court of Adelaide of Full Jurisdiction.

(3) Such appeal shall be regulated by Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4.

(4) Such Local Court may make such order as to costs as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may state a case for opinion of Supreme Court.

168. (1) Such Local Court may state a special case for the opinion of the Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order as to costs as to the said Court shall appear just.

(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or a Judge thereof.

(5) Such order of the Justices, or Local Court, shall be enforced in manner provided by this Act or otherwise by law.

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

GEORGE R. LE HUNTE, Governor.

SCHEDULES.

FIRST SCHEDULE.

REPEAL.

Number of Act	Short Title of Act.	Extent of Repeal.
No. 603 of 1894	"The Factories Act, 1894"	The whole Act
No. 752 of 1900	"The Factories Amendment Act, 1900"	The whole Act
No. 872 of 1904	"The Factories Further Amendment Act, 1904"	The whole Act
No. 915 of 1906	"The Factories Act Amendment Act, 1906"..	The whole Act

SECOND SCHEDULE.

REGISTER-BOOK.

Trade or class of factory

Registration Number.	Name.	Address.	Employer Working at Trade.		Number of Employés.							
					Males.				Females.			
			Male.	Female.	21 Years and Over.	16 Years and Under 21.	13 Years and Under 16.	Under 13 Years.	21 Years and Over.	16 Years and Under 21.	13 Years and Under 16.	Under 13 Years.

THIRD SCHEDULE.

	£	s.	d.	
Every factory in which more than sixty persons are employed, per annum	3	3	0	Vic. Act No. 1975.
Every factory in which more than thirty and not more than sixty persons are employed, per annum	2	2	0	
Every factory in which more than ten and not more than thirty persons are employed, per annum	1	1	0	
Every factory in which more than six and not more than ten persons are employed, or in which, though more than six are not employed, steam, water, gas, oil, or electric power is used, per annum	0	10	0	
Every factory in which not more than six persons are employed, and for which the steam, water, gas, oil, or electric power is obtained from a factory or workroom already registered, per annum	0	2	6	
Every other factory.....	0	2	6	

FOURTH