

[AS REPORTED FROM COMMITTEE OF THE WHOLE, 23RD AUGUST, 1894.]

*Hon. Mr. Reeves.*

**FACTORIES.**

**ANALYSIS.**

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## A BILL INTITLED

Title.

AN ACT to consolidate and amend the Law for supervising and regulating Factories and Work-rooms.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Factories Act, 1894."

Interpretation.

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

"Board" means the Local Board of Health constituted under "The Public Health Act, 1876," having jurisdiction in the city or borough, county, or town district where any factory or work-room subject to this Act is situated:

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

"Court" means a Court of summary jurisdiction under "The Justices of the Peace Act, 1882," held before any two or more Justices of the Peace or a Stipendiary Magistrate:

"Factory" or "work-room" means—

Any office, building, or place in which ~~one~~ two or more persons are engaged, directly or indirectly, in working for hire or reward in any handicraft, or in preparing or manufacturing articles for trade or sale, including all bakehouses; and

Any office, building, or place in which steam or other mechanical power or appliance is used for the purpose of manufacturing goods, or packing them for transit:

But where the operations of any manufacturer are carried on, for safety or convenience, in several adjacent buildings grouped together in one enclosure, these shall be classed and included as one factory for the purposes of registration and the computation of registration fees:

"Factories Acts" means this Act, and includes all Acts hereafter to be passed in amendment or substitution thereof:

- 5 “Inspector” means any male or female Inspector of factories and work-rooms appointed under this Act; and, where the expression “the Inspector” is used, it means any Inspector having authority in a district constituted under this Act:
- 10 “Medical authority” means any legally-qualified medical practitioner authorised to grant certificates in a district for the purposes of this Act:
- 15 “Minister” means any member of the Executive Council of New Zealand whom the Governor may from time to time appoint to have charge of the administration of this Act, or any member of the Executive Council for the time being acting in his place in such charge:
- 20 “Newspaper” means any paper containing public news, intelligence, or occurrences, or any remarks or observations therein, printed for sale and published in New Zealand periodically or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers:
- 25 “Occupier” means the person, company, or association employing persons in any factory or work-room, or occupying any office, building, or place intended as or about to be used as a factory or work-room, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of any such factory or work-room; but  
 In counting the number of people employed in any factory or work-room, the occupier, or, if he be married, such occupier together with his wife, shall be considered as one person: ~~and all other persons, whether relatives or partners, shall be considered as being employed:~~  
 In factories occupied by a company or association the working manager for the company or association shall be considered as the occupier:
- 30 “Regulations” mean regulations from time to time in force under this Act:
- 35 “Shearer” means and includes every person who, during the season of the year for shearing sheep in any locality, is *bonâ fide* employed by any owner of sheep in such locality ~~for shearing his sheep in actually shearing such sheep, or in any capacity in or about any shearing shed in connection with such shearing:~~
- 40 “This Act” includes regulations made under this Act.
- 45 3. Except as hereinafter specially provided, nothing in this Act shall apply to slaughter-houses and shearing-sheds in *bonâ fide* sole use for slaughtering and shearing respectively. Exemptions from Act.

## PART I.

## FACTORIES AND WORK-ROOMS.

(1.) *Inspectors, Medical Authority, and Registration.*

- 50 4. The Governor may from time to time divide New Zealand, or any portions thereof, into such districts as he shall think fit, and notice of the constitution of every such district shall be given in the *Gazette* as occasion requires. Governor may declare districts.

But in any case where a factory or work-room is situated beyond the limits of a city or borough, but so near thereto that, in the opinion of the Governor, such factory or work-room should be included in the district comprising such city or borough, the Governor may extend the limits of such district so as to include such factory or work-room. 5

If the boundaries of a city, borough, county, or town district are in any manner altered, such alteration shall, without further proceeding, take effect in respect of the district created under this section, unless the Governor shall otherwise determine. 10

Governor may  
appoint Inspectors  
and Chief Inspector.

5. The Governor may from time to time appoint such and so many Inspectors, male or female, of factories and work-rooms as may appear to be necessary for carrying this Act into effect, and may assign one or more districts under this Act to one or more Inspectors. Any Inspector may hold such office in conjunction with any other office or employment which the Governor shall deem not incompatible with his duties as such Inspector. 15

In addition to any Inspectors appointed as aforesaid, the Governor may from time to time appoint any person to be Chief Inspector, who shall have and may exercise in any part of the colony all the powers and authorities conferred upon Inspectors. 20

Governor may  
appoint medical  
authorities.

6. The Governor may in like manner appoint any persons, being legally-qualified medical practitioners, to be medical authorities for the purposes of this Act, and may assign one or more districts under this Act to one or more such medical authorities, and may, by regulations gazetted from time to time, fix a scale of fees to be charged by and paid to such medical authorities. 25

Inspectors to be in  
Civil Service.

7. Every Inspector may be so appointed, notwithstanding any provision in "The Civil Service Reform Act, 1886;" but, except as to appointment, shall be subject in all other respects to the provisions of the Acts for the time being in force relating to the Civil Service; and the Governor may from time to time remove any Inspector from his office. 30

Medical authority  
not necessarily in  
such Service.

8. No medical authority appointed under this Act shall, by reason of such appointment, be deemed to be in the Civil Service of the colony; and the Governor may from time to time remove any such authority from his office. 35

9. Every person—

Application for  
registration to be  
given to Inspector,  
with particulars of  
factory or work-  
room.

*Struck out.*

Occupying a factory or work-room shall, within the first twenty-one days of the month of January in every year, or	40
Going into occupation of any factory or work-room after the commencement of this Act shall, within twenty-one days of such going into occupation, or	
In occupation of any building or place which after the commencement of this Act becomes for the first time, or after a period of disuse again becomes, a factory or work-room, shall, within fourteen days of such building or place becoming or again becoming a factory or work-room,—	45

*New paragraphs.*

Occupying a registered factory or workroom shall within the first twenty-one days of the month of January in every year; or	50
Intending to go into occupation of any unregistered factory or workroom after the commencement of this Act shall, before going into such occupation; or	55

In occupation of any building or place which after the commencement of this Act is intended to become for the first time, or after a period of disuse is intended to again become, a factory or workroom, shall, before permitting such building or place to become or again become a factory or workroom.

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serve on the Inspector and on the Board a written application to have such factory or work-room registered under this Act, together with a notice, in such form and in such manner as may be prescribed by regulations, containing particulars of the name and a description of his factory or work-room, the place where it is situate, the nature of the work carried on or to be carried on therein, a description of the motive-power (if any) therein, and, in case of a copartnership or incorporated company, the name of the firm or company under which the business of the factory or work-room is carried on, together with such further or other particulars as may be required by the regulations.

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In default of compliance with this section every such person shall be liable to a penalty not exceeding *ten* pounds.

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10. Every person who is in occupation of any building or place which is about to become for the first time, or after a period of disuse is about to again become, a factory or work-room shall, before the same is used as such, forward to the office of the Inspector, together with his application for registration, and the particulars mentioned in the *last-preceding* section, a complete plan of such building or place to the satisfaction of such Inspector, with particulars of the same, and an estimate of the number of persons of each sex to be employed therein; and such building or place shall not be registered as a factory or work-room until such Inspector has in writing approved of such building or place as suitable for a factory or work-room, or has within ten days after the receipt of such plan and particulars omitted to notify to such person any objection there-

Plans of buildings  
in certain cases to  
be sent to Inspector.

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In default of compliance with this section every such person shall be liable to a penalty not exceeding *ten* pounds.

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11. The occupier of any factory or work-room in which more than two persons are employed shall forward to the Inspector, together with the particulars mentioned in section *nine*, a fee for registration during the current year; and on receiving such particulars and fee the Inspector shall cause the particulars concerning the factory to be entered in a register to be kept for that purpose, and shall give a receipt for the fee.

Factory or work-  
room to be regis-  
tered on payment  
of fee.

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12. The fee to be paid in respect of the application for registration of every factory or work-room in which more than two persons are employed shall be a fee not exceeding the fee mentioned in the *First Schedule* hereto, according to the number of persons employed. The said fee shall be paid by the occupier of such factory or work-room on or before the thirty-first day of January in each year.

Registration fee.

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First Schedule.

Any person who is in occupation of any building or place which after the month of January in any year is about to become for the first time, or after a period of disuse is about to again become, a factory or work-room, shall within thirty days of occupation pay such annual fee as would have been given and paid if his occupation had commenced during the month of January in the said year.

55. Any occupier who, having made application to be registered under one class of fee mentioned in the *First Schedule*, shall, after or

at any time during the then current year, so increase the number of persons employed by him or her as to bring his factory under another class of fee aforesaid, shall within seven days of his so doing give written notice to the Inspector, at the same time paying to the Inspector the difference in value between the fee of first application and the fee due for increased number of employes. 5

Inspector may issue certificate for registration of factory or work-room.

13. If it shall appear to the Inspector that all the requirements of the Act have been complied with, he shall issue under his hand to the occupier the annual certificate of registration of such factory or work-room. If it shall appear to the Inspector that such factory or work-room does not fulfil the conditions required by this Act, or that the occupier in any way infringes the provisions thereof, the Inspector shall serve on the occupier a written notice that the annual certificate of registration will not be issued until the said provisions have been complied with. 10 15

Any occupier of a factory or work-room who allows work to proceed therein after he has been served by the Inspector with the notice that the issue of the certificate of registration is suspended, shall be liable to a penalty not exceeding *ten* pounds for a first offence, nor exceeding *fifty* pounds for any second or subsequent offence. 20

Powers of Inspector.

14. Every Inspector shall have power to do all or any of the following things, that is to say,—

- (1.) To enter, inspect, and examine at all reasonable hours, by day and night, a factory or work-room, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or work-room ; 25
- (2.) To take with him in either case a constable into a factory or work-room in the execution of his duty ; 30
- (3.) To require the production of the certificate of registration held by the occupier of any factory or work-room, or any other book, notice, record, list, or document which such occupier is by this Act required to keep, and to inspect, examine, and copy the same, or any notice or other document required to be kept or exhibited therein ; 35
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments relating to public health and of this Act are complied with, so far as respects the factory or work-room and the persons employed therein ; 40
- (5.) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or work-room, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or work-room, and to require such person to be so examined, and to make and sign a declaration, under "The Justices of the Peace Act, 1882," of the matters respecting which he is so examined ; and 45 50
- (6.) To exercise such other powers and authorities as may be necessary for carrying this Act into effect. 50

Occupiers to allow entry and inspection.

15. The occupier of every factory or work-room, his agents and servants, shall at all times furnish the means required by an Inspector, or by an officer of the Board, necessary for an entry, inspection, 55

tion, examination, and inquiry, or the exercise of his powers under this Act in relation to such factory or work-room.

16. Every person who wilfully delays an Inspector in the exercise of any power under this Act, or who fails to comply with a requisition of an Inspector made under any such power as aforesaid, or to produce any certificate of registration, book, record, certificate, notice, list, or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents any person from appearing before or being examined by an Inspector, or attempts so to conceal or prevent a person, shall be deemed to obstruct an Inspector in the execution of his duties under this Act :

Delaying an Inspector deemed an obstruction.

Provided that no person shall be required under this or the *last two* preceding sections to answer any question or give any evidence tending to criminate himself.

17. Where an Inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a penalty not exceeding *five* pounds; and, where an Inspector is so obstructed in or about a factory or work-room, the occupier of that factory or work-room shall be liable to a penalty not exceeding *five* pounds, or when the offence is committed at night not exceeding *twenty* pounds.

Penalty for obstruction.

18. Every Inspector shall be furnished with a certificate of his appointment, and on applying for admission to a factory or work-room shall, if required, produce such certificate to the occupier.

Inspector to have certificate of appointment.

19. Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the Inspector named in any such certificate, or falsely pretends to be an Inspector under this Act, shall, on conviction thereof in a summary manner under "The Justices of the Peace Act, 1882," be liable to imprisonment with hard labour for any term not exceeding *six* months.

Penalty for forging certificate.

#### (2.) Regulations.

20. In each factory or work-room the occupier shall keep or cause to be kept—

Records to be kept in factory or work-room.

(a.) A record of the names of all persons employed in such factory or work-room, together with the ages of all persons who are under twenty years of age; and

(b.) A record of the particular kind of work of each and every person employed in such factory or work-room;

and such record shall be produced for inspection by the Inspector when demanded.

21. The occupier of every such factory shall also cause to be affixed and maintained in some conspicuous place at or near the entrance of each factory or work-room, and in such other parts as an Inspector from time to time directs, and in such a position as to be easily read by the persons employed in such factory or work-room, a notice containing—

Notices to be affixed and maintained.

(a.) The name and address of the Inspector for the district;

(b.) The name and address of the medical authority for the district;

(c.) The official address of the Board;

(d.) The holidays and the working-hours of the factory.

22. In the event of a contravention of the provisions of the *last two* immediately preceding sections in any factory or work-room, the occupier thereof shall be liable to a penalty not exceeding *two* pounds

Penalty for contravention.

for every day which elapses after a period of seven days from the registration of such factory or work-room, and during which the said provisions are not complied with.

Records of work done elsewhere to be kept.

23. Every occupier of a factory or work-room who has work done for the purposes of his factory or work-room elsewhere than in such factory or work-room shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quantity of the work done outside of such factory or work-room, and of the name and address of the person by whom the same is done, together with the remuneration given for such work, and in default thereof shall be liable to a penalty not exceeding *ten* pounds. Such record shall be kept for the information of the Inspector, who alone shall be entitled to inspect the same, and who may, at all reasonable hours, examine and inspect the same.

Label to be affixed on articles so made.

Every occupier of a factory or work-room who shall give out piece-work to be done in a private dwelling, or in any place not registered as a factory, shall cause a printed label of the description shown in the *Second* Schedule of this Act to be affixed to every garment and every article wholly or partially made in unregistered workshops or private dwellings.

Second Schedule.

Penalty.

Any person who sells or exposes for sale such garments or articles without such labels shall be liable to a fine not exceeding *ten* pounds; and any one who wilfully removes such labels before sale shall be liable to a penalty not exceeding *twenty* pounds.

Every merchant, wholesale dealer, shopkeeper, agent, or distributor who shall issue textile or shoddy material for the purpose of being made up by piece-workers or home-workers into articles for sale, shall be deemed to be the occupier of a factory for the purposes and within the meaning of this section.

Inspector not to divulge contents of records.

24. Every Inspector who divulges the contents of any record of persons employed in or outside of any factory or work-room, or makes use of his knowledge of the contents of such record, except for the purposes of this Act or for enforcing the provisions thereof, shall be liable to a penalty not exceeding *fifty* pounds, or to imprisonment with hard labour for any term not exceeding *six* months.

Reports by Inspectors.

25. Every Inspector shall, at such times and in such manner as may be prescribed by regulations, prepare reports upon the operation of this Act; and the Minister shall, for the purpose of informing Parliament of the course and conditions of trade, prepare an annual report, which shall be of a general and comprehensive character.

Annual report by Minister.

Such report shall not refer by name to any particular occupier of a factory or work-room, or be so framed as to readily admit of the identification of any such occupier, and shall show as nearly as possible the whole number of persons engaged in factories or work-rooms in New Zealand subject to this Act, classifying 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, their hours of labour, the percentage of work done in the factories or work-rooms, and the percentage of work done outside thereof, together with the scale of pay for such work, and such other particulars as he may think fit.

Annual report to be laid before Parliament.

26. Every such annual report shall be so prepared as to be laid before each House of the General Assembly in each session within thirty days of the commencement of such session; but if there shall be more than one session of the General Assembly in any year, then it shall be sufficient to lay such report before the General Assembly in one of such sessions.



(3.) *Accidents.*

27. The occupier of every factory and place where machinery is used shall furnish, to the approval of the Inspector, belt-shifters or other safe mechanical contrivances for the purpose of throwing on or off belts or pulleys, and, wherever possible, machinery therein shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, and machinery of every description in any factory or workroom shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced.

Safeguards from machinery to be provided.

By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the Inspector, should such machinery be considered by him as dangerous. Such notice shall be signed by the Inspector who issues it, and shall only be removed after the required safeguards are provided, and the unsafe or dangerous machine shall not be used in the meantime.

Any occupier not supplying such safeguards as are notified by the Inspector, or who removes such safeguards, or who continues to use prohibited machinery, shall be liable to a penalty not exceeding *ten* pounds, with a further penalty of *two* pounds for each working day during which such safeguards are not provided, or such prohibited machinery used.

28. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory or work-room having neglected to fence any machinery required by or in pursuance of "The Inspection of Machinery Act, 1882," to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or work-room shall be liable to a penalty not exceeding *one hundred* pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as the Minister directs; and the penalty hereby imposed shall be in lieu of any other penalty imposed under "The Inspection of Machinery Act, 1882," for any such offence as hereinbefore mentioned.

Penalty for death or injury by neglect of occupier.

But the occupier of a factory or work-room shall not be liable to a penalty under this section if an information against him for not fencing the part of the machinery 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 the bodily injury was inflicted.

Limitation.

This section shall not deprive the injured person, or his legal personal representatives, of any right of action he or they may have to recover damages in any Court of competent jurisdiction.

Not to take away other remedy.

29. Where there occurs in a factory or a workshop any accident which either (a) causes loss of life to a person employed in the factory or in the workshop, or (b) causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with solid, liquid, or molten metal, or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent or be likely

Notice of accidents to be sent forthwith to Inspector and to medical authority.

to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours of the occurrence of the accident, written notice of the accident shall forthwith be sent to the Inspector and to the medical authority for the district, stating the residence of the person killed or injured, or the place to which he may have been removed; and if any such notice is not sent within twenty-four hours after the occurrence of such accident the occupier of the factory or workshop shall be liable to a fine not exceeding ten pounds.

Medical authority to investigate and report upon accident.

30. Where a medical authority receives, in pursuance of this Act, notice of an accident in a factory or a workshop, he shall, with the least possible delay, proceed to the factory or workshop and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the Inspector a report thereof.

The medical authority for the purpose only of an investigation under this section shall have the same powers as an Inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said medical authority for the investigation such fee as the Governor in Council shall by regulations prescribe, which fee shall be paid by the Board as expenses incurred in the execution of this Act.

#### (4.) Sanitary Provisions.

Factories, &c., to be kept clean.

31. Every factory or work-room shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance. Where members of both sexes are working in the same factory or work-room, there shall be sufficient water-closet or privy accommodation for each sex, separated in such manner as to insure privacy, to the satisfaction of the Inspector.

Where only members of one sex are employed in a factory or work-room, sufficient water-closet or privy accommodation shall be provided to the satisfaction of the Inspector.

Not to be overcrowded.

32. A factory or work-room shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, as far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health. The owner or occupier of every factory or work-room shall provide a supply of fresh drinking-water.

Drinking-water to be provided.

A factory or work-room in which, in the opinion of the Inspector, there is a contravention of this section, and which opinion is signified in writing under the hand of the Inspector, shall be deemed not to be kept in conformity with this Act.

Space to be allowed each worker.

33. The Inspector may from time to time determine, as to each factory or work-room, what space of cubic and superficial feet shall be reserved, appropriated, and maintained for the use of each person working therein, according to the nature of the work, but so that such space shall not be less than that prescribed from time to time by regulations; and shall, by notice in writing to the occupier, require such space to be reserved and appropriated accordingly within a time to be fixed by such Inspector, and shall in like manner

require that every such space is properly lighted and ventilated, and maintained and kept free from any materials or goods or tools other than those in use or required by the person from whom such space is so reserved and appropriated.

- 5 If the occupier of any factory or work-room thinks that the determination or requirements of the Inspector are in excess of what is necessary and reasonable, he may, in the manner prescribed by regulations, appeal to the Board, who shall decide the question, and may confirm, alter, or vary the determination or requirements of the  
10 Inspector in such manner and in such particulars as it deems fit, and every such decision of the Board shall be final.

If the occupier of a factory or work-room shall, after fourteen days' notice, neglect to comply with the determination or requirements of the Inspector, or of the Board in case of an appeal, or to  
15 observe and maintain such determination or requirements, or otherwise to comply with this section, he shall be liable to a penalty not exceeding *one* pound for every day during which such failure or want of compliance continues.

34. Where it appears to an Inspector that any act, neglect, or  
20 default in relation to any drain, water-closet, earth-closet, privy, ash-pit, water-supply, nuisance, or other matter in a factory or work-room is punishable or remediable under any law relating to the public health or any other law, but not under this Act, such Inspector shall give notice in writing to the Board or other local authority in whose  
25 district the factory or work-room is situate; and it shall be the duty of such Board or authority to make such inquiry into the subject of the notice, and take such action thereon, as to such Board or authority may seem proper for the purpose of enforcing the law.

35. An Inspector may, for the purposes of this Act, or of any  
30 Act or law relating to public health or the powers of any local authority, take with him into a factory or work-room an officer of health, Inspector of Nuisances, surveyor, or other officer of the Board or local authority, and any such officer, Inspector, or surveyor may at all reasonable times enter and inspect any factory or work-room.

- 35 36. All the inside walls of the rooms of a factory or work-room, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and stair-cases of a factory or work-room, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed  
40 or washed with some other wash, liquid, or material approved by the Inspector, once at least within every fourteen months, to date from the period when last lime-washed or washed; and, if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when  
45 last so washed.

The occupier of any factory or work-room shall furnish evidence, to the satisfaction of the Inspector, as to the dates of the last lime-washing, painting, or varnishing of each portion of such factory or work-room, and also of the date at which the last washing of all  
50 painted or varnished surfaces in such factory or work-room took place.

In work-rooms the walls of which have been papered, the Inspector shall decide as to the time when they shall be repapered.

Inspector to report to health authority in certain cases.

Inspector may take health officer, &c., into factory.

Inside walls to be lime-washed, &c.

A factory or work-room in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Power to Minister  
to exempt certain  
factories.

37. Where it appears to the Minister that in any class of factories or work-rooms, or parts thereof, the provisions of the *last-preceding* section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, make an order granting to such class of factories or work-rooms, or parts thereof, a special exception that the regulations in the last-preceding section shall not apply thereto :

Exemptions.

Provided that the last-preceding section shall, without any such order as aforesaid, be deemed not to apply to blacksmiths', agricultural implement makers', and wheelwrights' shops ; or to foundries, flour-mills, saw-mills, flax-mills, freezing-rooms, bone-mills, seed-cleaning mills, tanneries, rope-walks, smelting-works, and brick- and tile-works ; or to hay and corn and chaff-cutting, corn-crushing, wool-washing, and boiler-making establishments ; or to shearing-sheds, malthouses, and breweries ; or to dairy, cheese, and sugar-refining factories.

Fire-escapes.

38. In all factories and work-rooms situated on the third or fourth stories of buildings, one or more fire-escapes connected with each floor shall be provided. These fire-escapes shall be placed on the outside of such establishment, well fastened and secured, having landings or balconies not less than six feet in length and three feet in height, guarded by iron railings not less than three feet in height, and embracing at least two windows in each story, and connecting with the interior by easily accessible and unobstructed openings, and the balconies and landings shall be connected by iron stairs not less than six inches tread, placed at a proper slant and protected by a well-secured hand-rail on both sides, with a twelve-inch wide drop-ladder from the lower platform reaching to the ground. Any other equally-efficient plan or style of fire-escape shall be sufficient if approved by the Inspector.

If the Inspector does not approve of the fire-escapes provided at any factory or work-room he shall give a notice in writing that fire-escapes of a certain plan or style be made and located where required ; and if within twenty days after such notice is served such fire-escape be not provided, the occupier shall be liable to a penalty of *two* pounds for each day he allows work to be carried on in such factory or work-room.

Doors to open out-  
ward.

39. All internal or external doors of a factory or work-room shall be hung so as to open outward. All doors of rooms in which persons are actually at work, or of passages leading to such rooms, or serving as entrances and exits, shall neither be locked, bolted, nor fastened during working-hours. Stairways and steps shall be made and provided with substantial hand-rails, and shall have slats or portions of india-rubber, leather, or similar material fastened upon them if found necessary by the Inspector.

If in the opinion of the Inspector the stairs are too steep or winding, or the passages too intricate for the safety of workers in case of fire breaking out, the Inspector may direct that proper means of egress be provided.

40. Whilst work is going on in a factory or work-room an outer door giving access to every building containing a factory or work-room, which shall be that commonly used by the work-people in entering the building, and the door of every factory or work-room, shall be at all times kept unfastened, so as to afford ready means of ingress and egress. Every occupier neglecting or omitting to keep such door unfastened, so as to afford ready means of ingress and egress, shall be liable to a penalty not exceeding *ten* pounds.

Outer door to be kept unfastened.

41. If in a factory or workshop where charcoal or gas irons are used, or where grinding, glazing, polishing on a wheel, or any other process is carried on by which dust is generated, and charcoal fumes or dust respectively are inhaled to an injurious extent by the workers, and it appears to an Inspector that such inhalation could be to a great extent prevented, the Inspector may direct such ventilation as he shall think sufficient for the dissipation of the fumes, and a fan or other mechanical means of a construction proper for the dispersal of the dust and preventing such inhalation to 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.

Means to be provided to prevent inhalation of dust, &c.

42. A woman, or person under eighteen years of age, shall not be employed in any part of a factory or work-room in which wet spinning is carried on unless sufficient means be employed and continued 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.

Women and young persons not to be employed where wet spinning is carried on without protection.

A factory or work-room in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act.

43. No person under eighteen years of age, and no woman, shall, except on half-holidays, be employed continuously in any factory or work-room for more than four and a half hours without an interval of at least half an hour for a meal.

Women and young persons not to work for longer than certain period without a meal.

44. No woman or persons under sixteen years of age employed in a factory or work-room shall be permitted to take his or her meals in any room therein in which any manufacturing process or handicraft is then being carried on, or in which persons employed in such factory or work-room are then engaged in their employment, or have been employed working at their handicraft or manufacture during any portion of that day, unless such factory or work-room is of open construction, and is certified to by the Inspector as being properly exempted from this provision.

Certain persons not to take meals in factory, &c.

45. Subject to the *last-preceding* section, the occupier of every factory or work-room in which more than six women or persons under sixteen years of age are employed shall provide a fit and proper room in or near to such factory or work-room, in which such women or persons may take their meals without the provisions of this Act being contravened; but in cases where, from the small number of persons employed, the size of the factory or work-room, or the nature of the employment, the Inspector thinks that any room or place of shelter which is sufficiently secure from the weather and from public view will suffice as a place in which meals may be taken, he may, by writing under his hand, sanction the use of such room or place of shelter as a place in which meals may be taken.

Room for meals to be provided.

Every room or place of shelter to be used as places in which meals may be taken shall be furnished, to the satisfaction of the In-

spector, with sufficient seats and tables to enable the women or young persons employed in the factory or work-room to sit at meals with reasonable comfort and security.

If an occupier fails or neglects to provide such room or place of shelter he shall be deemed to act in contravention of this Act. 5

No meals to be taken in factory in which certain processes are carried on.

46. The Governor in Council may, from time to time, declare any manufacturing process, handicraft, or employment to be noxious for the purposes of this Act, and, where any manufacturing process, handicraft, or employment has been declared by the Governor in Council to be noxious for the purposes of this Act, no person employed in the factory or work-room in which any such manufacturing process, handicraft, or employment is carried on shall be permitted to take his or her meals in any room therein in which such manufacturing process, handicraft, or employment is then being carried on, or in which persons employed in such factory or work-room are or have been in the course of the day engaged in their employment. 10 15

Bakehouses to be lime-washed.

47. All the inside walls of the rooms of every bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil, or varnished, or be washed with lime or some other wash or liquid approved by an Inspector, or be partly painted or varnished and partly so washed; where painted with oil or varnish, there shall be three coats of paint or varnish, and the paint or varnish 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, and when lime-washed the lime-washing shall be renewed once at least in every six months. 20 25

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

Bakehouses not to be used as sleeping-places in certain cases.

48. A place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping-place, unless it is constructed as follows, that is to say,— 30

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

Unless there be 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. 35

Penalty for letting or occupying bakehouse in contravention of Act.

49. Any person who occupies, or knowingly suffers to be occupied, any place contrary to the provisions of the *last*-preceding section shall be liable to a penalty not exceeding for the first offence *one* pound, and for every subsequent offence *five* pounds. 40

Certain places not to be let or occupied as bakehouses.

50. It shall not be lawful to let, or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place, unless the following regulations are complied with:—

(1.) No water-closet, earth-closet, privy, or ashpit shall be within or communicate directly with the bakehouse; 45

(2.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a water-closet;

(3.) No drain or pipe for carrying off fæcal or sewage matter shall have an opening within the bakehouse. 50

Penalty.

Any person who lets, or suffers to be occupied, or who occupies, any room or place as a bakehouse in contravention of this section shall be liable to a penalty not exceeding *two* pounds, and to a further penalty not exceeding *ten* shillings for every day during which any room or place is so occupied after a conviction under this section. 55

51. Where the Court is satisfied on the prosecution of an Inspector that any room or place used as a bakehouse (whether the same was or was not so used before the commencement of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a penalty not exceeding *two* pounds, and on a second or any subsequent conviction to a penalty not exceeding *five* pounds.

Penalty for use of bakehouse in insanitary state.

*Struck out.*

52. The provisions of the *last four* preceding sections may be enforced by the Board, or by the local authority of the district, as well as by an Inspector under this Act, and for that purpose such Board or authority, and any of its officers or servants by its direction, general or particular, shall have and may exercise all such powers of entry, inspection, and taking and enforcing legal proceedings, and otherwise, as an Inspector would have under this Act.

Provisions of last four sections may be enforced by Board or local authority.

53. 52. Notwithstanding anything to the contrary contained in section *three*, an Inspector of Factories shall have such rights and powers in regard to every shearing-shed wherein four or more persons are employed, and to every building erected or used for the accommodation of shearers, as he possesses under the different sections of this Act, save and except that such rights and powers are restricted to necessary inspection of the arrangements for the health and comfort of the shearers.

Power to inspect accommodation for shearers.

The Inspector shall in no way interfere in matters concerning the working-hours, holidays, or remuneration of adult shearers, but shall ascertain at least once a year that their dwelling-places *and work-iny-places* are in a cleanly, fit, and proper state for the reception of workmen, and that necessary accommodation is provided. If, in the opinion of the Inspector, such fit and necessary accommodation has not been provided, he shall require the employer to amend or enlarge the same in such manner as the Inspector shall by written notice direct.

If any employer shall not comply with such written notice when served personally upon him or through the post-office by the Inspector, he shall be deemed to act in contravention of this Act, *and shall be liable to a penalty not exceeding five pounds for every day during which such noncompliance continues.*

(5.) *Age of Employés.*

53. A woman, or person under eighteen years of age, who works in a factory or work-room, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of a factory or work-room used for any manufacturing purposes or handicraft, or in cleaning or oiling any part of the machinery, or 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, save as is otherwise provided by this Act, be deemed to be employed within the meaning of this Act.

Meaning of "employed" in the case of women and young persons.

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

54. No person shall to the extent mentioned in the *Third* Schedule to this Act be employed in the factories or work-rooms or parts thereof mentioned in that Schedule.

Restrictions in certain class of employment. Third Schedule.

Notice of the prohibition in this section shall be affixed to all factories or work-rooms to which it applies.

Hours of labour of boys and females.

No person shall employ in any factory or work-room any boy under the age of sixteen years for more than forty-five hours in any one week, nor for more than eight hours in any one day.

No person shall employ in any factory or work-room any woman or girl for more than forty-five hours in any one week, nor for more than eight hours in any one day, nor between the hours of six o'clock in the afternoon and eight o'clock in the morning. 5

Penalty for breach.

No person shall employ in any factory or workroom any woman during the four weeks immediately after her confinement. 56. 55. If any occupier offend against the provisions of the *last-preceding* section he shall, for each and every time in which he offends, be liable to a penalty not exceeding *ten* pounds: 10

Hours of employment may be extended under certain conditions.

Provided that each person employed in a factory or work-room may, with the written consent of the Inspector, work for a period not exceeding three hours in any day beyond the working hours on not more than ~~forty~~ *twenty-eight* days in a year. 15

No such person, however, may work overtime on more than two consecutive days, and such overtime is to be paid for at the rate agreed on above the ordinary rate of wage, but in no case for any person is to be below sixpence per hour. Written notice of the desire to work overtime shall be served by the occupier upon the Inspector, and sufficient time be given to the Inspector to grant a written permission to work such overtime, or to forbid such overtime, if he considers it to be dangerous or hurtful to the health of the persons employed. 20 25

The Inspector shall keep a list of the names of all those women or young persons for whom permission to work overtime has been granted, and shall note against the name of each the hours of overtime worked by him or her, so that the full amount of overwork-time be not in any case exceeded. The Inspector may grant permission to women ~~piece-workers~~ to begin work in factories or workshops at seven o'clock in the morning during summer months: 30

*New Proviso.*

*Provided,*

however, that if in any factory or workroom such permission is granted by the Inspector and acted on by the occupier, then in that factory or workroom all women and young persons shall likewise begin work at that hour, to the intent that all women and young persons may quit such factory or workroom at the one time. 35

No child to be employed. Persons under sixteen not to be employed unless passed Fourth Public-school Standard.

57. 56. No child shall be employed in any factory or work-room. 58. 57. A person under the age of sixteen years shall not be employed in any factory or work-room unless the Inspector is satisfied that such person has been certified by an Inspector of Schools, of *either the public schools or of any private school*, to have passed the Fourth Standard, as prescribed by or under the regulations for the time being in force under "The Education Act, 1877," or any *equivalent examination*: 40 45

*Struck out.*

or unless

such person has been certified by a certificate under the hand of the headmaster or Inspector of a public or private school that such person attended such school the number of school-days required by or under that Act during the quarter of a year immediately preceding the date of such employment, and has attended school for such required number of school-days in each quarter for a period of three consecutive years: 50

Provided that this section shall not apply to any person who shall have arrived in the colony after attaining the age of thirteen 55



years, and or who is at the commencement of this Act employed in any place which is a factory or work-room within the meaning of this Act.

*New Proviso.*

- 5 | Provided that this section shall not apply to persons who have lived more than three miles from a school, and by reason thereof have, in the opinion of the Inspector, had no adequate opportunity of complying with the provisions of this section.
- 10 | 59. 58. A person under the age of sixteen years shall not be employed in a factory or work-room unless the occupier of the factory or work-room has obtained a certificate in the prescribed form of the fitness of such person for employment in that factory or work-room.
- 15 | A certificate of fitness for employment for the purposes of this Act may be granted by the Inspector for the district, and shall be to the effect that he 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 fit for the employment.
- 20 | 60. 59. All factories or work-rooms in the same line of trade and in the district of the same Inspector, or any of them, may be named in the certificate of fitness for employment if the certifying Inspector is of opinion he can truly give the certificate for employment therein.
- 25 | The certificate of birth which may be produced to such Inspector shall either be a certified copy of the entry in a register of births kept in pursuance of "The Registration of Births and Deaths Act, 1875," of the birth of the person, and such certificate of birth shall be given by the Registrar without fee, or a statutory declaration made by some competent person as to the age of the person for whom it is desired to obtain a certificate of fitness for employment.
- 30 | 61. 60. The occupier shall, when required, produce to an Inspector at the factory or work-room at which a person under sixteen years of age is employed the certificate of fitness of such person for employment which he is required to obtain under this Act.
- 35 | 62. 61. No girl under fifteen years of age shall work as type-setter in any printing-office: Provided that nothing in this clause contained shall apply to the case of any girl at the time of the passing of this Act engaged in type-setting in any printing-office.
- 40 | 63. 62. In the case of a woman, or any person under eighteen years of age, any forfeiture on the ground of absence or leaving work shall not be deducted from or set against a claim for wages, or other sum due for work done before such absence or leaving work, except to the amount of the special damage (if any) which the occupier of the factory or work-room may have sustained by reason of such absence
- 45 | or leaving work.

Persons under sixteen not to be employed without certificate.

Terms thereof.

Certificate may include several factories.

Evidence of date birth.

Occupier to produce certificate on demand.

Girls under fifteen not to work as type-setters. Proviso.

Women and young persons not to be liable to deduction in certain cases.

(6.) *Holidays.*

64. 63. The occupier of a factory or work-room shall (save as in this Act specially excepted) allow to every woman, and to every person under the age of eighteen years, employed in such factory or work-room, the following holidays:—
- 50 | (1.) Christmas Day, New Year's Day, Good Friday, Easter Monday, Her Majesty's birthday:
- (2.) Every Saturday afternoon, from one of the clock in the afternoon: Provided that in any city, borough, or town district where it may be found inconvenient that work should cease on Saturdays as before mentioned, the Council or Town Board may, by special order, from time to time appoint any other working-day in the week on which women and persons under the age of eighteen
- 55 |

What holidays allowed.

Saturdays.

Power to fix some other day for half-holiday.

years shall have holiday from one of the clock in the afternoon ; or such special order may provide and appoint separate working-days in the week on which different classes or sets of workers, being women and such persons as aforesaid, shall have a holiday from one of the clock in the afternoon ; and upon any such special order becoming operative this Act shall operate in respect of all persons affected by such special order as if the day or separate day named therein had been mentioned in this Act in place of the word " Saturday." 5 10

(3.) Nothing in this Act shall be deemed—

Employment of females and young persons in printing-offices on holidays.

(a.) To prevent the employment of women or persons under the age of eighteen years in printing-offices, for the purpose of printing evening newspapers, on Saturdays or any other half-holiday up to the hour of half-past four in the afternoon, nor the substitution of two other days for Easter Monday and Her Majesty's birthday in the case of women type-setters ; or 15

Boys may be employed on holidays in certain cases.

(b.) To prevent the employment of any boy in the publishing or delivering of newspapers after one o'clock on Saturday, or a holiday ; 20

*New subsection.*

(c.) To prevent any persons being employed in jam-factories on Saturday or any other half-holiday for eight weeks during the fruit-preserving season.

Wages to be paid to women and young persons on holidays.

Wages shall be paid by the occupier to every woman and person as aforesaid employed as a wage-earner in a factory or work-room in respect of every such holiday or half-holiday, and at the same rate as paid on ordinary working-days ; and payment for such holiday or half-holiday shall be made on the first regular pay-day thereafter respectively. 25 30

For the purposes of this section a wage-earner means and includes any person who is paid by a time-wage, either monthly, weekly, daily, or hourly, and who has been employed on twenty days preceding the holiday, whether such twenty days be consecutive or not ; or on five days preceding a half-holiday, whether such five days be consecutive or not. 35

*Struck out.*

Factories and work-rooms to be closed on holidays, and no work permitted therein.

65. 64. Every factory and work-room shall be closed for the whole day on each statute holiday, and for the whole afternoon of every half-holiday, in the same manner as on Sundays ; and no woman or young person under the age of eighteen years who are piece-workers shall be suffered or permitted to work in any factory or work-room on any statute holiday or half-holiday. 40

*New paragraph.*

All employés in every factory shall be entitled to the half-holiday provided in subsection *two* of section *sixty-three* of this Act, except dairy factories, rabbit factories, and meat-freezing works. 45

A factory or work-room in which there is a contravention of the provisions of this or the last preceding section shall be deemed not to be kept in conformity with this Act :

*New provisos.*

Provided that where the half-holiday is on any day other than Saturday this section shall not apply to morning newspaper offices for the purpose of printing and publishing : 50

Provided also that the occupier shall not be required to pay wages to employés other than women or young persons for such holidays.

## PART II.

## GENERAL PROVISIONS.

(1.) *Offences and Penalties.*

- 5 66. 65. Where any person is charged with an offence against this Act, such charge shall be heard, and all penalties imposed by this Act shall be recovered, in a summary way in the manner provided by "The Justices of the Peace Act, 1882," before any two or more Justices [of the Peace or a Stipendiary Magistrate; and all orders authorised to be made under this Act may be made and enforced in a summary way, as provided by that Act.
- 10 ~~67. 66. No Justice of the Peace being the owner or occupier of any factory or work-room subject to the provisions of this Act other than a Stipendiary Magistrate shall sit or act as a Justice of the Peace under this Act.~~
- 15 68. 67. If a factory or work-room is not kept in conformity with this Act, or if in any factory or work-room there is a contravention of any of the provisions of this Act, the occupier thereof shall, if no other penalty is by this Act provided, be liable to a penalty not exceeding *ten* pounds, and to a further penalty of not exceeding *one* pound for every day during which such contravention continues after the delivery by the Inspector at such factory or work-room of a notice informing the occupier that a breach of the provisions of this Act is taking place, by such factory or work-room not being kept in conformity with this Act, or by a contravention thereof otherwise occurring.
- 20 69. 68. The Court before which any penalty is sought to be recovered under this Act, in addition to or instead of inflicting any penalty, may order certain means to be adopted by the occupier within the time named in the order, for the purpose of bring his factory or work-room into conformity with this Act, and may, upon application, enlarge the time so named; but if after the expiration of the time as originally named, or enlarged by subsequent order, the order of the Court is not complied with, the occupier shall be liable to a penalty not exceeding *one* pound for every day that such non-compliance continues.
- 25 70. 69. Where a child or person is employed in a factory or work-room contrary to the provisions of this Act, the occupier of the factory or work-room shall be liable to a penalty not exceeding *three* pounds, or, if the offence was committed during the night, to a penalty not exceeding *five* pounds for each child or person so employed.
- 30 71. 70. A person who is not allowed time for meals and absence from work as required by this Act, or, during any part of the times allowed for meals and absence from work, is, in contravention of the provisions of this Act, employed in the factory or work-room, or, in the case of women or persons under sixteen years of age, are allowed to remain in any work-room, shall be deemed to be employed contrary to the provisions of this Act.
- 35 72. 71. The parent of a child or person under eighteen years of age shall, if such child or person is employed in a factory or work-room contrary to the provisions of this Act, be liable to a penalty not exceeding *one* pound for each offence, unless it appears to the Court that such offence was committed without the consent, connivance, or wilful default of such parent.
- 40 73. 72. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such
- Summary remedy for offences, &c.
- Justices not to sit in certain cases.
- Penalty for non-conformity with Act where no other penalty provided.
- Court may order defects to be remedied by occupier.
- Penalty for employing a child or person contrary to Act.
- Penalty if person employed during meal-times.
- Parents liable to penalty in certain cases.
- Penalty for forging certificate.

certificate knowing the same to be false in any material particular, or who knowingly alters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly alters or makes use of as applying to any person a certificate which does not so apply or who personates any person named in a certificate, or who wilfully 5  
connives at the forging, counterfeiting, giving, signing, uttering, making use of, or personating as aforesaid, shall be liable to a penalty not exceeding *fifty* pounds, or to imprisonment with hard labour for any term not exceeding *six* months.

Penalty for false entry in books, &c.

74. 73. Every person who wilfully makes a false entry in any book, 10  
register, notice, certificate, list, record, or document required by this Act, or who wilfully makes or signs a false declaration or return under this Act, or who knowingly makes use of any such false entry or declaration or return, shall be liable to a penalty not exceeding *twenty* pounds, or to imprisonment with hard labour for any term 15  
not exceeding *three* months.

Agent liable to penalty in certain cases.

75. 74. Where an offence for which the occupier of a factory or work-room 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 20  
penalty as if he were the occupier.

If occupier prove some other person liable, such person may be convicted.

76. 75. Where the occupier of a factory or work-room is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time 25  
appointed for hearing the charge, and if after the commission of the offence has been proved the occupier of the factory or work-room proves to the satisfaction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, 30  
consent, or connivance, the said other person shall be convicted of such offence, and the occupier shall be exempt from any penalty.

Inspector may proceed against actual offender in certain cases.

77. 76. After the discovery of an offence against this Act, when it is made to appear to the satisfaction of the Inspector that the occupier of the factory or work-room had used all due diligence to 35  
enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier, and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, 40  
without first proceeding against the occupier of the factory or work-room.

Provisions as to procedure in prosecutions.

78. 77. The following provisions shall have effect with reference to proceedings before the Court for offences and penalties under this Act:—

- (1.) The information shall be laid within one month, or, when 45  
the offence is punishable at discretion by imprisonment, within two months, after the commission of the offence;
- (2.) It shall be sufficient to allege that a factory or work-room is a factory or work-room within the meaning of this Act 50  
without more;
- (3.) It shall be sufficient to state the name of the ostensible occupier of the factory or work-room, or the title of the firm, company, or association by which the occupier of the factory or work-room is usually known; 55

(4.) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant;

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

(6.) In all cases of summary proceedings under this Act the defendant and his wife shall be competent to give evidence; and

(7.) The Inspector, and every other person who may be dissatisfied with the judgment of the Court on any summary proceedings under this Act, may appeal to the Supreme Court or to a District Court in the manner provided by "The Justices of the Peace Act, 1882."

79. 78. If any occupier shall be dissatisfied with the decision or direction of an Inspector under this Act, such occupier may, within fourteen days, appeal to the Stipendiary Magistrate exercising jurisdiction under "The Magistrates' Courts Act, 1893," within the district by a notice in writing, setting forth the grounds of such dissatisfaction; and such Magistrate, after giving notice in writing to the Inspector, shall hear the parties appearing and determine such appeal; and such Magistrate may confirm, reverse, or modify the decision or direction appealed against, and may make such other order as may be just and reasonable.

Occupier may appeal to Magistrate against Inspector's decision.

#### (2.) *Miscellaneous.*

80. 79. If one or more persons be found in a factory or work-room, under such circumstances as in the opinion of the Court adjudicating raise a presumption that such person or persons have been employed in such factory or work-room contrary to the provisions of this Act, it shall be a presumption of law that such person or persons have been so employed; but if any such person or persons are shown to be in any such factory or work-room while all the machinery of the factory or work-room be stopped, or for the sole purpose of bringing food to the persons employed in the factory, or if the time at which he or they are so found is shown to be the time allotted to meals, such presumption shall not be deemed to have arisen.

Persons found working in a factory presumed to have been employed.

Notwithstanding anything hereinbefore contained, every person shall be deemed to be employed in a factory or work-room who is employed by an occupier in any manner connected with the handicraft or manufacture carried on in the factory or work-room in any premises or place contiguous or adjacent to such factory or work-room.

Any premises or place shall, for the purposes of this Act, be deemed to be contiguous or adjacent to a factory or work-room if only separated therefrom by a road, street, right-of-way, or stream.

Yards, playgrounds, and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the factory or work-room in which no machinery is used or manufacturing process

Yards, &c., open to view not to be deemed part of factory.

	carried on, shall not be taken to be any parts of the factory or work-room within the meaning of this enactment.	
Claims for exemption from Act to be publicly advertised.	81. 80. Any person making application to the Inspector or Minister to grant any exemption from any provision of this Act for a longer period than three months shall notify his intention to so apply by advertisement inserted in a daily or weekly newspaper circulating in the district in which the factory or work-room for which the exemption is required is situated, or by written notice sent to the Inspector. Notice of the granting or refusal of any such exemption shall be gazetted.	5
Regulations to be made by Governor in Council.	82. 81. The Governor in Council may from time to time make, alter, and repeal regulations, not inconsistent with this Act, prescribing—	10
	(1.) A scale of fees to be taken and received for the registration of factories and work-rooms under this Act, and the persons to whom the same shall be paid ;	15
	(2.) A scale of fees to be taken by medical authorities for examinations and reports made by such authorities in pursuance of the provisions of this Act, and for making provision generally with regard to such examinations and reports ;	20
	(3.) Forms of notices to be given under this Act, and the particulars to be set forth therein ;	
	(4.) Forms of returns to be made by the occupiers of factories or work-rooms and by employers ;	25
	(5.) The duties of Inspectors, and the forms of tables to be kept and returns made by them from time to time to the Minister.	
	(6.) The minimum space both of cubic and superficial feet to be reserved for each person working in a factory or workshop, having regard to the nature of the work, handicraft, or employment carried on therein ;	30
	(7.) The mode in which an appeal from the determination of an Inspector to a Local Board of Health or to a Stipendiary Magistrate shall be made and conducted ;	35
	(8.) General regulations for carrying this Act into effect, and providing for the efficient operation thereof.	
Fees to be paid into Public Account.	83. 82. All fees received under this Act for the registration of factories or work-rooms shall be paid into the Public Account, and form part of the Consolidated Fund.	40
Salaries of officers and expenses of Act to be paid out of appropriations by Parliament.	84. 83. The salaries or remuneration of Inspectors, and all the other expenses of carrying out the provisions of this Act by the Government of the colony, shall be paid out of moneys from time to time appropriated for that purpose by the General Assembly.	
Certain other expenses to be borne by Boards or other authorities.	85. 84. All moneys payable for carrying out such of the provisions of this Act as devolve upon Boards or other local authorities shall be paid and borne out of the ordinary funds of such Boards or local authorities, as the case may be.	45
Repeal.	86. 85. Section forty-three of "The Public Health Act, 1876," "The Factories Act, 1891," and "The Factories Act Amendment Act, 1892," are hereby repealed. But all appointments of officers, regulations made, and all things done under the said Acts shall be deemed to have been made or done respectively under this Act, and shall continue in force until altered or revoked under this Act. registration certificates granted, and all things lawfully done under the said Acts shall be deemed to have been made, granted, and done respectively under this Act, and shall continue in force until altered or revoked under this Act.	50
Saving.		55

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

## FEES FOR REGISTRATION OF FACTORIES OR WORK-ROOMS.

	£	s.	d.
Every factory or work-room in which more than thirty persons are employed, per annum ...	2	2	0
Every factory or work-room in which more than fifteen and not more than thirty persons are employed, per annum ...	1	1	0
Every factory or work-room in which more than eight and not more than fifteen are employed, per annum ...	0	10	0
Every factory or work-room in which more than two and not more than eight persons are employed, per annum ...	0	5	0

## SECOND SCHEDULE.

## LABEL TO BE AFFIXED UPON ARTICLES MADE OUTSIDE OF FACTORY OR WORK-ROOM.

This ticket is to be at least two inches square, made of cardboard, and printed in type, as follows :

MADE
IN A
PRIVATE DWELLING
OR
UNREGISTERED WORKSHOP.
—
AFFIXED UNDER FACTORY ACT.
—
Any person unlawfully removing or defacing this label will be prosecuted.

## THIRD SCHEDULE.

## FACTORIES OR WORK-ROOMS IN WHICH THE EMPLOYMENT OF PERSONS IS RESTRICTED.

1. In a part of a factory or work-room 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 shall 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 fourteen years of age, and a female person under eighteen years of age, shall not be employed.
3. In a factory or work-room 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 girl under sixteen years of age shall not be employed.
4. In a part of a factory or work-room in which there is carried on,—
  - (a.) Any dry-grinding in the metal trade ;
  - (b.) The dipping of lucifer matches,
 a person under sixteen years of age shall not be employed.
5. In any grinding in the metal trades other than dry-grinding, or in friction-cutting, a child shall not be employed.