

FACTORIES BILL.

MEMORANDUM.

THIS is a compilation of the Factories Act, 1908, No. 59; the Factories Amendment Act, 1910, No. 67; the Public Holidays Act, 1910, No. 71, section 5; the Factories Amendment Act, 1915, No. 37; and the Factories Amendment Act, 1916, No. 16.

The compilation presents no special features. It is intended to represent the existing law with amendments of the procedure sections intended to bring about uniformity in procedure with that adopted in the Shops and Offices Act, 1921, and other Acts.

There are no alterations in the penalties.

FREDK. R. CHAPMAN,
Compiler of Statutes.

HISTORICAL TABLES SHOWING DISPOSITION IN THE BILL OF CONSOLIDATED ENACTMENTS.

1908, No. 59.—THE FACTORIES ACT, 1908.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
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a Repealed by 1910, No. 67, Schedule.

b Repealed by 1915, No. 37, section 3.

1910, No. 67.—THE FACTORIES AMENDMENT ACT, 1910.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	a	Schedule	2, 12, 16 (4), 26, 31, 35, 37, 40, 46.
2	16		
3	20		

a Omitted as being no longer necessary.

1915, No. 37.—THE FACTORIES AMENDMENT ACT, 1915.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	a	2	a	3	a

a Omitted as being no longer necessary.

1916, No. 16.—THE FACTORIES AMENDMENT ACT, 1916.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	a	2	43

a Omitted as being no longer necessary.

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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.

16th January, 1922.

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE.]

Legislative Council, 19th January, 1922.

Hon Mr. Anderson.

FACTORIES.

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A BILL INTITULED

Title. AN ACT to consolidate and amend certain Enactments of the General Assembly relating to Factories.

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

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Short Title and commencement.

1. This Act may be cited as the Factories Act, 1921, and shall come into force on the first day of April, nineteen hundred and *twenty-two*.

Interpretation.

1908, No. 59, sec. 2
1910, No. 67
Schedule

2. In this Act, if not inconsistent with the context,—

“ Arbitration Court ” means the Court of Arbitration established under the Industrial Conciliation and Arbitration Act, 1908 : 10

“ Asiatic ” means a Native of any part of Asia, or of the islands adjacent to Asia or in Asiatic seas, and the descendants of any such Native ; but does not include any of His Majesty's subjects or any person of European or Jewish extraction :

“ Boy ” means, in cases where no other age is expressly mentioned, a male under the age of sixteen years : 15

“ Factory ” means—

(a.) Any building, office, or place in which two or more persons are employed, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale, and includes any building, office, or place in which work such as is ordinarily performed in a factory is performed for or on behalf of any local authority whether for trade or sale or not ; but does not include any building in course of erection, nor any temporary workshop or shed for workmen engaged in the erection of such building ; but (whatever the number of persons employed therein) includes— 25

(b.) Every bakehouse (meaning thereby any building or place in which any article of food is baked or prepared for baking for sale for human consumption) ; and also 30

(c.) Every building or place in which steam or other mechanical power or appliance is used for the purpose of preparing or manufacturing goods for trade or sale, or packing such goods for transit ; and also

(d.) Every building or place in which electrical energy is generated or transformed as an illuminant or a motive power for trade or sale, or in which coal-gas or any other form of gas is produced for the like purposes ; and also

5 (e.) Every laundry (meaning thereby every building or place where laundry-work is performed for hire or reward), whether the persons employed therein receive payment or not ; and also

10 (f.) Every building or place in which any Asiatic is directly or indirectly employed or occupied in laundry-work or any other handicraft, or in preparing or manufacturing goods for trade or sale, or in packing them for transit :

“ Inspector ” means any Inspector of Factories appointed under this Act :

15 “ Local authority ” means the Council of the borough or county or the Board of the road or town district in which any factory is situated :

“ Magistrate ” means a Stipendiary Magistrate, and “ Court ” means a Court presided over by a Magistrate :

20 “ Male worker ” means a male person over the age of sixteen years :

“ Medical Officer of Health ” means a medical officer of Health under the Health Act, 1920 :

“ Minister ” means the Minister of Labour :

25 “ Occupier ” means the person occupying any building, office, or place used or intended to be used as a factory, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of a factory ; and

30 In factories occupied by a body of persons, corporate or unincorporate, the working manager shall also be deemed to be included in the term “ occupier ” :

“ Person ” includes a body of persons, corporate or unincorporate :

35 “ Prescribed ” means prescribed by regulations :

“ Privy ” includes water-closet, earth-closet, and urinal :

“ Regulations ” means regulations from time to time in force under this Act :

“ Woman ” means a female, irrespective of age.

40 *Inspectors and Medical Authorities.*

3. (1.) There may from time to time be appointed fit persons of either sex (whether qualified to be members of the Public Service or not) to be Inspectors of Factories under this Act.

Inspectors may be appointed.
1908, No. 59, sec. 3

45 (2.) Except as to qualifications for appointment, every Inspector shall be subject to the laws and regulations affecting the Public Service.

(3.) An Inspector may hold office as Inspector under this Act in conjunction with any other office or employment which is not deemed to be incompatible with his duties under this Act.

Inspectors may hold office with other offices.

50 (4.) Any member of the Police Force appointed under the Police Force Act, 1913, who is authorized in writing to that effect by the Chief Inspector of Factories may act as Inspector of Factories and while so acting shall have and may exercise all the powers and shall perform all the duties of an Inspector appointed in accordance with subsection one of this section.

Chief Inspector.
Deputy Chief
Inspector.
1908, No. 59, sec. 4

4. (1.) There may from time to time be appointed a fit person to be Chief Inspector, and a like person to be Deputy Chief Inspector.

(2.) The Deputy Chief Inspector shall, under the control of the Chief Inspector, perform such general official duties as he is called upon to perform under this Act or by the Chief Inspector. 5

(3.) In case of the illness, absence, or other temporary incapacity of the Chief Inspector, or on the occurrence of any vacancy in the office of the Chief Inspector, whether by reason of death, resignation, or otherwise, and so long as such vacancy continues, the Deputy Chief Inspector shall act in his name and on his behalf, and while so acting 10 shall have and may exercise all the powers, duties, and functions of the Chief Inspector.

(4.) The fact of the Deputy Chief Inspector exercising any power, duty, or function as aforesaid shall be conclusive proof of his authority so to do, and no person shall be concerned to inquire whether the 15 occasion has arisen requiring or authorizing the Deputy so to do

Inspection.

5. Every Inspector may—

(a.) Enter, inspect, and examine at all reasonable hours by day and night a factory when he has reasonable cause to believe 20 that any person is employed therein, and enter by day any place which he has reasonable cause to believe to be a factory ;

(b.) Take with him in either case a constable to assist him in the execution of his duty ; 25

(c.) Require the production of the certificate of registration held by the occupier of a factory, or any book, notice, record, list, or other document which the occupier of a factory is by this Act required to keep or exhibit therein, and inspect, examine, and copy the same ; 30

(d.) Make such examination and inquiry as he deems necessary in order to ascertain whether the provisions of this Act, or of any Act relating to the public health, are complied with, so far as respects a factory or the persons employed therein ;

(e.) Examine, either alone or in the presence of any other person, 35 as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory, and require such person to make and sign a declaration 40 under the Justices of the Peace Act, 1908, of the matters respecting which he is so examined ; provided that, on any examination or inquiry by an Inspector, no person shall be required under this section to answer any question tending to incriminate himself ; and 45

(f.) Exercise such other powers and authorities as may be necessary for carrying this Act into effect.

6. (1.) The occupier of a factory, his agents and servants, shall at all times furnish the means required by an Inspector, or by an officer of the local authority, for any entry, inspection, examination, 50 and inquiry, or the exercise of his powers under this Act or any enactment relating to the public health, in relation to the factory.

Powers of
Inspectors.
Ibid., sec. 6

Occupiers to allow
entry and inspection.
Ibid., sec. 7

(2.) Except for the purposes of this Act and the exercise of his functions under this Act, an Inspector shall not disclose to any person any information which in the exercise of such functions he acquires respecting any factory.

5 7. (1.) A person shall be deemed to obstruct an Inspector in the execution of his duties under this Act who—

Obstruction of
Inspector.
1908, No. 59, sec. 8

(a.) Without reasonable cause delays an Inspector in the exercise of any of his powers or duties under this Act; or

10 (b.) Fails to comply with a requisition of an Inspector made under any such power, or to produce any document which he is required by this Act to produce; or

(c.) Conceals or prevents, or attempts to conceal or prevent, any person from appearing before or being examined by an Inspector.

15 (2.) Every person who obstructs an Inspector in the execution of his duties under this Act is liable to a fine not exceeding five pounds; and where an Inspector is so obstructed in or about a factory the occupier thereof is liable to a fine not exceeding five pounds, or, when the offence is committed at night, not exceeding twenty pounds.

20 8. (1.) Every Inspector shall be furnished with a certificate of his appointment in the prescribed form, and on applying for admission to a factory he shall, if required, produce such certificate to the occupier.

Inspector to have
certificate of
appointment.
Ibid., sec. 9

25 (2.) 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, is liable to imprisonment with hard labour for any term not exceeding six months.

Penalty for forging.

Registration of Factories.

30 9. (1.) Except as hereinafter provided, it shall not be lawful for any person to occupy or use as a factory any building, office, or place unless the same is duly registered as a factory under this Act.

Factory not to be
used until registered.
Ibid., sec. 10

(2.) Every occupier of a factory who commits a breach of this section is liable to a fine not exceeding five pounds for every day 35 during which the factory is unregistered:

Provided that in the case of a first failure to register no prosecution shall be instituted without the permission of the Chief Inspector.

40 10. (1.) The application for registration shall be made in writing in the prescribed form to the Inspector by or on behalf of the occupier or intending occupier, and shall specify—

Particulars to be
specified in
application.
Ibid., sec. 11

(a.) The name and situation of the intended factory;

(b.) The nature of the work to be carried on therein, and of the motive power (if any) to be used therein;

(c.) The maximum number of persons to be employed therein;

45 (d.) The full names of the occupier or intended occupier thereof;

(e.) The name or style under which the business of the factory is to be carried on; and

(f.) Such other particulars as are prescribed.

50 (2.) In addition to his application, the applicant shall also deliver to the Inspector a sketch-plan of the intended factory, to the Inspector's satisfaction.

Plan to be
furnished.

(3.) In any case where a satisfactory plan has been delivered to the Inspector in connection with any previous application for registration

of the same factory, it shall be sufficient if, in lieu of delivering a fresh plan, the applicant refers the Inspector to the previous one.

Inspector to
examine intended
factory.
1908, No. 59, sec. 12

11. As soon as practicable after receipt of the application the Inspector shall examine the intended factory in order to satisfy himself that it is suitable for the purpose for which it is to be used, and also that it is in accordance with the plan. 5

Inspector may
require defects to
be remedied.
Ibid., sec. 13
1910, No. 87,
Schedule

12. (1.) If the Inspector is of opinion that the intended factory or the plan thereof is defective in any respect, he shall, by requisition in writing served on the applicant, specify the defects, and inform him that the intended factory will not be registered until the defects are remedied to the Inspector's satisfaction. 10

Appeal to local
authority from such
requisition.

(2.) If the applicant is dissatisfied with the requirements of the Inspector as specified in such requisition he may appeal to the local authority; and in case of the applicant or the Inspector being dissatisfied, either of them may appeal to the Medical Officer of Health, whose decision shall be final. 15

(3.) After the decision on such appeal to the Medical Officer of Health has been given, the Inspector shall, on compliance with the decision on such appeal, and upon payment of the registration fee as hereinafter provided, register the factory, and issue to the applicant a certificate of registration. 20

Mode of registration.
1908, No. 59, sec. 14

13. (1.) The registration shall be effected by entering in a register to be kept for the purpose such particulars relating to the factory as are prescribed.

Certificate of
registration.
Registration fee.

(2.) The certificate of registration shall be in the prescribed form. 25

(3.) The fee specified in the *First* Schedule hereto shall be payable on every registration of a factory.

Increased fee
payable if
employees
increased.
Ibid., sec. 15

14. In any case where during the currency of the registration the number of persons employed in the factory is so increased as to require a larger registration fee, the occupier of the factory shall within seven days thereafter give written notice thereof to the Inspector, and pay the difference in value between the registration fee already paid and the fee payable on such increased number. 30

Duration of
registration.
Ibid., sec. 16

15. The certificate of registration shall continue in force until the close of the last day of March next succeeding the date of registration. 35

Records and Notices in Factories.

Wages and overtime
book.
1910, No. 87, sec. 2

16. (1.) In every factory the occupier shall at all times keep in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the wages and overtime book) showing, in the case of each employee,— 40

- (a.) The name of the employee;
- (b.) His age, if under twenty-one years of age;
- (c.) The kind of work on which he is usually employed;
- (d.) The hours of his employment during each week;
- (e.) The wages paid each week; and 45
- (f.) Such other particulars as are prescribed by regulations.

(2.) The said book shall at all times be open to inspection by the Inspector.

(3.) The Inspector may at any time during ordinary working-hours require the occupier to verify the entries in the said book by statutory declaration or in such manner and form as may be prescribed by regulations. 50

(4.) The occupier of a factory shall at all times cause to be exhibited and maintained in some conspicuous place at or near the entrance of the factory, and in such other parts thereof as the Inspector from time to time directs, and in such a position as to be easily read by the persons employed in the factory, a notice containing—

Notices to be exhibited and maintained.
1908, No. 59, sec. 17 (2)
1910, No. 67, Schedule.

(a.) The name and address of the Inspector for the district ;
(b.) The official address of the local authority, and the name or official designation of its principal officer ;

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

10 (d.) A statement, in the form prescribed by regulations, of the procedure required to be observed in order to claim compensation under the Workers' Compensation Act, 1908 ; and

(e.) Such other particulars as are prescribed by regulation.

15 (5.) If the occupier of a factory makes default in faithfully complying with any of the provisions of this section he shall be liable to a fine not exceeding two pounds for every day such default occurs after the lapse of seven days from the date on which the factory was first registered.

Fine for default herein.

20 *Hours of Work in Factories.*

17. (1.) Subject to the provisions of this Act, a male worker shall not be employed in or about a factory—

Limits to working-hours of male workers.
1908, No. 59, sec. 18

(a.) For more than forty-eight hours, excluding meal-times, in any one week ; nor

25 (b.) For more than eight hours and three-quarters in any one day ; nor

(c.) For more than five hours continuously without an interval of at least three-quarters of an hour for a meal.

30 (2.) The foregoing limits of working-hours shall not be deemed to apply to any male worker employed in getting up steam for machinery in the factory, or in making preparations for the work of the factory, or to the trades referred to in the *Second* Schedule hereto.

35 (3.) Where in any award of the Arbitration Court, whether made before or after the commencement of this Act, provision is made for limiting the working-hours in any trade, this section shall in respect to such trade, and so long as such award continues in force, be read and construed subject to the award.

40 18. Subject to the provisions of this Act, a woman or boy shall not be employed in or about a factory—

Rules as to hours of work of women and boys.
Ibid., sec. 19

(a.) For more than forty-five hours, excluding meal-times, in any one week ; nor

(b.) For more than eight hours and a quarter, excluding meal times, in any one day ; nor

45 (c.) For more than four hours and a quarter continuously without an interval of at least three-quarters of an hour for a meal ; nor

(d.) At any time after one o'clock in the afternoon of one working-day in each week as hereinafter mentioned ; nor

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- (e.) In the case of women, at any time between the hours of six o'clock in the evening and eight in the morning following; nor
- (f.) In the case of boys, at any time between the hours of six o'clock in the evening and a quarter to eight in the morning following: 5

Provided that, with the written consent of the Inspector, seven o'clock in the morning may, during such months as are specified in such consent, be substituted in lieu of eight o'clock in the morning, but so that the hours of work are not extended beyond eight hours and a quarter. 10

Prevention of
evasion of
working-hours.
1908, No. 59, sec. 21

19. In order to prevent any evasion or avoidance of the foregoing limits of working-hours, all work done by any person employed in a factory for the occupier elsewhere than in the factory (whether the work is or is not connected with the business of the factory) shall be deemed to be done whilst employed in the factory, and the time shall be counted accordingly. 15

Hours of Employment in Laundries.

Hours of
employment in
laundries.
1910, No. 67, sec. 3

20. (1.) In every laundry in which two or more persons (whether employees or not) are engaged the following provisions shall apply:— 20

(a.) Except as hereinafter mentioned, the hours that any male person over the age of sixteen years may be employed shall not exceed forty-eight hours (excluding meal-times) in any one week, nor eight hours and three-quarters in any one day; nor shall any such person who is an employee be employed for more than five hours continuously without an interval of at least three-quarters of an hour for a meal. 25

(b.) Except as hereinafter mentioned, the hours that any woman or boy may be employed shall not exceed forty-five hours (excluding meal-times) in any one week, nor eight hours and a quarter in any one day; nor shall any such person who is an employee be employed for more than four hours and a quarter continuously without an interval of at least three-quarters of an hour for a meal. 30

(c.) The number of working-hours may from time to time be extended, but such extension shall not be— 35

(i.) For more than three hours in any day; or

(ii.) On more than two consecutive days in any week; or

(iii.) For more than ninety hours in any year, except in any exceptional case arising, in the opinion of the Inspector, from any unforeseen circumstance, in which case he may grant a warrant as hereinafter provided to work extended hours after the ninety hours in a year have been worked by any employee, but such additional extended hours shall not in any case exceed thirty in any year; or 45

(iv.) In the case of any person who is an employee, on any holiday or half-holiday.

(d.) Except when extended hours are being worked as hereinbefore provided, no person shall be engaged in laundry-work in a laundry between the hours of seven in the evening of any day and a quarter to eight in the morning of the following working-day. 50

- (e.) It shall not be lawful to do any work in a laundry during such extended hours unless the occupier of the laundry has obtained from an Inspector a warrant in the prescribed form.
- 5 (f.) Written application for such warrant shall be made to the Inspector by the occupier previous to the commencement of the proposed extension, specifying the names of the persons (whether employees or not) to whom the extension is intended to apply, and the period of the extension.
- 10 (g.) If the Inspector is of opinion that any such extension would be dangerous or hurtful to the health of any woman or boy named in the application, he shall refuse to grant a warrant in respect of such woman or boy.
- (h.) The occupier shall cause the warrant to be posted in some conspicuous part of the laundry during the extended hours specified in the warrant.
- (i.) The Inspector shall keep a record of the names of all persons in respect of whom a warrant is granted, and shall note against the name of each the extended hours worked by him, so that the full amount of overtime permitted by this section shall not in any case be exceeded.
- 20 (j.) Notice shall, during some part of the working-day immediately preceding that on which the extension is intended to apply, be given to every employee to whom such extension is intended to apply; or, where such notice is impracticable, the occupier shall, in addition to any payment for overtime, provide every such employee who resides at a greater distance than one mile from the laundry either with a sufficient meal between the hour at which the laundry ordinarily closes and the hour at which the extension is to commence or with an allowance of not less than one shilling, such allowance to be paid on the day on which such extension is to apply not later than the hour at which the laundry ordinarily closes.
- 25 (k.) Every person who (being an employee) is employed during any hours other than those prescribed by paragraphs (a), (b), and (d) of this section shall be paid therefor not less than one-fourth as much again as the ordinary rate:
- 30 Provided that, where the ordinary rate is by time and not by piecework, the overtime rate shall be not less than sixpence per hour for those persons whose ordinary wages do not exceed ten shillings a week, and ninepence per hour for all other persons so employed, and shall be paid at the first regular pay-day thereafter.
- 40 (2.) This section shall not apply in the case of any laundry in which the occupier and his wife, or her husband, as the case may be, are the only persons engaged in laundry-work.
- (3.) Sections *seventeen, eighteen, twenty-one, and twenty-three* of this Act shall not apply to laundries.

Overtime.

- 50 21. (1.) The prescribed working-hours or times may from time to time be extended, but such extension shall not in the case of women and boys be—

- (a.) More than three hours in any day; or
 (b.) More than two consecutive days in any week; or

Conditions under which limit of working-hours may be exceeded.
 1908, No. 59, sec. 22
 1910, No. 67,
 Schedule

(c.) More than ninety hours in any year, except in any exceptional case arising, in the opinion of the Inspector, from any unforeseen circumstance, in which case he may grant a warrant as hereinafter provided to work extended hours after the ninety hours in a year have been worked by any employee, but such additional extended hours shall not in the case of any employee exceed thirty in any year ; or 5

(d.) On any holiday or half-holiday.

(2.) On every such occasion no person shall be employed for more than four hours continuously without having an interval of at least half an hour for rest and refreshment. 10

(3.) Every person who is employed during such extended hours under this section shall be paid therefor at not less than one-fourth as much again as the ordinary rate :

Provided that in the case of persons employed in and at bush saw-mills engaged solely at logging, breaking down, and sawing rough timber the overtime shall be payable only for the extended hours worked during the week in excess of forty-eight hours : 15

Provided also that when the ordinary rate is by time, and not by piecework, the overtime rate shall not be less than sixpence per hour for those persons whose ordinary wages do not exceed ten shillings a week, and ninepence per hour for all other persons so employed, and shall be paid at the first regular pay-day thereafter. 20

22. The provisions of the *last preceding* section are hereby modified in the case of fruit-canning factories and jam-factories to the extent that the limitations as to overtime contained in paragraphs (b), (c), and (d) of subsection one thereof need not be observed during the period between the first day of January and the first day of April in any year. 25

23. (1.) It shall not be lawful to extend the working-hours or times of any woman or boy under section *twenty-one* hereof unless the occupier of the factory has first obtained from the Inspector a warrant in the prescribed form. 30

(2.) Written application for such warrant shall be made to the Inspector by the occupier previous to the commencement of the proposed extension, specifying the names of the women or boys to whom the extension is intended to apply, and the period of the extension. 35

(3.) If the Inspector is of opinion that such extension would be dangerous or hurtful to the health of any of the persons named in the application, he shall refuse to grant a warrant in respect of such persons.

(4.) The occupier shall cause the warrant to be posted in some conspicuous part of the factory during the extended hours specified in the warrant. 40

(5.) The inspector shall keep a record of the names of all those women or boys in respect of whom a warrant is granted, and shall note against the name of each the extended hours worked by him or her, so that the full amount of overtime permitted by section *twenty-one* hereof shall not in any case be exceeded. 45

(6.) Notice shall, during some part of the working-day immediately preceding that on which the extension is intended to apply, be given to every woman or boy to whom such extension is intended to apply ; or, where such notice is impracticable, the occupier shall, in addition to any payment for overtime, provide every such woman or boy who resides at a further distance than one mile from the factory either with 50

Special provision
as to overtime in
fruit-canning
factories.
1908, No. 59, sec. 23

Permit for
overtime.
Ibid., sec. 24

a sufficient meal between the hour at which the factory ordinarily close and the hour at which the extension is to commence, or with an allowance of not less than one shilling, such allowance to be paid on the day on which such extension is to apply not later than the hour at which
5 the factory ordinarily closes.

Special Provisions as to Women and Boys.

24. With respect to the employment of women and boys, the following rules shall be observed in every factory :—

Restrictions as to deductions from wages ; also as to wet spinning, &c. 1908, No. 59, sec. 25

10 (a.) The occupier of the factory shall not be entitled to make any deduction, set-off or counterclaim against a claim for wages or other remuneration for work actually done, except to the extent of the special damage (if any) which he proves that he has suffered by reason of the unlawful act or default of the claimant in leaving the employment or being absent from the employment after the work was actually done as
15 aforesaid.

(b.) A woman or boy shall not be employed in any factory in which wet spinning is carried on, unless full and satisfactory provision is made to protect each of them from being wetted, and, where hot water is used, to prevent the escape of steam into any room in which any of them are employed.
20

(c.) A woman shall not be employed in any factory during the four weeks immediately after her confinement.

25. With regard to the meals and meal-times of women and boys the following rules shall be observed in every factory :—

Provisions as to meals and meal-times of women and boys in factories Ibid., sec. 26

25 (a.) No woman or boy shall be permitted to take any meal in any room in which any handicraft or manufacturing process is being or within the previous two hours has been carried on, or in which any person is or during the previous two hours has been engaged in work.

30 (b.) No woman or boy who is entitled under this Act to an interval for meals shall be permitted to do any work or to remain in any workroom during such interval.

35 (c.) Notwithstanding anything contained in this section, where the number of women and boys employed in the factory does not exceed six the Inspector may authorize these women and boys to take their meals in the workroom and to remain therein.

40 (d.) Where the number of women and boys employed in a factory exceeds six, the occupier shall provide a fit and proper room in which they may take their meals ; provided that the Inspector may authorize a place of shelter within the factory to be used for this purpose if he is satisfied that it is reasonably sufficient for this purpose, and is sufficiently secure from the weather and from public view.

45 (e.) The room or shelter referred to in the *last preceding* paragraph shall be furnished by the occupier of the factory to the Inspector's satisfaction with seats and tables, so as to permit of meals being taken with reasonable comfort and security, and shall not be used for the storage of materials
50 or goods.

26. (1.) Notwithstanding anything contained in section *thirty-five* of this Act, it shall not be unlawful for the occupier of any milk-preserving factory to employ any boy under the age of eighteen years or any woman on any whole holiday or half-holiday during the

Special provisions as to employment of women and boys on holidays in milk-preserving factories.

period between the first day of October in any year and the thirtieth day of April in the next succeeding year.

(2.) Any such boy or woman so employed on any whole holiday shall be given during the period of twenty-eight days immediately succeeding such holiday a whole holiday in lieu thereof on such working-day as the occupier may determine: 5

Provided that, in lieu of allowing such whole holiday as aforesaid, an occupier may agree in writing, with the concurrence of the District Inspector, with any such boy or woman that such whole holidays shall be allowed to accumulate, and that equivalent holidays shall be taken to commence at a time agreed on, not being later than the thirty-first day of May next succeeding the period during which such holidays have been worked. 10

New.

Where the employment of any such boy or woman is terminated from any cause the occupier shall on such termination allow to the boy or woman a holiday or holidays on full pay for such period as is equivalent to the holiday or holidays to which the boy or woman had become entitled under such agreement. 15 20

(3.) Any such boy or woman so employed on any half-holiday shall be given during the period of six days immediately succeeding such half-holiday a half-holiday from the hour of one in the afternoon on such other working-day as the occupier may determine.

(4.) Any such boy or woman so employed on any whole holiday shall be paid therefor at not less than one-half as much again as the ordinary rate. 25

(5.) Any such boy or woman so employed on any half-holiday shall be paid therefor at not less than one-half as much again as the ordinary rate.

(6.) Notwithstanding anything contained in paragraph (a) of section *eighteen* hereof, any such boy or woman may be employed for forty-eight hours (excluding meal-hours) in any week during which such boy or woman is so employed on a half-holiday. 30

(7.) For the purposes of this section "working-day" means any day in the week except Sunday. 35

Restrictions as to Age of Persons employed in Factories.

27. With respect to the employment of boys or girls, the following rules shall be observed in every factory:—

(a.) A boy or girl under fourteen years of age shall not be employed except in special cases authorized in writing by the Inspector: 40

Such authorization shall be given only in the case of boys or girls over thirteen years of age in respect of whom certificates of exemption have been granted under section sixty of the Education Act, 1914, on the grounds prescribed by paragraph (e) of that section: 45

Provided that no boy or girl whose employment is so authorized shall be employed on any machine in any work-room in which machinery is used.

(b.) A girl under fifteen years of age shall not be employed as type-setter in any printing-office. 50

(c.) A boy or girl under sixteen years of age shall not be employed in any room in which there is carried on—

(i.) Any dry grinding in the metal trade; or

(ii.) The dipping of matches of any kind. 55

(d.) A girl under sixteen years of age shall not be employed in any factory in which there is carried on—

(iii.) The making or finishing of bricks or tiles, not being ornamental tiles ; or

(iv.) The making or finishing of salt.

5 (e.) A girl under eighteen years of age shall not be employed in any room in which there is carried on—

(v.) The process of melting or annealing glass.

(f.) A boy under eighteen years of age or a woman shall not be employed in any room in which there is carried on—

10 (vi.) The silvering of mirrors by the mercurial process ; or

(vii.) The making of white-lead.

28. Without limiting the foregoing restrictions as to the age of employment, the following rules shall be observed in every factory with respect to the employment of boys or girls under the age of sixteen years :—

Restrictions on employment of boys or girls under sixteen.

1908, No. 59, sec. 28

15 (a.) A boy or girl under sixteen years of age shall not be employed in any factory unless the occupier holds from the Inspector a certificate of fitness relating to the boy or girl.

20 (b.) The occupier of the factory in which the boy or girl to whom the certificate of fitness relates is employed shall, on demand by the Inspector, produce to him the certificate.

(c.) The occupier shall also deliver up the certificate to the Inspector as soon as the boy or girl ceases to be employed in the factory, and the Inspector shall hold it for reissue as and when required for the purpose of the future employment of the boy or girl.

25 29. With respect to every certificate of fitness, the following provisions shall apply :—

Certificate of fitness as to such boys or girls.

Ibid., sec. 29

(a.) It shall be in the prescribed form, and may be obtained without fee :

30 (b.) It shall specify the full name and age of the boy or girl to whom it relates, and the nature of the employment for which the boy or girl is fit :

(c.) It may be expressed to apply either to one or more specified factories, or generally to all factories of any specified description or class :

35 (d.) It may at any time be extended by the Inspector to any other specified factory or description or class of factories :

(e.) Such extension may be effected by endorsement of the certificate :

40 (f.) The certificate shall not be granted unless the Inspector is satisfied that the boy or girl to whom it relates is of the age specified therein, and is fit for the employment, and also has passed the Fourth Standard examination under the Education Act, 1914, or some equivalent examination :

45 Provided that the educational requirement shall not apply in the case of a boy or girl whose age on arrival in New Zealand was over thirteen years, or who, by reason of having lived more than three miles from any available school, has, in the Inspector's opinion, had no reasonable opportunity of complying with such requirement :

50 (g.) Evidence as to age may be given by production of a certificate of birth (which, for the purposes of this section, the Registrar of Births shall supply to the Inspector without fee), or by a statutory declaration made by any person competent to depose to the fact :

55 (h.) Evidence as to fitness for employment may be given by statutory declaration, or in such other form as the Inspector thinks fit :

- (i.) Every statutory declaration under this section shall be exempt from stamp duty :
- (j.) The certificate of fitness shall not operate to limit or remove any of the restrictions or conditions imposed by this Act in respect of the employment of boys or girls : 5
- (k.) The Inspector shall keep a register of all certificates of fitness issued by him.

“Sweating” in Factories.

Provisions to be observed when work given out to be done elsewhere than in factory.

1908, No. 59, sec. 30

30. (1.) For the better suppression of what is commonly known as the “sweating evil,” the following provisions shall apply in every case where the occupier of a factory lets or gives out work of any description in connection with textile or shoddy material to be done by any person elsewhere than in the factory :—

- (a.) The occupier of the factory shall at all times keep or cause to be kept a record showing with substantial correctness— 15
 - (i.) The full name and address of each such person, and the situation of the place where he does the work ;
 - (ii.) The quantity and description of the work done by each such person ; and
 - (iii.) The nature and amount of the remuneration paid 20 to him therefor.
- (b.) If the work is done elsewhere than in a registered factory, the occupier of the factory by whom the work was let or given out shall cause to be affixed to each garment or other article upon which the work has been done a label in the prescribed form ; and if he makes default in so doing he is liable to a fine not exceeding one pound for each article in respect whereof the default is made. 25
- (c.) Every person who knowingly sells or exposes for sale any such article to which the appropriate label is not affixed is liable to a fine not exceeding ten pounds. 30
- (d.) Every person who wilfully removes from any such article the appropriate label before sale is liable to a fine not exceeding twenty pounds.
- (e.) If the person to whom the work is let or given out as aforesaid—
 - (i.) Directly or indirectly sublets the work or any part thereof, whether by way of piecework or otherwise ; or 35
 - (ii.) Does the work or any part thereof otherwise than on his own premises, and by himself or his own workpeople to whom he himself pays wages therefor,—
 that person commits an offence, and is liable to a fine not exceeding ten pounds for each such offence. 40
- (f.) If the occupier of the factory by whom the work is let or given out as aforesaid knowingly permits or suffers any such offence as aforesaid to be committed he is liable to a fine not exceeding fifty pounds.
- (g.) In any proceedings under this section against the occupier of a factory the knowledge of his servants or agents shall be deemed to be his knowledge. 45

Certain persons giving out work deemed occupiers of factories.

(2.) For all the purposes of this section every merchant, wholesale dealer, shopkeeper, agent, or distributor who lets or gives out textile or shoddy material to be made up into garments or other articles for sale shall be deemed to do so as the occupier of a factory, and the provisions, obligations, and penalties of subsection *one* hereof shall extend and apply accordingly. 50

31. Without in any way limiting the operation of the *last preceding* section, the following provisions shall apply in the case of every factory :—

Fine when work done by employees elsewhere than in factories.

1908, No. 59, sec. 31.

(a.) If any person employed in a factory does any work for the factory elsewhere than in the factory, the occupier commits an offence, and is liable to a fine not exceeding ten pounds.

(b.) The person who, being employed in the factory, does such work elsewhere than in the factory also commits an offence, and is liable to a fine not exceeding five pounds :

Provided that nothing in this section shall be deemed to apply to any work which cannot by reason of its particular nature be performed on the premises.

As to Payment of Wages.

32. In order to prevent persons being employed in factories without reasonable remuneration in money, the following provisions shall apply :—

Provisions to secure reasonable remuneration to persons employed in factories.

1908, No. 59, sec. 32

1910, No. 67,

Schedule

(a.) Every person who is employed in any capacity in a factory shall be entitled to receive from the occupier such payment for his work as is agreed on, being not less than ~~five shillings~~

Struck out.

a week for the first year of employment in the trade, eight shillings a week for the second year, eleven shillings a week for the third year, and so on by additions of three shillings a week for each year of employment in the same trade until a wage of twenty shillings a week is reached, and thereafter ~~not less than a wage of twenty shillings a week~~ *ten shillings in*

New.

any one week with annual increments of five shillings a week until a wage of thirty shillings is reached, and thereafter not *less than thirty shillings a week.* No deduction shall be made from the wages of any boy or any woman under eighteen years of age, except for time lost through the worker's illness or default, or on account of the temporary closing of the factory for cleaning or repairing the machinery.

(b.) Such rate of payment shall in every case be irrespective of overtime.

(c.) Such payment shall be made in full at not more than fortnightly intervals.

(d.) If the occupier makes default for seven days in the full and punctual payment of any money payable by him as aforesaid, he is liable to a fine not exceeding five shillings for every day thereafter during which such default continues.

(e.) Without affecting the other civil remedies for the recovery of money payable under this section to a person employed in a factory, civil proceedings for the recovery thereof may be taken by an Inspector in the name and on behalf of the person entitled to payment in any case where the Inspector is satisfied that default in payment has been made.

(f.) No premium in respect of the employment of any person shall be paid to or be received by the occupier, whether such premium is paid by the person employed or by some other person ; and if the occupier commits any breach of the provisions of this paragraph he is liable to a fine not exceeding ten pounds.

(g.) In any case where a premium has been paid or received in breach of the *last preceding* paragraph, or where the occupier has made any deduction from wages, or received from the person employed or from any person on his or her behalf any sum in respect of such premium or employment, then,

irrespective of any fine to which he thereby becomes liable, the amount so paid, deducted, or received may be recovered from the occupier in civil proceedings instituted by an Inspector in the name and on behalf of the person concerned, irrespective of any disability to which such person may be subject. 5

Certificate of employment.
1908, No. 59, sec. 33

33. (1.) The occupier shall, on the request of any person leaving employment in the factory, give to such person a certificate under his hand in the prescribed form stating correctly the period during which such person has been so employed. 10

(2.) Such person shall not be entitled to demand any increased rate of payment under the *last preceding* section, in respect of any period of employment in any factory other than that in which he is employed, unless he produces to the occupier of the factory in which he is employed the certificate or certificates verifying such employment. 15

(3.) The occupier shall keep a book in the prescribed form showing the period or periods of employment of each person employed by him, and this book shall be produced at the request of the Inspector.

(4.) Every occupier who refuses or neglects to give any such certificate on the request of any person employed by him, or gives any such certificate knowing the same to be false, or fails to keep correctly or to produce the said book, is liable to a fine not exceeding twenty pounds. 20

Noxious Processes.

Meals not to be taken in room where noxious process carried on.
Ibid., sec. 34

34. (1.) The Governor-General may from time to time declare any specified handicraft, process, or employment to be noxious within the meaning of this section. 25

(2.) In every case where in a factory any such noxious handicraft, process, or employment is carried on no person employed in the factory shall be permitted to take any meal in any room or place in which such noxious handicraft, process, or employment is being or during any previous part of the day has been carried on, anything in section *twenty-five* hereof to the contrary notwithstanding. 30

Holidays in Factories.

What holidays to be allowed without deduction from wages.
Ibid., sec. 35
1910, No. 71, sec. 5

35. Except as hereinafter provided, the occupier of a factory shall allow to every boy under eighteen years of age and every woman employed in the factory the following holidays, that is to say:— 35

(a.) A whole holiday on every Christmas Day, New Year's Day, Good Friday, Easter Monday, Labour Day, and birthday of the reigning Sovereign; provided that when Christmas Day and New Year's Day fall on a Sunday, then the holiday shall be allowed on the next succeeding Monday; and also 40

(b.) A half-holiday on every Saturday from the hour of one of the clock in the afternoon.

Poll of electors as to half-holiday in factories.
1908, No. 59, sec. 36
1910, No. 67,
Schedule

36. (1.) In the district of every local authority (other than a borough included in any of the combined districts of Dunedin, Christchurch, Wellington, or Auckland, as existing under the Shops and Offices Act, 1908) a poll of the electors of the district shall from time to time be taken in accordance with this section on a proposal that the weekly half-holiday provided for by the *last preceding* section shall be allowed in that district on the same day as the day appointed as the statutory closing-day for shops in that district under the Shops and Offices Act, 1908. 45

(2.) If on such poll being taken a majority of the votes given thereat is in favour of the said proposal, the result of the poll shall be notified to the Minister under the hand of the Clerk of the local authority; and the Minister shall thereupon publish in the *Gazette* a 55

notice that in the said district the half-holiday under this Act shall, on and after a date to be specified in such notice, be allowed on the same day as the day which is for the time being and from time to time appointed as the statutory closing-day for shops in that district
 5 instead of on Saturday; and every such notice shall have the force of law in accordance with the tenor thereof, notwithstanding the provisions of the *last preceding* section:

Provided that, notwithstanding the said notice, the occupier of a factory may allow a half-holiday on Saturday in lieu of the day
 10 appointed as the statutory closing-day for shops, on giving to the Inspector notice in writing of his desire so to do.

3.) So long as the said notice remains in force all the provisions of this Act with respect to the half-holiday to be allowed on Saturday shall apply to the half-holiday to be allowed in pursuance of such notice.

15 (4.) If on such poll being taken a majority of the votes given thereat is against the said proposal, the result of the poll shall be notified to the Minister under the hand of the Clerk of the local authority; and the Minister shall publish in the *Gazette* a notice that in the said district
 20 the half-holiday to be allowed shall, as from a date to be specified in such notice, be allowed on Saturday, in accordance with this Act; and every such notice shall have the force of law in accordance with the tenor thereof, and shall supersede any prior notice published under the authority of this section.

(5.) The validity of any notice published by the Minister in pursuance or intended pursuance of the provisions of this section shall not
 25 be questioned in any Court.

(6.) Every such notice shall continue in operation until superseded by a subsequent notice published under the authority of this section.

(7.) Until and unless a poll is so taken in any district, and a notice
 30 has been gazetted in accordance with this section, the provisions of section *thirty-five* hereof shall apply to that district as if this section were not in force.

(8.) Every such poll shall be taken in accordance with the Local Elections and Polls Act, 1908.

35 (9.) No such poll shall be taken except in pursuance of a petition signed by not less than one-tenth of the electors of the district and presented to the local authority, and on the presentation of such petition in accordance with this section it shall be the duty of the said local authority to take a poll accordingly.

40 (10.) No such poll shall be taken in any district except on the day fixed for a general election of the members of the local authority of that district, and every such poll shall be taken simultaneously with the poll (if any) which is taken in respect of such election:

Provided that the first poll taken under the authority of this section
 45 in any district may, on such petition as aforesaid being presented, be taken at any time on a day to be fixed by the said local authority.

37. (1.) Nothing in this Act shall be deemed to prevent—

(a.) Any person being employed in a printing-office on the half-
 50 holiday for the purpose of printing or publishing an evening newspaper, or on one evening of the week (excepting Saturday) for the purpose of printing or publishing a weekly newspaper; nor

Exceptions as
 to newspapers.
 1908, No. 59, sec. 37

- (b.) The substitution of other working-days as whole holidays in lieu of Easter Monday, Labour Day, and the Sovereign's birthday in the case of persons employed in the printing and publishing of newspapers; nor
- (c.) Any boy, whether above or below the age of sixteen years, being employed on the half-holiday in the publishing or delivering of a newspaper. 5

(2.) For the purposes of this section "newspaper" means a paper containing public news, printed and published in New Zealand periodically or in parts or numbers, at intervals not exceeding twenty-six days between one publication and the next. 10

Wages payable to wage-earners for holidays.

1908, No. 59, sec. 38
1910, No. 67,
Schedule

38. (1.) Wages for each whole or half-holiday shall, in the case of each boy under eighteen years of age or woman, be at the same rate as for ordinary working-days, and shall be paid at the first regular pay-day thereafter. 15

(2.) This section, so far as it relates to the holidays and half-holidays mentioned in section *thirty-five* hereof, applies to every boy under eighteen years and woman who is paid by time-wages, whatever the time, and has been employed in the factory for at least twenty days during the four weeks next preceding the whole holiday, or for at least four days during the week ending on the day on which the half-holiday occurs. 20

(3.) This section, so far as it relates to any other holiday or half-holiday, applies to every boy under eighteen years of age and woman under twenty-one years of age and apprentice who is paid by time-wages, whatever the time, and has been employed in the factory for the periods mentioned in the *last preceding* subsection. 25

Accidents in Factories.

Rules to be observed to prevent accidents from machinery.
1908, No. 59, sec. 39

39. (1.) For the better prevention of accidents the following rules shall at all times be observed in a factory in which machinery is used:— 30

- (a.) Where belts or pulleys are used, the factory shall be furnished with belt-shifters or other safe mechanical contrivances for the purpose of throwing the belts and pulleys on and off, and wherever practicable loose pulleys shall be provided.
- (b.) All vats, pans, saws, planers, gearing, cogs, belting, shafting, set-screws, and other dangerous appliances shall be fenced off or otherwise supplied with efficient safeguards. 35
- (c.) The safeguard shall not be removed whilst the appliance to which it relates is in use, unless for the purpose of making immediate repairs, and in such case the safeguard shall be replaced as soon as the repairs are effected. 40
- (d.) If the Inspector considers any appliance to be unsafe he may prohibit its use by affixing to it a notice under his hand containing the words "The use of this [*Name of the appliance*] is prohibited, as being unsafe." 45
- (e.) Such notice shall not be removed except by the Inspector, nor until he is satisfied that the appliance has been rendered safe; and until the notice is removed by him the appliance shall not be used.
- (f.) Without limiting the operation of the foregoing rules, the Inspector may, by requisition to the occupier, require the occupier to repair or safeguard any specified appliance, or to remedy any specified defect in the machinery. 50

- (2.) If default is made in faithfully observing any rule specified in this section, the occupier of the factory is liable to a fine not exceeding ten pounds, and to a further fine not exceeding two pounds for every succeeding day during which the default continues.
- 5 40. (1.) If in consequence of any such default as aforesaid an accident occurs causing death or bodily injury to any person, then, in addition to the occupier's liability under the *last preceding* section, he is liable to a fine not exceeding one hundred pounds, the whole or any part of which may, in such manner as the Minister directs, be applied for the benefit of the person injured, or of his family or dependants if he has been killed.
- 10 (2.) The fine imposed by this section shall be deemed to be in lieu of any fine imposed by the Inspection of Machinery Act, 1908, in respect of the corresponding default under that Act.
- 15 (3.) The occupier shall not be liable under this section if proceedings under the *last preceding* section to recover the fine thereby imposed in respect of the default have been taken and dismissed on the merits within one month before the accident occurred.
- (4.) Nothing in this section shall operate to in any way relieve the occupier from any liability which, independently of this Act, he may incur for damage or compensation in respect of the accident or its consequences.
- 20 41. In every case where there occurs in a factory an accident causing death or serious bodily injury to any person employed therein the following provisions shall apply :—
- 25 (a.) The occupier shall forthwith serve the Inspector with written notice specifying the nature of the accident, the name and residence of the person killed or injured, his age, and the place (if any) to which he has been removed.
- (b.) If the notice is not duly served as aforesaid within forty-eight hours after the accident occurred, the occupier shall be liable to a fine not exceeding ten pounds.
- 30 (c.) As soon as practicable after receiving the notice the Inspector shall proceed to the factory and make full inquiry into the cause and nature of the accident, and the nature and extent of the injuries.
- 35 (d.) For the purposes of this section the expression "serious bodily injury" means an injury which is likely to incapacitate the sufferer from work for at least forty-eight hours.
- (e.) For the purposes of this section an Inspector may take with him into a factory any Medical Officer of Health, and any such officer may at all reasonable times enter and inspect any factory.
- 40 42. (1.) The Governor-General may from time to time, by Order in Council gazetted, make regulations prescribing rules to be observed in any factory where any noxious or dangerous gas or material exists, or is generated or used.
- 45 (2.) Such rules shall be deemed to be additional rules under section *thirty-nine* hereof, and the provisions of sections *thirty-nine* to *forty-one* hereof shall accordingly apply.
- 50 (3.) For the purposes of this section the Governor-General may from time to time, by notice in the *Gazette*, declare any gas or material to be noxious or dangerous.

Fine for default

Fine for death or injury through default of occupier. 1908, No. 59, sec. 40

Limitation.

Procedure in case of accident or bodily injury. Ibid., sec. 41 1910, No. 67, Schedule

Rules as to noxious or dangerous gas material. 1908, No. 59, sec. 42

Fires in Factories.

Rules to prevent accidents from fires. 1908, No. 59, sec. 43

Fire-escapes.

Doors to open outwards.

43. For the better prevention of fires, and of accidents resulting from fires, the following rules shall be observed in every factory in which work is carried on by more than three persons upon a floor situate above the ground floor:—

- (a.) Efficient fire-escapes shall be provided for every workroom situate on any such first-mentioned floor. 5
- (b.) The plan and system of fire-escape may be prescribed by regulations; and, in so far as no such regulation is made, the Inspector, if not satisfied with the plan or system adopted, may by requisition to the occupier direct another specified plan or system to be provided. 10
- (c.) Every door, whether internal or external, shall be hung so as to open outwards.
- (d.) At all times while persons are actually working in a room every door of the room, or of any passage or staircase leading to the room, or serving as means of entrance or exit for the room, shall be kept clear and unfastened, so as to admit of quick and easy egress. 15
- (e.) The provisions of the *two last* preceding paragraphs shall apply also to the outer or entrance door by which the persons employed in the factory usually enter or leave, whether such door belongs to the factory or not. 20
- (f.) Staircases and steps leading from one floor to another, or to the ground, shall be provided with substantial handrails, and shall also, if the Inspector by requisition to the occupier so directs, be provided with slats or some other sufficient appliance to prevent slipping. 25
- (g.) If the Inspector considers any staircase or passage to be so steep, narrow, winding, intricate, insecure, or otherwise defective as to be unsafe, he may by requisition to the occupier direct the defect to be remedied. 30

Sanitation of Factories.

Sanitation rules.

1908, No. 59, sec. 44

44. For the better sanitation of factories the following rules shall at all times be observed in a factory:—

- (a.) The factory shall be kept in a cleanly state, and free from any smell or leakage arising from any drain, privy, or any other nuisance. 35
- (b.) Sufficient privy accommodation shall be provided for all persons employed in the factory, and where members of both sexes are employed, not being members of the same family, the accommodation shall be entirely separate for each sex, so as to ensure privacy. 40
- (c.) The factory shall not be overcrowded so as to be hurtful to the health of the persons employed therein. 45
- (d.) The factory shall be ventilated in such manner as to provide a sufficient supply of fresh air, and to carry off and render harmless, as far as practicable, all gases, fumes, dust, and other impurities arising in the course of the work carried on in the factory. 50

- (e.) Without limiting the operation of the *last preceding* paragraph, the Inspector may, by requisition to the occupier, require the occupier to supply fans or other efficient appliances to carry off and render harmless all such gases, fumes, dust, and other impurities.
- (f.) The Inspector may from time to time, by requisition to the occupier, determine, as to the factory or any workroom therein, what space of cubic or superficial feet shall be reserved for the use of each person working therein, and the occupier shall cause the same to be reserved accordingly, and such space shall not be less than that prescribed from time to time by regulations.
- (g.) The space so to be reserved shall not be deemed to be reserved unless it is kept properly lighted and ventilated, and clear from all materials, goods, or tools other than those actually used or required by the person for whom the space is to be reserved.
- (h.) A sufficient supply of pure drinking-water shall be provided for the free use of the persons employed in the factory.
- (i.) The Inspector may, by requisition to the occupier, require the occupier of any factory, within a time to be specified in the requisition, to provide such heating-appliances as the Inspector thinks necessary for the comfort of the persons employed in that factory.
45. In the case of every factory which is a bakehouse the following rules shall at all times be observed:—
- (a.) Once at least within every six months all the inside walls, ceilings, and roofs of the factory, and of every room therein, and all the passages and staircases therein, shall be thoroughly cleansed with lime-wash, or with such other cleansing agent as is approved by the Inspector:
- Provided that if within the previous seven years they have been properly oil-painted with at least three coats of paint, or varnished with at least three coats of varnish, then soap and hot water may be used instead of lime-wash.
- (b.) For the purposes of the *last preceding* paragraph, the occupier shall furnish from time to time evidence to the satisfaction of the Inspector as to how and when the aforesaid portions of the factory and its rooms were cleansed, painted, or varnished, as the case may be.
- (c.) 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 such place is effectually separated from the bakehouse by a partition extending from floor to ceiling, and is also fitted with an external glazed window of at least nine square feet in area, of which at least four and a half square feet are made open for ventilation.
- (d.) A privy or ashpit shall not be suffered to exist within or to be connected directly with the bakehouse.
- (e.) For the purposes of the *two last preceding* paragraphs "bakehouse" means any room or part of the factory in which flour, bread, or other food products are kept or treated or any baking or bread-making process is carried on.

1916, No. 16, sec. 2

Special sanitary
rules for bakehouses.
1908, No. 59, sec. 45

(f.) Every cistern or pipe for supplying water to the factory shall be separate and distinct from any cistern supplying water to a privy.

(g.) A drain or pipe for carrying off fæcal matter or sewage shall not have an opening within the factory. 5

Fines for defaults
in respect of
bakehouses.

1908, No. 59, sec. 46

46. (1.) If in any factory, being a bakehouse, default is made in faithfully observing any of the rules prescribed by the *last preceding* section, the occupier of the factory is liable to a fine not exceeding two pounds on a first conviction, and not exceeding five pounds on any subsequent conviction for a like default. 10

(2.) If any person lets as a bakehouse, or suffers to be occupied or used as a bakehouse, any building or room with respect to which any of the provisions of paragraphs (d), (f), or (g) of the *last preceding* section are not duly complied with at the time when he so lets it or suffers it to be occupied or used as aforesaid, that person is liable to a fine not exceeding two pounds, and to a further fine not exceeding ten shillings for every day during which it is so occupied or used as aforesaid while such non-compliance continues. 15

Assistants' health
likely to
contaminate
articles of food.

Ibid., sec. 47.
1910, No. 67,
Schedule

47. (1.) If any person employed in or in connection with any factory in the manufacture, handling, or delivery of any bread, meat, milk, confectionery, or other article for human consumption, or of any textile fabric, is in a state of health which, in the opinion of the Inspector, is likely to convey germs of disease or other contamination to any of the said articles, the Inspector shall forthwith report the same to a Medical Officer of Health. 20

(2.) The Inspector shall serve upon the person so employed, either personally or by posting the same addressed to him at the factory, a notice requiring him to submit himself for examination to a registered medical practitioner. 25

(3.) The Inspector shall serve a copy of such notice upon the occupier of the factory. 30

(4.) Immediately upon the service of such notice the person so employed shall cease to do any work in the factory until he has produced to the Inspector a certificate from a registered medical practitioner that his state of health is not likely to convey germs of disease or other contamination to any such article as aforesaid. 35

(5.) If the person so employed does any work in or about such factory after service of the said notice upon him, without first obtaining the said certificate, he is liable to a fine not exceeding two pounds for every day on which he works in breach of this section. 40

(6.) If the occupier of the factory, after service upon him of the said notice, employs such person he is liable to the same fine as is hereinbefore provided in the case of the person so employed.

Provisions extended
to factories
manufacturing food.
1908, No. 59, sec. 48

48. The provisions of the *three last preceding* sections shall, *mutatis mutandis*, extend and apply in the case of every factory wherein is carried on the manufacture, preparation, or treatment of any article of food for sale for human consumption. 45

Power to extend
provisions as to
lime-washing.
Ibid., sec. 49

49. The Minister may from time to time, by notice in the *Gazette*, extend in whole or in part, or with modifications, as he thinks fit, the provisions of paragraphs (a) and (b) of section *forty-five* hereof to any other class or description of factory, and in such case those provisions shall extend and apply according to the tenor of the *Gazette* notice. 50

Nuisance
adjoining factory
to be removed.
1908, No. 59, sec. 50

50. (1.) If in any building, yard, or place adjoining a factory there exists any nuisance or other sanitary defect which, in the opinion of the Inspector, is likely to injuriously affect the proper sanitation of the factory or the health of the persons employed therein, he may, by
5 requisition to the owner or occupier of such building, yard, or place, require him to effectually abate such nuisance or amend such defect within a time named in the requisition.

(2.) If such owner or occupier fails to duly and faithfully comply with such requisition he is liable to a fine not exceeding five pounds for
10 every day during which such non-compliance continues.

(3.) The Inspector shall not issue such requisition until he has notified the local authority of the nuisance or sanitary defect, nor unless the local authority has failed to cause the nuisance or sanitary defect to be abated or amended within a reasonable time after receiving such
15 notification.

(4.) The provisions of section *sixty-one* hereof shall, *mutatis mutandis*, apply in the case of proceedings under this section.

51. In order to check the risk of disease being spread by infection or contagion the following provisions shall apply:—

Provisions to check
spread of disease by
infection, &c.
Ibid., sec. 51.

20 (a.) It shall not be lawful to manufacture or work up goods or materials, or to receive them for any such purpose, in any factory or dwellinghouse—

(i.) Wherein, to the knowledge of the occupier of such
25 factory or dwellinghouse, there resides, or works, or is employed any person suffering from any infectious or contagious disease; or

(ii.) Wherein any such person has so resided, or worked, or been employed at any time during the previous fourteen days, unless and until the factory or dwellinghouse, and all
30 such goods and materials therein, have been disinfected to the satisfaction of the Inspector.

(b.) If any such goods or materials are found to be or to have been in any factory or dwellinghouse in breach of this section, the Inspector may cause them to be seized, removed, and disinfected at the expense in all things of the owner; and, on the summary application of the Inspector, a Magistrate may order them to be destroyed by the Inspector at the expense in all things of the owner.

(c.) All expenses for which the owner is liable under this section shall be recoverable in a summary way, in like manner as
40 in the case of a fine.

52. Where it appears to an Inspector that any nuisance or sanitary defect in or in relation to a factory, or to any premises adjoining or contiguous to a factory, may be more effectually remedied or dealt with
45 under any enactment relating to the public health or to local government than under this Act, the following provisions shall apply:—

Proceedings as to
nuisances or
sanitary defects
may be taken
under other Acts.
Ibid., sec. 52

(a.) He shall give notice of such nuisance or sanitary defect to the local authority within whose jurisdiction the nuisance or defect exists, and it shall be the duty of that local authority to take all necessary action under such enactment in order to effectually abate such nuisance or remedy such defect; and, in case of such local authority failing to act within seven days, the Inspector shall apply to the Medical Officer of Health, whose decision shall be final.

- (b.) For the purposes of this Act, or of any such enactment as aforesaid, the Inspector may take with him into a factory any Medical Officer of Health or any Sanitary Inspector, surveyor, or other officer of the local authority; and every such officer may at all reasonable times enter and inspect any factory. 5
- (c.) If any such officer is obstructed or hindered in the exercise of any of the powers conferred upon him by this section, the person obstructing or hindering him commits an offence.
- (d.) For the purposes of this section the Inspector of Factories shall have the same power of entry and inspection of adjoining or contiguous premises as if the same were part of the factory. 10

Offences, Penalties, and Procedure.

Rules and requirements of Act to be complied with.
1908, No. 59, sec. 53

53. In every case where under this Act— 15
- (a.) Any rule is required to be observed in a factory; or
- (b.) Any requisition of an Inspector is served on the occupier of a factory; or
- (c.) Any requirement, obligation, or provision is imposed or enacted with respect to a factory, the conduct of its business, the treatment of the persons employed therein, or otherwise,— 20
- the occupier shall cause each such rule, requisition, requirement, obligation, or provision to be faithfully observed and complied with, and if he fails so to do he commits an offence.

Offences as to certificates and other documents.
Ibid., sec. 54

54. Every person who— 25
- (a.) Forges, counterfeits, or fraudulently alters any certificate, consent, notice, or other document which an Inspector is authorized to give or issue under this Act; or
- (b.) Uses any such document knowing the same to be forged, counterfeited, or fraudulently altered; or 30
- (c.) Personates any one named in any such document; or
- (d.) Wilfully makes any false entry in any register, record, notice, or book required or authorized under this Act; or
- (e.) Gives, or issues, or uses any certificate, consent, notice, or other document under this Act knowing the same to be untrue in any material particular,— 35

commits an offence, and for each such offence shall, if no specific penalty is hereinbefore provided, be liable to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding three months. 40

Fine on parent if young person employed in breach of Act.
Ibid., sec. 55

55. In every case where a person under sixteen years of age is employed in a factory in breach of this Act, then, irrespective of the fine to which the occupier of the factory thereby exposes himself, the parent of the person so employed commits an offence, and is liable to a fine not exceeding five pounds for such offence, and to a further fine not exceeding one pound for each day during which such offence continues, unless he satisfies the Court that the offence was committed without his consent, connivance, or default. 45

Evidence as to person employed in breach of Act.
Ibid., sec. 56

56. In any proceedings against the occupier of a factory for employing any person therein in breach of this Act, the fact of the person being found in any room in which the work of the factory is going on shall be conclusive evidence that the person was then being 50

employed in the room, unless the defendant satisfies the Court that the person was not being employed, but was there either against the orders and without the knowledge, consent, or connivance of the occupier, or for the sole purpose of bringing food for persons employed
5 in the factory.

57. Every person who commits any offence against this Act for which no specific penalty is elsewhere provided is liable to a fine not exceeding ten pounds for each such offence, and if the offence is a continuing one, then to a further fine not exceeding five pounds for each
10 day on which the offence is continued after the first day.

Fine where no specific penalty provided.
1908, No. 59, sec. 57

58. All proceedings in respect of offences or matters of complaint under this Act shall be taken in a summary way on the information or complaint of an Inspector, who shall not be called upon to prove that he holds that office, and all such proceedings may be continued and conducted by the same or any other Inspector or any person permitted
15 by the Magistrate to conduct the same, and shall be heard before a Magistrate alone.

Proceedings to be before Magistrate alone.
Ibid., sec. 58

59. Where the occupier of a factory is charged with an offence, or is liable for an offence, the following provisions shall apply :—

Occupier may have actual offender charged.
Ibid., sec. 59

20 (a.) On the information of the occupier, made before the charge against himself is disposed of, any other person whom he alleges to be the actual offender may be brought before the Magistrate on the same charge, and, to enable both charges to be heard together, the charges against the occupier may be adjourned for such time as the Magistrate
25 thinks reasonable.

(b.) If the charges are heard together, and the offence is proved but the Magistrate finds that it was committed in fact by the said other person, without the knowledge, consent, or connivance of the occupier, and, further, that the occupier had done all that could reasonably be expected of him to prevent the offence, then the said other person shall be deemed to be liable, and shall be convicted, and not the occupier.

30 (c.) If, before proceeding against the occupier, the Inspector is satisfied of such other person's liability, he shall proceed first against him instead of against the occupier, whereupon the provisions of the *last preceding* paragraph shall, *mutatis mutandis*, apply, and if such other person is convicted (but
35 not otherwise) the occupier shall cease to be liable.

40 60. In any proceedings against the occupier of a factory in respect of the non-observance of any rule under this Act relating to sanitation or to the prevention of accidents, the following provisions shall apply :—

Provisions where offence relates to sanitation or accidents.
Ibid., sec. 60

45 (a.) The Magistrate, in addition to or in lieu of imposing a fine, may, by order, require the defendant to do any specified work or to adopt any specified means for the purpose of preventing the further non-observance of the rule, and may specify a time within which the order shall be obeyed.

50 (b.) The time so specified may be extended by the Magistrate on the application of the defendant.

- (c.) If the order is made in lieu of imposing a fine, then the Magistrate shall adjourn the proceedings until the expiry of the time specified in the order ; and if the order is duly obeyed, he may, if he thinks fit so to do, impose no penalty in respect of the offence. 5
- (d.) If default is made in duly obeying the order within the time or extended time specified in that behalf, the defendant commits an offence, and is liable to a fine not exceeding five pounds for every day during which such default continues. 10
- (e.) Such last-mentioned fine shall be irrespective of the fine in respect of the original offence.

Procedure in respect
to proceedings.
Cf. 1908, No. 59,
sec. 61

61. (1.) With respect to proceedings by an Inspector against any person for any offence arising under this Act, which expression includes every regulation made hereunder, the following provisions shall apply :— 15

- (a.) The proceedings shall be commenced within three months after the commission of the offence :
Provided that, if the offence consists of non-compliance with the Inspector's requisition, and notice of appeal has been given, then the proceedings shall not be commenced nor shall the aforesaid time begin to run until the appeal has been disposed of or has lapsed. 20
- (b.) The proceedings shall be deemed to be commenced when the information is laid by the Inspector. 25
- (c.) For the purpose of the aforesaid limit of time a continuing offence shall be deemed to be committed on the latest day on which it is continued next preceding the commencement of the proceedings.
- (d.) It shall be sufficient to allege that the factory is a factory. 30
- (e.) It shall be sufficient to state the name of the ostensible occupier of a factory or the style or title under which the occupier is usually known or carries on business, and the information may be from time to time amended as to the actual name of the defendant at the instance of the Inspector. 35
- (f.) It shall lie on the defendant to bring himself under any exemption, proviso, excuse, or qualification ; and it shall not be necessary for the Inspector to negative the same in the information. 40
- (g.) A defendant may, excepting in proceedings under section *fifty-four* hereof, be called by the Inspector, and shall be compellable to give evidence as a defendant in a civil action is compellable.
- (h.) Several charges against the same person or charges pursuant to section *fifty-nine* may be heard together if the Magistrate shall think fit so to hear them, and charges against several persons may be so heard with the consent of the parties if the Magistrate shall so order, and in all such cases a witness sworn to give evidence respecting one charge, proceeding, or matter, shall for all purposes be deemed a witness in each and all such charges, proceedings, or matters. 45 50

(i.) In any proceeding by way of information any order which the Court is empowered to make may be made without a complaint being laid.

(2.) The provisions of the *last preceding* subsection, save paragraph (i) thereof, shall, so far as the same are applicable, apply to proceedings by way of complaint.

(3.) 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.

10 62. The Inspector and every other person who may be dissatisfied with the judgment of the Court or Magistrate on any summary proceedings under this Act may appeal to the Supreme Court in the manner provided by the Justices of the Peace Act, 1908. Right of appeal.
1908, No. 59, sec. 62

15 63. The payment by an occupier of any fine under this Act for non-payment for overtime, or for non-payment of wages or salary in respect of a holiday, shall not relieve him from his civil liability to the person employed. Civil liability to pay overtime or wages not affected.
Ibid., sec. 63

Miscellaneous Provisions.

20 64. Where the operations of a factory are carried on in several adjacent buildings, enclosures, or places, all of them shall be included as one and the same factory, notwithstanding that they may in fact be separated or intersected by a road, street, or stream, or by any building, enclosure, place, or space not forming part of the factory. Adjacent buildings included in factory
Ibid., sec. 64

25 65. In counting for any of the purposes of this Act the number of persons employed in a factory, the occupier, or, if the occupier is married, then the occupier together with husband or wife, as the case may be, shall be considered as one person so employed. Mode of computing persons employed in factory.
Ibid., sec. 65

30 66. With respect to requisitions under this Act by the Inspector to the occupier of a factory the following provisions shall apply:— Provisions as to requisitions by Inspector to occupiers.
Ibid., sec. 66

(a.) The requisition shall be in writing under the hand of the Inspector, and shall be addressed to and served on the occupier as defined in section *two* hereof, under his usual business name or style.

35 (b.) The requisition may be served either personally or by posting it in a registered letter addressed to the occupier at the factory.

(c.) The requisition, when served as aforesaid, shall bind every person who by section *two* hereof is included in the definition of "Occupier."

40 (d.) If the occupier considers the requisition to be unreasonable he may appeal to the Magistrate, by filing in the Magistrate's Court nearest to the factory a notice of appeal, in the prescribed form, setting forth with reasonable particularity the grounds of the appeal.

45 (e.) The appeal shall be void unless the notice of appeal is duly filed as aforesaid within seven days after service of the requisition.

50 (f.) Upon the notice of appeal being duly filed, the Magistrate shall fix a time for the hearing of the appeal, being the earliest convenient time, and the Clerk of the Court shall, by notice in the prescribed form, notify the appellant and the Inspector that the appeal will be heard by the Magistrate at the Court-house at the time so fixed.

- (g.) On the hearing of the appeal the Magistrate may by order confirm, reverse, or modify the requisition, as he thinks fit, and the order shall be final and binding on all parties.
- (h.) When the occupier, not being the owner of the property, is required to make any alteration of the building for sanitary purposes only under this section, he may recover the cost of the same from the owner thereof. 5

Inspector to furnish local report. 1908, No. 59, sec. 67

67. Each Inspector shall, as and when prescribed by regulation or by the Minister, furnish to the Minister a local report in the prescribed form as to the operation of this Act in the district in which the Inspector has been acting. 10

Minister to prepare annual report. Ibid., sec. 68

68. From the local reports so furnished the Minister shall prepare an annual report for each year ending the thirty-first day of March, and lay the same within one month after the close of such year before Parliament if then sitting, or if not, then within one month after the commencement of the then next ensuing session. 15

Particulars to be given in Minister's report.

Ibid., sec. 69

69. With respect to the Minister's annual report the following provisions shall apply:—

- (a.) It shall be general and comprehensive in character :
- (b.) It shall not refer by name to any person or factory, or be so framed as to readily admit of the same being identified : 20
- (c.) It shall give general information as to the course and conditions of trade in so far as the same are disclosed or influenced by the operation of this Act, and shall show as far as possible in respect of each description of industry— 25
- (i.) The number of factories engaged therein :
- (ii.) The total number of persons employed, classifying them according to age, sex, and average weekly earnings, whether by wages or piecework :
- (iii.) The hours of labour : 30
- (iv.) The percentage of work done respectively inside and outside factories :
- (v.) Such other particulars as are prescribed or as the Minister thinks fit.

Regulations. Ibid., sec. 70

70. (1.) The Governor-General may from time to time, by Order in Council, make regulations for any purpose contemplated or required by this Act, and may prescribe any fine not exceeding five pounds for any breach thereof. 35

(2.) All such regulations shall come into force on the date of the gazetting thereof. 40

Application of fees and fines. Ibid., sec. 71

71. All fees and fines received and recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Salaries of Inspectors and expenses to be appropriated. Ibid., sec. 72

Payment of expenses of local authorities.

72. (1.) The salaries or remuneration of Inspectors, and all the other expenses of carrying out the provisions of this Act by the Government, shall be paid out of moneys from time to time appropriated for that purpose by Parliament. 45

(2.) All moneys payable for carrying out such of the provisions of this Act as devolve upon local authorities shall be paid and borne out of the ordinary funds of such local authorities.

Act not to apply to shearers. Ibid., sec. 73

73. This Act does not apply to shearers or shearing-sheds, or in any way affect the Shearers' Accommodation Act, 1919. 50

Repeals and Savings.

74. The enactments mentioned in the *Third* Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

Repeals and savings,
1908, No. 59, sec. 1

- 5 (a.) All offices, appointments, registrations, rules, regulations, registers, orders, records, certificates, warrants, notices, documents, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into
10 operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- 15 (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.
- 20 (c.) Offences against any of the provisions of the repealed Acts shall be deemed to be offences against the corresponding provisions of this Act, and shall be dealt with as if proceedings in respect thereof had been commenced under the said Acts, and such proceedings shall be continued, completed, and enforced under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Section 13

FEES ON REGISTRATION OF FACTORY.

WHERE the maximum number of persons to be engaged in the factory does	£	s.	d.
not exceed three	0	1	0
Where such number exceeds three but does not exceed eight ..	0	5	0
Where such number exceeds eight but does not exceed fifteen ..	0	10	0
Where such number exceeds fifteen but does not exceed thirty ..	1	1	0
Where such number exceeds thirty	2	10	0

SECOND SCHEDULE.

WORKS and factories exempted pursuant to section 17 :—

1. Freezing-works.
2. Dairy factories, including creameries.
3. Fellmongeries and pelt-works.
4. Fish curing or preserving works.
5. Jam-factories (during the small-fruit season).
6. Bacon-factories.
7. Sausage-casing factories.

THIRD SCHEDULE.

Section 73

ENACTMENTS CONSOLIDATED.

- 1908, No. 59.—The Factories Act, 1908.
 1910, No. 67.—The Factories Amendment Act, 1910.
 1915, No. 37.—The Factories Act Amendment Act, 1915.
 1916, No. 16.—The Factories Amendment Act, 1916.