



ANNO QUARTO

EDWARDI VII REGIS.

A.D. 1904.

No. 872.

An Act to further amend "The Factories Act, 1894."

[Assented to, November 24th, 1904.]

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

1. This Act may be cited as "The Factories Further Amendment Act, 1904," and, except so far as inconsistent therewith, shall be read and incorporated with "The Factories Act, 1894," and the Acts amending the same.

Short title and incorporation.

2. The Governor may, by Proclamation in the *Government Gazette*, direct the election of one or more Boards to determine the lowest price or rate which may be paid to any woman, young person, child, or which may be paid to any boy between the age of sixteen and twenty-one years, for wholly or partly preparing or manufacturing, either inside or outside a factory, any particular articles connected with the manufacture of clothing, including white work.

Governor may direct election of Boards in certain places.

The members of the Board under this section, to be elected by the employés, shall be either men or women of the age of twenty-one years or upwards employed in the manufacture of clothing, including white work; and, as regards the members of the Board elected by employés, it shall not be necessary that such members of the Board shall be registered employés, as provided by section 13 of "The Factories Amendment Act, 1900."

3. The election of such Board or Boards shall be conducted in manner provided by the regulations in the Schedule hereto.

Boards to be elected under regulations.

4. In

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Principles governing
determinations of
Boards.

4. In the making of any determination as to any prices or rates, every Board shall have regard to the undermentioned principles, namely :—

- (a) The Board shall ascertain as a question of fact the average prices or rates of payment (whether piecework prices or rates or wages prices or rates) paid by reputable employers to employés of average capacity:
- (b) The lowest prices or rates as fixed by any determination shall in no case exceed the average prices or rates as so ascertained:
- (c) Where it appears to be just and expedient, special wages, prices, or rates may be fixed for aged, infirm, or slow workers.

Duration of Boards.

5. Every Board created under this Act, and all determinations of such Boards, shall cease on the thirty-first day of December, one thousand nine hundred and six, unless the continuance of any such Board shall be previously sanctioned by a resolution carried by both Houses of Parliament.

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

GEORGE R. LE HUNTE, Governor.

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SCHEDULE.

REGULATIONS APPLICABLE TO EMPLOYÉS IN THE TRADES REFERRED TO IN THIS ACT.

1. The record of the names, work, and wages required to be kept under section 10 of "The Factories Amendment Act, 1900," shall be in the form and give the particulars required in Schedule I. hereto.

2. Every occupier of a factory for whom work is done elsewhere than in such factory shall, in manner provided in sub-section 1 of section 11 of "The Factories Amendment Act, 1900," keep a record of the description and quantity of such work, and of the names and addresses of the persons by whom the same is done, and the prices paid in each instance for such work, in the form and giving the particulars required in Schedule II. hereto.

3. Every employer shall, when required by notice in writing from the Chief Inspector, forward to him the record in the form mentioned in regulation No. 2.

4. All employés not under the age of 18 years shall, subject to these regulations, be entitled to be placed on the list of voters, and to vote as hereinafter provided.

5. The Chief Inspector shall prepare lists of voters for the purposes of the election of members of boards, and such lists shall be in the forms of Schedule III. hereto; and, subject to regulation 16, there shall be separate lists for each manufacture, process, trade, or business in respect of which a board is directed to be elected. Every person whose name appears on such list as employer or employé shall be deemed to be a registered employer or registered employé for the purpose of section 13 of the Factories Amendment Act, 1900.

6. For the purpose of the preparation of such lists every employer of persons employed in a factory shall, in addition to any other record, return, form, or other list required to be furnished by these regulations, forward to the Chief Inspector, within one calendar month after demand shall have been made by the Inspector, and also during the first week of the month of December in each year, a return of all persons who shall have been *bonâ fide* employed by him on the date of the making of such list in such factory, and who shall have been so employed by him for at least 14 days during the month next preceding the date of the making of such list, and such return shall be in the form and give the particulars required in Schedule IV. hereto.

7. The employers' lists of voters shall be prepared from the returns, records, and lists forwarded to the Chief Inspector in pursuance of these regulations, and shall be adjusted each year according to such returns, records, and lists.

8. An employer shall not be registered on the list of voters for the election of members of any board, except in respect of a registered factory or workroom in which an article is prepared or manufactured, or in which there is carried on the manufacture, process, trade, or business in respect of which the lowest prices or rates are to be determined by such board; and no such employer shall be entitled to vote at an election of members of such board until he shall have complied with these regulations.

9. The number of votes to which an employer duly registered on the voters' roll for the election of members of every board shall be entitled shall be determined as follows:—Where such employer shall employ 10, or a lesser number of employés, one vote; where such employer shall employ any number of employés being more than 10, then one vote for each 10 employés; and where in such last-mentioned case, after dividing the number of employés by 10, any number remains, one vote for the number so remaining; but only one person shall be entitled to vote in respect of any one registered factory or workroom, and only employés employed in such registered factory or workroom in the manufacture, process, trade, or business in respect of which a board is to be elected, and who are duly registered on the electors' roll, shall be counted in determining the number of votes such employer is entitled to.

10. Each employé duly registered on the list of electors for the election of members of any board shall have one vote only for the trade to which he belongs.

11. The employés' list of voters shall be prepared from the lists of employés forwarded to the Chief Inspector by employers in accordance with these regulations,
and

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and from any records as to employes required to be made or kept under the Factories Acts, and from any applications received from employes under regulation 13. Such last-mentioned list shall be adjusted annually.

12. Every employe whose name is not entered upon any list, and who produces satisfactory evidence to the Chief Inspector that he is entitled to vote under these regulations, shall be placed on the list of voters as an elector.

13. The application of any employe to be placed on the list of voters shall be in form of Schedule V. hereto.

14. If the Chief Inspector fail, neglect, or refuse to enter any person's name on the lists of voters, such person may appeal to the Minister, who may direct the Chief Inspector to enter such person's name as an elector on the list. The Inspector may, subject to any appeal to and direction by the Minister, remove the name of any person from the said list.

15. No person shall be entitled to be enrolled both as a voter of representatives of employers and as a voter of representatives of employes.

16. The names of employes working outside a factory or workroom shall be entered on a list of voters separate from that on which the names of the employes working in a factory or workroom are entered.

17. If the number of voters for any board working outside a factory or workroom is greater than one-fifth of the whole number of voters who are employes, then the electors working outside a factory or workroom shall be entitled to nominate candidates, and to vote for and elect, as hereinafter provided, one member of such board, but shall not be entitled to nominate or vote for any person as representative of persons working inside a factory or workroom; and employes working in a registered factory or workroom shall not be entitled to vote for any person nominated for election as a special representative of persons working outside a registered factory or workroom.

18. If the number of voters working outside a factory or workroom is not greater than one-fifth of the whole number of voters who are employes, then the electors working outside a factory or workroom shall be entitled to vote for the full number of persons to be elected as representatives of employes on such boards, but shall not be entitled to elect special representatives for outworkers only.

19. When the Governor in Council directs that a board or boards be appointed, such order shall state the number of members of which such board or boards shall consist, and shall specify the particular articles, or the manufacture, process, trade, or business to be dealt with by such board; and the Governor may, in the same or a subsequent order, appoint a day on or before which nominations of candidates for election on such board shall be received by the returning officer, and a day for the election of candidates, which day for the election of candidates shall be a Saturday, and such election shall take place within 21 days from the day appointed for receiving nominations.

20. Of such members one-half shall be elected by and consist of registered employers, and one-half by and consist of registered employes: Provided that, in the case contemplated by regulation 17, one of such members to be elected by employes shall be nominated and elected by electors working outside a factory or workroom, subject to the provisions of the said regulation 17.

21. In the event of a vacancy occurring in any such board, the Governor may, by order published in the *Government Gazette*, direct that any such vacancy shall be filled by the election of another member with qualifications similar to those of the member in respect of whom the vacancy has occurred, in manner herein provided for the election of boards: Provided that the member filling the vacancy in such board shall only hold office for the unexpired term of office of the remaining members of such board.

22. The Secretary to the Minister of Industry, or any other person appointed by the Minister of Industry, shall be returning officer for the purposes of the election of any board, and he may, by writing under his hand, appoint a substitute to act for him. Such returning officer or substitute may, by writing under his hand, appoint such assistants as he may think proper.

23. Every candidate as a representative of employers on any board shall be nominated in writing by five electors duly registered on the employers' list of voters for such board, and every candidate as a representative of employes on any board shall be

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be nominated in writing by 10 electors whose names shall have been registered on the employés' list of voters for such board: Provided that a nomination by not less than one-fifth of the whole number of employers where the number is less than 25, or of employés where the number is less than 50 (as the case may be) on the list of voters shall be sufficient; and every such nomination shall contain the written consent of the candidate to his nomination, and shall be delivered or posted to the returning officer so as to reach him before 4 o'clock on the day of nomination.

24. Should the number of persons so nominated for any board as representatives of employers, or as representatives of employés, not exceed the number to be so elected, the returning officer shall report to the Minister that such persons so nominated have been duly elected as representatives of employers, or as representatives of employés (as the case may be).

25. Should the number of persons nominated, either as representatives of employers or as representatives of employés, exceed the number to be so elected on any board, the returning officer shall, by notice in the *Government Gazette*, notify a day for the taking of a poll (being the day of election specified in the order for the appointment of the board or in any subsequent order) for representatives of employers, or representatives of employés, or for all representatives (as the case may be).

26. The returning officer shall appoint such polling-places as he shall think necessary for the purposes of any election, and shall give notice of such polling-places by advertisement in the *Government Gazette*, and shall appoint some person to preside at such polling-places on the day of election; and such polling-places shall on such day be open for the receipt of votes from 9 o'clock in the morning until 7 o'clock in the evening. At an election the candidates representing employers and candidates representing employés may respectively be represented at each polling-place by some person who shall act with the returning officer, or his assistants, in counting votes. Such persons shall be appointed by instrument in writing, signed by the candidates representing employers or candidates representing employés (as the case may be), or a majority of such candidates respectively.

27. No additional names shall be added to the roll of voters after the returning officer has published in the *Government Gazette* the notice for fixing the day for taking the poll until after that particular election is over.

28. Every voting paper shall contain the names of each of the candidates for election, either as a representative of employers or employés (as the case may be), and may be in one of the forms in Schedule VI. hereto applicable to the case.

29. Each elector shall place a cross in the square opposite the names of the candidate or candidates he wishes to vote for in the voting paper, and shall forthwith return the voting paper to the presiding officer, who shall place it in a ballot box. No voting paper shall be allowed in which more or fewer candidates are voted for than the number of persons to be elected.

30. The returning officer shall, as soon as practicable after the close of the polling, count the votes received; and shall report to the Minister the election of those candidates, not exceeding the number to be elected, who have received the greatest number of votes.

31. In case two or more candidates shall receive an equal number of votes the returning officer shall have a casting vote.

32. In all cases not herein provided for the rules and usages at parliamentary elections shall be followed as far as they may be applicable.

33. It shall be lawful for an employer to vote at an election, in respect of which he is entitled to vote, either personally or by an agent duly authorised in that behalf by instrument in writing signed by the employer and attested.

34. It shall be lawful for any member of any board, by writing under his hand, addressed to the Minister of Industry, and which writing shall forthwith, after the signing thereof, be delivered to such Minister, to resign his seat on such board, and upon the receipt of such resignation by such Minister the seat of such member shall become vacant.

35. The Minister may direct some officer to act as secretary to each board.

36. A Judge of the Supreme Court, or a Special Magistrate, shall act as chairman of the board, and shall be appointed by the Governor.

37. These regulations shall take effect from and after the 12th day of December, 1904.

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SCHEDULE I.

Record under Section 10 of the Factories Amendment Act, 1900, of the Names, Work, and Wages of all Persons Employed in the undermentioned Factory.

Name of employer.....
Where factory situated.....
Nature of work carried on.....

Names of Employés.	Age.	Sex.		Particulars of Work Done by each Employé.	Amount of Earnings.
		Male.	Female.		Wages.

(See regulation 1.)

SCHEDULE II.

Record under Section 11 of the Factories Amendment Act, 1900, of Work Done Outside of a Factory.

Name of employer.....
Address.....

[This record to be forwarded to the Chief Inspector, in manner provided by section 11, sub-section 3, of the above Act.]

Date.	Name of Outworker (in full).	Age.	Address.	Description and Quantity of Work Done.	Rate Paid.	Amount.
						£ s. d.

I certify that the above record is a substantially true and correct account of the amount and kind of work done by the persons named herein for me, and the prices paid therefor, during the period from..... to.....
Signature.....

Date.....

(See regulation 2.)

SCHEDULE III.

List of Voters for Board, under Part II. of the Factories Amendment Act, 1900.

(1) List of employers in the.....trade:—

No. on Roll.	No. in Register Book.	Name (in full).	Address.	Factory giving Qualification to Vote.	Date of Registration.	No. of Hands Employed.	No. of Votes.

(2A) List

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(2A) List of employes employed in registered factories in thetrade:—

No. on Roll.	Name (in full).	Residence.	Factory where Employed (if any).	Date of Registration.

(2B) List of employes employed outside factories in thetrade:—

No. in Register.	Name (in full).	Residence.	By whom Employed.	Class of Work Done.

(See regulations 5, 6, 7, 8, 11, 15, 16.)

SCHEDULE IV.

List of Persons Employed in the undermentioned Factory for 14 days at least in the Month next preceding the first week in November last.

Name of employer.....
 Where factory situated.....
 Nature of process, trade, or business carried on

Name of Employé (in full).	Residence of Employé.

I certify that the above is a true and correct list of all the persons employed in the above factory for at least 14 days during the month of December last.

Signature.....

Date.....

(See regulation 6)

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SCHEDULE V.

*Form of Application to have Name placed on the Voters' Roll of Employés in the
..... Trade.*

Name (in full).	Sex.		Place of Residence.	Trade or Calling.	By whom Employed.
	Male.	Female.			

I hereby declare that the particulars entered above are true and correct.

Signature

Date.....

(See regulations 12 and 13.)

SCHEDULE VI.

Forms of Voting Papers.

VOTING PAPER.

.....Board.

Election of.....members to act as Employers' representatives.

- A.B.
- C.D.
- E.F.
- G.H.

VOTING PAPER.

.....Board.

Election of.....members to act as Employés' representative.

- A.B.
- C.D.
- E.F.
- G.H.

VOTING PAPER.

.....Board.

Election of one member to act as a representative of Employés working outside a factory or workroom.

- A.B.
- C.D.
- E.F.

(See regulation 28.)