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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1916.

A BILL

To amend and extend the law relating to factories, bakehouses, laundries, dye-works, and shops.

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

PART I.

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1916," and is divided into Parts as under :—

PART I.—PRELIMINARY.

PART II.—SAFETY.

PART III.—DANGEROUS AND UNHEALTHY INDUSTRIES.

PART IV.—HOME WORK.

(2) Parts II and III of this Act shall be read as substantive divisions of Part II of the Factories and Shops Act, 1912.

2. Sections thirty-three, thirty-four, thirty-eight, and forty-four of and the Second Schedule to the Factories and Shops Act, 1912, are hereby repealed.

PART II.

SAFETY.

3. (1) With respect to the fencing of machinery in a factory, the following provisions shall have effect:—

- (a) Every hoist or teagle and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of any water wheel or engine worked by any such power, must be securely fenced.
- (b) Every wheel-race, not otherwise secured, must be securely fenced close to the edge of the wheel-race.
- (c) All dangerous parts of the machinery and every part of the mill gearing must either be securely fenced or be in such a position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced.
- (d) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are

are under repair or under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

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

4. (1) Every steam boiler used for generating steam in a factory or workshop or in any place to which any of the provisions of this Act apply must, whether separate or one of a range—

(a) have attached to it a property safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

(b) be examined thoroughly by a competent person at least once in every fourteen months.

(2) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

(3) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

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

PART III.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i) *Special provisions.*

5. (1) Every medical practitioner attending on, or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical, or mercurial poisoning, or anthrax contracted in any factory or workshop, shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled, in respect of every notice sent in pursuance of this section, to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Minister in the execution of this Act.

(2) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding *forty* shillings.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax occurring in a factory or workshop shall forthwith be sent to the Chief Inspector of Factories; and the provisions of this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister may, by special order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

6. If, in a factory or workshop where grinding, glazing, or polishing on a wheel or any process is carried on by which dust or any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that

that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

7. (1) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing convenience must be provided for the use of the persons employed in any department where such substances are used.

(2) In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal or remain during the times allowed to him for meals in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

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

8. (1) A woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continues for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers.

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

9. (1) In the part of a factory or workshop 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,

a person under eighteen years of age must not be employed.

(2) In the part of a factory in which the process of melting or annealing glass is carried on, a male person under sixteen years of age and a female under nineteen years must not be employed. (3)

(3) In a factory or workshop in which there is carried on—

- (a) the making or finishing of bricks or tiles not being ornamental tiles ; or
- (b) the making or finishing of salt,

a female under the age of eighteen years must not be employed.

(4) In the part of a factory or workshop in which there is carried on—

- (a) any dry grinding in the metal trade ; or
- (b) the dipping of lucifer matches,

a person under sixteen years of age must not be employed.

(5) No person under sixteen years of age shall be employed at or in connection with any manufacturing process or machine where continuous casting from molten lead or any combination thereof is carried on in a printing establishment.

(6) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

10. No male under eighteen years of age and no female must be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops or parts of factories or workshops ; that is to say—

- (a) in the case of glass works, in any part in which the materials are mixed ;
- (b) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on ;
- (c) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on ; and
- (d) in the case of earthenware works, in any part known or used as dippers house, dippers drying-room, or china scouring-room.

(2) If any person is allowed to take a meal or to remain during the times allowed for meals in a factory or

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or workshop or part thereof in contravention of this section, such person shall be deemed to be employed contrary to the provisions of this Act.

(3) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4) Where it appears to the Minister that, by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by special order, extend the prohibition in this section to the class of factories or workshops or parts thereof.

(5) If the prohibition in this section is proved to the satisfaction of the Minister to be no longer necessary in any class of factories or workshops or parts thereof to which it has been so extended, he may, by special order, rescind the order of extension, without prejudice to the subsequent making of another order.

(ii) *Regulations for dangerous trades.*

11. Where the Minister is satisfied that any manufacture, machinery, plant, process, or description of manual labour used in factories or workshops is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour to be dangerous; and thereupon the Minister may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable, and to meet the necessity of the case.

12. (1) Before the Minister makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall not be less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Minister.

(2)

(2) Every objection must be in writing and state—

- (a) the draft regulations or portions of draft regulations objected to ;
- (b) the specific grounds of objection ; and
- (c) the omissions, additions or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him without the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4) Where the Minister does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in the manner hereinafter provided.

13. (1) The Minister may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

(2) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister.

(5) The fee to be paid to the person holding the inquiry shall be such as the Minister may direct, and shall be deemed to be part of the expenses of the Minister in the execution of this Act.

14. (1) The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour certified to be dangerous

dangerous is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any special class of factories or workshops either absolutely or subject to conditions.

(3) No person shall be precluded by an agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

15. Regulations made under the foregoing provisions of this Act may, among other things—

- (a) prohibit the employment of or modify or limit the period of employment of all persons or any class of person in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous;
- (b) prohibit, limit, or control the use of any material or process; and
- (c) modify or extend any special regulations for any class of factories or workshops contained in this Act.

16. Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and, if either House, within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulations. If one or more of a set of regulations are annulled, the Minister may, if he thinks fit, withdraw the whole set.

17. (1) If any occupier, owner, or manager, who is bound to observe any regulations under this Act, acts in contravention of or fails to comply with the regulation, he shall be liable for each offence to a fine not exceeding *ten* pounds, and, in the case of a continuing offence, to a fine not exceeding *two* pounds for every day during which the offence continues after conviction therefor.

(2)

(2) If any person other than an occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with the regulation, he shall be liable for each offence to a fine not exceeding *two* pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding *ten* pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

18. (1) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the Gazette.

(2) Printed copies of all regulations for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory where they may be conveniently read by the persons employed.

(3) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4) If the occupier of any factory fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding *ten* pounds.

(5) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding *five* pounds.

(6) Regulations for the time being in force under this Act shall be judicially noticed.

PART IV.

HOME WORK.

19. In the case of persons employed in such classes of work as may from time to time be specified by special order of the Minister—

- (1) the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—
 - (a) keep in the prescribed form and manner and with the prescribed particulars and lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors in the business of the factory, outside the factory, and the places where they are employed ;
 - (b) send to the Chief Inspector such copies of or extracts from those lists as the Chief Inspector may from time to time require ; and
 - (c) send on or before the first day of February and the first day of August in each year if so required by the Chief Inspector of Factories particulars of the remuneration paid to such workers or contractors.
- (2) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act.
- (3) In the event of a contravention of this section by the occupier of a factory or by a contractor, the occupier or contractor shall be liable to a fine not exceeding *forty* shillings, and, in case of a second or subsequent offence, not exceeding *five* pounds.

20. (1) If the Minister cause to be given notice in writing to the occupier of the factory or to any contractor employed by any such occupier that the place in which work is carried on for the purpose of or in connection with the business of the factory is injurious or dangerous to the health of the persons employed therein, then, if
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the occupier or contractor, after the expiration of one week from receipt of the notice, gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine not exceeding *ten* pounds.

(2) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a factory.

(3) This section shall not apply except in the case of persons employed in such classes of work as the Minister may specify by special order.

21. If the occupier of a factory or of any place from which any work is given out or any contractor employed by any such occupier causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding *ten* pounds.

22. (1) If any inmate of a house is suffering from an infectious disease to which this section applies, the Minister may make an order forbidding any work to which this section applies to be given out to any person living or working in that house or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop or any other place from which work is given out or on the contractor employed by any such occupier.

(2) The order may be made, notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the conditions that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the Director-General of Public Health, or that other reasonable precautions shall be adopted.

(3) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding *ten* pounds.

(4)

(4) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto, and such other classes of work as may be specified by special order of the Minister.

23. (1) Work of any description in connection with the making up of textile or shoddy material for sale shall not be let or given out to be done by any person elsewhere than in a registered factory except upon a permit had and obtained from the Industrial Registrar under the Industrial Arbitration Act, 1912, or any Act amending the same, or the Chief Inspector of Factories, which permit shall only be issued after due notice of the application therefor shall have been served upon the industrial union or unions representing the employees in the industry, and only in the case of—

- (a) the person to whom it is proposed to give such work out being unable to work on the employer's premises by reason of infirmity, old age, or domestic ties ; or
- (b) lack of accommodation on the employer's premises :

Provided that persons doing outdoor work shall not employ labour except that of members of their own family resident with them ; and shall not work for more than one employer, except by the consent of the registrar or Chief Inspector of Factories : Provided further that the permits which an employer may have in the case of lack of accommodation on his premises shall not exceed one for every ten or fraction of ten indoor workers employed by him.

Penalty not less than *two* pounds, and not exceeding *ten* pounds.

(2) Where work in connection with the making-up of textile or shoddy material for sale is by virtue of the permit of the Industrial Registrar or Chief Inspector of

of Factories given out to be done by any person elsewhere than in a registered factory, the person who gives the same out shall at all times keep, or cause to be kept, a record showing, correctly written up in ink—

- (a) the full name and address of each such person, and the situation of the place where he or she does the work ;
- (b) the quantity and description of the work from time to time done or being done by each such person ;
- (c) the nature and amount of the remuneration paid to each such person therefor ;

and shall fix or cause to be affixed plainly to the material upon which work has been so done a label in the prescribed form.

Penalty not less than *two* pounds and not exceeding *ten* pounds.

(3) The material upon which work has been done under permit as abovementioned shall not be sold or exposed for sale by any person unless the label shall have been plainly affixed thereto as hereinbefore provided, and shall remain thereupon.

Penalty not less than *two* pounds and not exceeding *ten* pounds.

