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*Amended
by Act 752
of 1900.*

VICTORIÆ REGINÆ.

A.D. 1894.

No. 603.

An Act relating to Factories.

[Assented to, December 21st, 1894.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. This Act may be cited as "The Factories Act, 1894."

Short title.

2. This Act shall come into operation on a day to be fixed by the Governor, by Proclamation to be published in the *Government Gazette*.

Commencement.

3. This Act—

Application of Act.

- i. Operates only within the limits of municipalities and of manufacturing districts, and also within the limits of any other districts the boundaries whereof shall be defined and declared by the Governor, by Proclamation published in the *Government Gazette*, after a majority of the rate-payers (who vote at a poll to be taken for the purpose) within any such district shall have determined by ballot that this Act shall apply thereto :

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ii. Does not apply to domestic servants :

iii. Applies to Government factories.

4. In

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Interpretation.

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

“Employ” applies to any manual labor exercised for purpose of gain in or incidental to the making, altering, repairing, ornamenting, finishing, or otherwise adapting any article by way of trade, or for purpose of gain, or for sale.

“Factory” means any manufactory, workshop, or workroom in which ~~six or more~~ persons are employed:

“Inspector” means an inspector of factories appointed under this Act:

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

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

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

“Young person” means a boy or girl between the age of thirteen and sixteen years:

“Child” means a boy or girl under the age of thirteen years:

“Regulations” means regulations made under this Act:

“Prescribed” means prescribed by regulations.

Governor may appoint inspectors.

5. The Governor may appoint such male or female inspectors of factories as may appear to be necessary for carrying this Act into effect.

Notice to be given to inspector, with particulars of factory.

6. Every person occupying a factory at the time of the commencement of this Act shall, within ~~three calendar months~~ after such commencement—or, going into occupation of any factory after the commencement of this Act, shall, within ~~three calendar months~~ 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, shall, within three calendar months of such building or place becoming or again becoming a factory, serve on an inspector a written notice, in such form and in such manner as may be prescribed, and containing particulars of the name and a description of his factory, the place where it is situate, the nature of the work carried on therein, a description of the motive power (if any) therein, and, in case of a co-partnership or incorporated company, the name of the firm or company under which the business of the factory is carried on, together with such further or other particulars as may be prescribed. Any person neglecting to comply with this section shall be deemed to have committed a breach of this Act.

7. Every

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7. Every factory shall be registered in an official list to be kept for that purpose, in manner prescribed, and in such list shall also be entered all particulars which by the preceding section are directed to be forwarded to an inspector.

Inspector to keep register of factories.

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

Powers of inspector.

(1) To enter, inspect, and examine, at all reasonable times, any factory and every part thereof, and to enter by day any place which he has reasonable cause to believe to be a factory.

(2) To inspect and examine machinery in any factory, and to give such directions as he may consider necessary or proper for the safeguarding of dangerous machinery, and for protecting the life and health of persons engaged in the working thereof.

(3) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all laws and by-laws relating to public health are complied with, so far as respects the factory and the persons employed therein, and to report to the Central or any Local Board of Health any breaches of the health laws thus ascertained.

(4) To examine and question, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined.

(5) To exercise such other powers and authorities as may be necessary for carrying this Act into effect, as may be conferred upon him by regulations.

(6) Every inspector under this Act shall be furnished with a certificate of his appointment, and on applying for admission to a factory, or workshop, or any place which he has reason to believe to be a factory or workshop, shall, if required, produce to the occupier the said certificate.

Provided that no person shall be compellable to answer any question asked by the inspector which may tend to incriminate the person questioned.

9. The powers of the inspector under section 8. shall extend to the giving reasonable directions for the provision of proper means of escape from any factory in case of fire.

Provision against fires.

10. The occupier of every factory, his agents and servants, shall, at all reasonable times furnish the means required by any inspector necessary for an entry, inspection, examination, and inquiry, or the exercise of his powers under this Act, in relation to such factory.

Occupiers to allow entry and inspection.

11. Any

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Obstruction a breach
of this Act.

11. Any person obstructing any inspector in the execution of his duties under this Act, or omitting to comply with the requirements of section 10, or of any direction which the inspector is authorised to give pursuant to this Act, or to truly answer or reply to any question or inquiry which any inspector is authorised to ask or make under section 8, shall be deemed to have committed a breach of this Act.

Factories to be clean,
ventilated, and not
over-crowded.

12. Every occupier of a factory shall keep the same in a cleanly state, and ventilated in a proper manner, as prescribed by regulation; and no occupier shall allow his factory to be so over-crowded while work is carried on therein as to be injurious to the health of the persons employed therein. Any occupier neglecting to comply with this section shall be deemed to have committed a breach of this Act.

Hours of employment.

13. No person shall employ in a factory a woman, or young person, or child for more than forty-eight hours in any one week, but, on notice to an inspector in manner prescribed, a woman or young person may be employed for not more than sixty hours in any one week, provided that the aggregate number of hours of employment of such woman or young person above forty-eight hours per week shall not exceed one hundred hours in any one year; but this clause shall not apply to factories for preserving fruit, or other perishable articles, during the months of December, January, February, March, and April.

No child to be
employed.

14. No child shall be employed in any factory: Provided that this section shall not apply to children who were so employed on the first day of July, one thousand eight hundred and ninety-four: Provided that any boy or girl that has passed the compulsory educational standard may, if the inspector think fit, be so employed.

Proof of age or
certificate of fitness.

15. An inspector may at any time require any young person employed in a factory to procure satisfactory proof of age or a certificate from a legally-qualified medical practitioner as to the fitness of such young person for such employment. Notice of such requisition shall be given to the employer, and in such case it shall be a breach of this Act to further employ such young person until such certificate shall have been obtained.

Certificate may in-
clude several factories.

16. All factories in the same line of trade, or any of them, may be named in the certificate of fitness for employment.

Rules.

17. In every factory the following rules shall be observed:—

Time for meals.

- i. A woman or young person shall not be employed for more than five hours without an interval of at least an hour for a meal:

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11. A woman or young person shall not, during any part of the time allowed for their meals, be employed in the factory : Woman or young person not to be employed at meal time.

Any woman or young person so employed shall be deemed to be employed in contravention of the provisions of this Act.

18. (1) In each factory in which any woman or young person is employed there shall be posted in a conspicuous place, so as to be easily read, a written or printed notice specifying the hours of employment in such factory. Notice specifying hours of employment to be posted in factory and forwarded to inspector.

(2) A true copy of such notice shall be signed by the occupier, and shall be forwarded to an inspector in manner prescribed.

19. In every factory there shall be constructed a sufficient number of water-closets for the separate use of each sex, which shall be kept in good order ; and any person who shall employ women or young persons in any factory without complying with the provisions of this section shall be deemed to have committed a breach of this Act. Water-closets to be erected in factories.

20. Every person who shall employ any woman, young person, or child, in contravention of the provisions of this Act, and every parent who shall permit or suffer any young person or child to be employed in contravention of the provisions of this Act, shall be deemed to have committed a breach of this Act. Breaches of Act.

21. Every order, requisition, or determination made by the inspector shall be in writing, and served on the occupier. Orders, &c., to be in writing.

22. Any person who commits any breach of this Act, or of any regulations made hereunder, shall be liable for each offence to a penalty not exceeding Five Pounds. Penalty for breaches of Act.

23. All offences against this Act, or against any regulations made under this Act, in respect of which offences any fine or penalty is by this Act imposed, shall be heard and determined, and such fines and penalties be awarded and imposed, in a summary way by and before any Special Magistrate or any two or more Justices of the Peace for the said province. Proceedings for penalties.

24. All the proceedings before Special Magistrates or Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act," 298 of 1883-4, and any other Act that may be law in that behalf. Procedure.

25. Every person who forges or counterfeits any certificate of appointment, or makes use of any forged, counterfeited, or false certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding six months with or without hard labor. Penalty for forgery, &c., of certificate.

26. There

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Appeal to Local Court
from order by Justices.

26. There shall be an appeal from any order of any Special Magistrate or Justices made under the provisions herein contained, and from any conviction by any Special Magistrate or Justices for any offence against this Act, and from any order dismissing any information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, and the said Act, No. 298 of 1883-4, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court shall think fit.

Special case may be
stated.

27. The Local Court, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make such order as to costs of any special case as to the said Court shall appear just; and the Local Court shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court, which order of the Local Court shall be enforceable in manner provided for the enforcement of orders of Justices under the said Ordinance No. 6 of 1850, or other Act as aforesaid, and, save as herein provided, no order or proceeding of any Local Court made under the authority of this Act shall be appealed against or removed, by *certiorari* or otherwise, into the Supreme Court.

Justices may apply
penalty towards costs.

28. The Special Magistrate or Justices imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings; and, subject to such directions, all penalties shall be paid to the Treasurer for the public use of the province.

Governor empowered
to make regulations.

29. (1) The Governor is hereby empowered to make and issue regulations, not inconsistent with and subject to the provisions of this Act, for the more effectual carrying into effect the objects and purposes of this Act.

(2) All such regulations shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament is then in Session, and, if not, then within fourteen days after the commencement of the next Session.

(3) All such regulations shall afterwards be published in the *South Australian Government Gazette*, and shall take effect from the date of such publication unless otherwise provided in such regulations; and in all legal proceedings the production of the *Gazette* containing any such regulations shall of itself be sufficient *prima facie* evidence that such regulations have been duly made. No regulation which shall be disapproved of by either House of Parliament shall

continue

Referenced
in Act 915
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continue to have any force or effect, notwithstanding any publication as aforesaid.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.