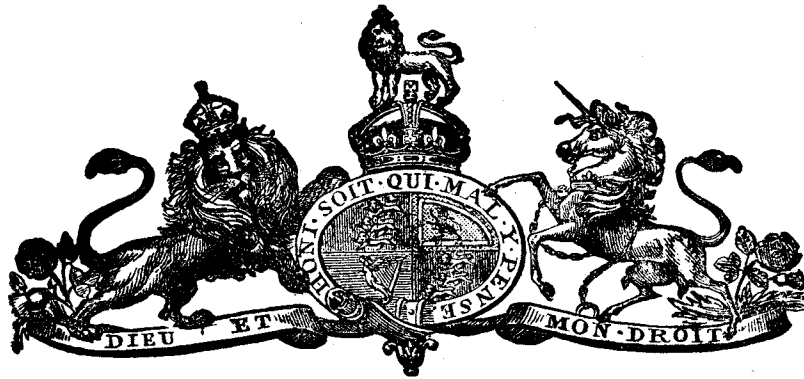


T A S M A N I A.



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 43.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title and incorporation with 1 Geo. V. No. 57. 2. Amendment of Section 4 of Principal Act as to—
 " Child."
 " Factory."
 " Meal."
 " Young person."
 " Week." 3. Amendment of Section 16 of Principal Act. 4. Amendment of Section 36 of Principal Act. 5. Amendment of Section 38 of Principal Act. 6. Repeal and re-enactment of Section 43 of Principal Act. 7. Amendment of Section 46 of Principal Act. | <ol style="list-style-type: none"> 8. Repeal of Section 49 of Principal Act. 9. Amendment of Section 51 of Principal Act. 10. Amendment of Section 52 of Principal Act. 11. Amendment of Section 54 of Principal Act. 12. Repeal and re-enactment of Section 55 of Principal Act. 13. Repeal and re-enactment of Part VIII. of Principal Act 14. Notices affixed in factories, &c., to state ordinary working times.
 Other times to be overtime. 15. Person convicted may be ordered to pay arrears of wages, &c. 16. Third Schedule to Principal Act amended.
 Registration fees. |
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AN ACT to amend "The Factories Act, 1910." [10 January, 1912.]

A.D. 1911

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

6d.]

Factories Act Amendment.

A.D. 1911.

Short title and incorporation with 1 Geo. V. No. 57.

Amendments of Section 4 of Principal Act as to—

“Child.”

“Factory.”

1 This Act may be cited as “The Factories Act, 1911,” and is hereby incorporated with, and shall be read as one with, “The Factories Act, 1910,” in this Act referred to as the Principal Act.

2 Section Four of the Principal Act is hereby amended as follows:—

i. By omitting the definition “Child,” and substituting therefor the following:—“‘Child’ means a person under the age of Fourteen years”:

ii. By omitting the definition “Factory,” and substituting therefor the following:—

“‘Factory’ means—

(a) Any building, structure, premises, or place in, or in connection with, which Four or more persons, including the occupier, are employed directly or indirectly—

(i) In any handicraft; or

(ii) In preparing or manufacturing articles for or in connection with any trade, or for sale;

and also—

(b) Every bakehouse; and also

(c) Every clay-pit or quarry worked or used in connection with, and occupied by the occupier of, any pottery or brickyard; and also

(d) Every building, structure, premises, or place in which steam, water, gas, oil, or electric power exceeding One horse-power is used in preparing or manufacturing articles for trade or sale, or packing them for transit; and also

(e) Every building, structure, premises, 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

(f) Every building, structure, premises, or place in which any person of any Asiatic race is directly or indirectly employed in any handicraft, or in preparing or manufacturing goods for trade or sale:

But the term “factory” does not include—

(a) Any prison, reformatory, industrial school, or home for erring women; or

(b) Any institution conducted exclusively for charitable purposes; or

(c) Any building, premises, or place used exclusively for the manufacture of dairy produce; or

(d) Any ship; or

Factories Act Amendment.

- (e) Any building, premises, or place used exclusively for *bona fide* pastoral, agricultural, or horticultural purposes, and situate outside of cities ;
or
- (f) Any mine, colliery, or place in which machinery is used about a mine ; or any smelting-works or any 'works' within the meaning of any Acts relating to mines and mining ; or
- (g) Any building in course of erection, or any temporary workshop or shed for workmen engaged in the erection of such building.

A.D. 1911.

Where the operations of any manufacture are carried on, for safety or convenience, in several adjacent buildings grouped together in one enclosure, these shall be classed and included as one factory for the purpose of registration and for the computation of registration fees.

A person shall be deemed and taken to be employed whether he is or is not working on his own account or behalf, or for hire or reward, either directly or indirectly :

- iii. By inserting after the definition "Local Authority" the following definition :—"Meal" means breakfast, dinner, or tea": "Meal."
- iv. By omitting the definition "Young person," and substituting therefor the following :—"Young person" means a person of the age of Fourteen years and upwards, but not over the age of Sixteen years": "Young person."
- v. By inserting after the definition "Wash" the following definition :—"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night." "Week."

3 Section Sixteen of the Principal Act is hereby amended by inserting after the word "place," in the Second line of Subdivision iii., the words "in the factory." Amendment of Section 16 of Principal Act.

4 Section Thirty-six of the Principal Act is hereby amended by omitting Subsection (1), and inserting in place thereof the following Subsection (1):— Amendment of Section 36 of Principal Act.

"**36**—(1) No employer shall, except when the operation of this section is suspended, employ continuously in any factory any person for more than Five hours without an interval of at least an hour for a meal.

"Penalty : Five Pounds."

5 Section Thirty-eight of the Principal Act is hereby amended by omitting the word "and," at the end of the Second line thereof, and the whole of the Third line. Amendment of Section 38 of Principal Act.

Factories Act Amendment.

A.D. 1911.

Repeal and re-enactment of Section 43 of Principal Act.

6 Section Forty-three of the Principal Act is hereby repealed, and the following substituted therefor:—

“**43** No child shall be employed in any factory.
“Penalty : Ten Pounds.”

Amendment of Section 46 of Principal Act.

7 Section Forty-six of the Principal Act is hereby amended by omitting from the First line the words “child or a.”

Repeal of Section 49 of Principal Act.

8 Section Forty-nine of the Principal Act is hereby repealed.

Amendment of Section 51 of Principal Act.

9 Section Fifty-one of the Principal Act is hereby amended as follows:—

- i. By omitting from the Third line the word “child”:
- ii. By inserting after the word “evening,” in the Sixth line, the words “in manufacturing articles for, or in connection with, any trade, or for sale”:
- iii. As to Subsection (2), by omitting from Paragraph (c) of Subdivision iii. the words “each day on which he avails himself of the provisions of this section,” and substituting therefor the words “such extra working.”

Amendment of Section 52 of Principal Act.

10 Section Fifty-two of the Principal Act is hereby amended as follows:—By omitting the Second line of Subsection (3), and substituting therefor the words “be exceeded.”

Amendment of Section 54 of Principal Act.

11 Section Fifty-four of the Principal Act is hereby amended by omitting therefrom the words “under Sixteen years of age, and all women.”

Repeal and re-enactment of Section 55 of Principal Act.
Hours of work, how reckoned.
Cf. Vic. Act 1975, s. 41.

12 Section Fifty-five of the Principal Act is hereby repealed, and the following section substituted therefor:—

“**55** All the time in any day or week during which any person is employed at work of any description for an occupier shall count in calculating the hours of employment under Section Fifty-one or Section Fifty-two.”

Repeal and re-enactment of Part VIII. of Principal Act.

13 Part VIII. of the Principal Act is hereby repealed, and the following substituted therefor:—

“PART VIII.

“AS TO THE PAYMENT OF WAGES.

Provisions to secure reasonable remuneration to persons employed in factories.
N.Z. No. 59 of 1908, s. 132.

“**63** In order to prevent persons being employed in factories without reasonable remuneration in money the following provisions shall apply:—

- i. 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

Factories Act Amendment.

Four Shillings a week for the First year of employment in the trade, Seven Shillings a week for the Second year, and Ten Shillings a week for the Third year, Thirteen Shillings a week for the Fourth year, Sixteen Shillings a week for the Fifth year, Nineteen Shillings a week for the Sixth year, and thereafter not less than a wage of Twenty Shillings a week, unless such person is the holder of a licence to work at a less wage under Section Twenty-eight of 'The Wages Boards Act, 1910':

A.D. 1911.

- ii. Such rate of payment shall in every case be irrespective of overtime :
- iii. Such payment shall be made in full at not more than fortnightly intervals :
- iv. 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 :
- v. 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 :
- vi. 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 :
- vii. 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 other 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."

14 After Section Sixteen of the Principal Act the following section is inserted :—

"**16a**—(1) The notice required by Section Sixteen, Subsection (c), of this Act shall state the times for starting work and for ceasing work for the day, and the times for commencing and for ending any interval for meals ; and in any case where the same times do not apply to all the employees the notice shall be prepared accordingly.

Notices affixed in factories, &c., to state ordinary working times.

"(2) Any time during which an employee works before the time for starting work, or after the time for ceasing work, or during the interval

Other times to be overtime.

Factories Act Amendment.

A.D. 1911.

for meals, which applies to him, as such time is stated in the notice referred to in Subsection (1) of this section, shall be regarded as extra working time for the purposes of Section Fifty-one or Section Fifty-two of this Act, and shall be paid for accordingly."

15 After Section Eighty of the Principal Act the following section is inserted as Section Eighty-one :—

Person convicted
may be ordered
to pay arrears of
wages, &c.
Vic. Act 2241,
1909, s. 12.
S.A., 1910, s. 47.

"**81** The police magistrate or justices by whom any person is convicted of any offence against this Act or any regulation thereunder may, in addition to imposing a fine or penalty or other punishment for such offence, order that the offender shall pay to any person in respect of whom such offence was committed, and who is or has been in the employment of such offender, any sum which, to the satisfaction of the magistrate or justices, is shown to be due from the said offender to the said person for wages, salary, payment for overtime, or tea money, or otherwise in connection with such employment.

"(2) Any sum ordered to be paid under this section may be recovered by the said person, or by an inspector on his behalf, in the same manner as a penalty imposed under this Act for an offence against this Act; and if any fine or penalty is imposed for the offence mentioned in Subsection (1) hereof, such sum shall, for the purposes of recovering the same, be treated as part of such fine or penalty."

Third Schedule
to Principal Act
amended.
Registration fees.

16 The Third Schedule to the Principal Act is amended—

- i. By inserting under the figure "(3)" the words "REGISTRATION FEES": and
- ii. By adding the following at the end thereof:—"For the purposes of this schedule, in computing the number of persons employed in a factory no son or daughter of the occupier thereof shall be counted."

