

FACTORIES AND SHOPS (AMENDMENT) ACT.

Act No. 12, 1927.

George V, **An Act to make further provision for the super-**
No. 12. **vision and regulation of factories, bake-houses,**
laundries, dye works, shops, and other indus-
trial establishments ; to provide for the annual
registration of factories ; to provide for the
limitation in certain cases of the hours of
working in factories ; to provide for and regu-
late the marking of furniture manufactured
in or imported into New South Wales ; to
amend the Factories and Shops Act, 1912,
and certain other Acts ; and for purposes
connected therewith. [Assented to, 17th
February, 1927.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows :—

Short title, **1. (1) This Act may be cited as the “ Factories and**
Shops (Amendment) Act, 1927.”

(2) The Factories and Shops Act, 1912, as
amended by subsequent Acts, is in this Act referred to
as the Principal Act.

Amendment of
Act No. 3,
1912.
Sec. 3.

2. The Principal Act is amended—

(a) by inserting after paragraph (d) of the defini-
tion of “ factory ” in section three the following
new paragraph :—

(e) Any ship or boat building yard or dock
in which any ship or boat is constructed,
reconstructed, repaired, refitted, or
finished or broken up.

(b)

(b) by omitting section six and by inserting in lieu thereof the following new section :—

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Sec. 6.

Registration
of factories.

6. (1) Every person—

(a) going into or being in occupation of any factory shall within fourteen days of such going into or being in occupation; or

(b) being in occupation of any office, building, or place which becomes for the first time, or after a period of disuse again becomes a factory, shall within fourteen days of such office, building, or place becoming or again becoming a factory,

Vic. Act,
. 14 (1).

serve on the Chief Inspector of Factories at Sydney a written notice in the form prescribed applying for the registration of the factory.

(2) The chief inspector on receipt of such notice may—

(a) register the premises and issue to the applicant a certificate of registration ;

(b) issue to the applicant a permit authorising the use of the premises as a factory for a period to be named in the permit, pending the carrying out of any alterations or repairs required to make the premises suitable for a factory. The permit may, from time to time, be extended by the chief inspector ;

N.S.W. Act,
s. 6 (3).

(c) refuse to register the premises as a factory.

(3) If the chief inspector decides to register or to issue a permit to occupy the premises as a factory, he shall, on payment of the prescribed registration fee by the occupier or applicant, issue to the occupier or applicant a certificate of registration or a permit, as the case may be, in the form prescribed, specifying the name of the occupier and the address and situation of the factory, and the nature of the work to be carried on therein.

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(4) Any registration which has not been cancelled or become void, may be renewed by the occupier upon application in the form prescribed, and upon payment of the registration fee payable in respect of his factory.

(5) The chief inspector may refuse to renew the registration of a factory or may hold such renewal over and issue a permit to occupy the factory pending the furnishing of a copy of the record of employees required to be kept under section fourteen of this Act, or the carrying out of requirements or the decision of the Minister under section eight of this Act.

(6) When the chief inspector refuses to register premises as a factory or to renew the certificate of registration of a factory he shall, upon the written request of the applicant for registration or renewal, state in writing the grounds of his refusal.

The applicant may appeal against any such refusal to the Minister, whose decision shall be final.

(7) Where any occupier moves his factory to premises other than those for which a certificate of registration has been issued, he shall give notice in writing of such removal and shall submit his certificate of registration to the chief inspector for endorsement of the new address and situation of the factory.

(8) Where, through fire, tempest, or other calamity, an occupier is unable to carry on his factory in the premises for which a certificate of registration has been issued, the chief inspector may issue a permit without payment of further fee, to temporarily occupy other premises as a factory, pending the obtaining by the occupier of permanent premises.

(9) The person in whose name a factory has been registered shall, upon ceasing to be the occupier thereof, serve on the chief inspector a written notice of the fact, and if
he

he fails to do so, he shall be deemed to be the occupier of such factory, and shall be subject to all the provisions of the Act relating to the same.

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(10) Upon any change in the occupation of an unregistered factory, it shall be the duty of a new occupier within seven days after entering into occupation to serve on the chief inspector a written notice of entry into occupation, containing such particulars as may be prescribed, and if he fails to do so, he shall be liable to a penalty not exceeding ten pounds.

(11) A part of a factory may, on the written application of the occupier and with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory.

(12) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be registered accordingly.

(13) Where in any registered factory there is a change in the nature of the work carried on for which the premises have been registered—

- (a) the occupier shall notify the chief inspector of the change, and
- (b) the chief inspector may, by notification in writing, require the occupier to make application to register in the manner set out in the regulations,

and, if the occupier fails to so notify or to make such application within fourteen days of the change or the notification, as the case may be, the factory shall be deemed to be unregistered.

(14)

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(14) Where the Minister by special order so directs, different branches or departments of work carried on in the same factory shall be deemed to be different factories for all or any specified purposes of this Act.

(15) A registration fee shall be paid in respect of every factory by the occupier thereof to the amount specified in Schedule Four to this Act, and a like fee shall be paid for the renewal of the registration in each and every year on or before the first day of December.

Provided that—

- (1) where any factory is opened during any year after the thirtieth day of June the fee to be paid on registration for the balance of that year shall be half of the rate specified in the said Schedule ;
- (2) if in any year a change of occupancy occurs in a factory for which a registration fee has been paid for that year, the fee to be paid for such further registration shall be twenty per centum of the amount specified in the said Schedule, irrespective of the date upon which such change occurs, provided that the fee so payable shall be not less than two shillings and sixpence.
- (3) 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 twenty-one 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.

(16) The registration fee in respect of all factories on the register at the time of the passing of this Act shall be paid on or before the thirty-first day of March, one thousand nine hundred and twenty-seven.

(c)

- (c) by inserting next after Schedule Three the following new Schedule:—

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SCHEDULE FOUR.

The registration fee to be paid in respect of factories shall be:—

	£	s.	d.
(a) In factories in which mechanical power is not used, and not more than 5 persons are employed	0	5	0
and over 5 „ „ 10 „ „	0	10	0
„ 10 „ „ 20 „ „	1	0	0
„ 20 „ „ 40 „ „	2	0	0
„ 40 persons are employed	3	0	0
(b) In factories in which mechanical power is used and not more than 5 persons are employed	0	10	0
and over 5 „ 10 „ „	1	0	0
„ 10 „ 20 „ „	2	0	0
„ 20 „ 40 „ „	3	0	0
„ 40 „ 60 „ „	4	0	0
„ 60 „ 80 „ „	5	0	0
„ 80 „ 100 „ „	6	0	0
and over 100 persons are employed	10	0	0

3. The Principal Act is further amended—

- (a) by omitting from subsection two of section twenty the words “shall contain such amount of cubical space for each person employed, and such amount of ventilation,” and by inserting in lieu thereof the words “shall contain such amount of cubical and floor space for each person employed, and such amount of ventilation, air change, and air movement.”
- (b) (i) by inserting in paragraph (b) of section twenty-five after the words “means of” the words “ventilation or”;
- (ii) by inserting next after paragraph (b) of the same section the following new paragraph—
- “(c) in a factory or shop where, by reason of defective ventilation or otherwise, the conditions are such that the health of the employees is injuriously affected, but in his opinion such conditions may be improved by the installation of a fan or other sufficient means of ventilation”;
- (iii) by inserting in the same section after the words “other sufficient means of” the words “ventilation or”;

Further amend-
ment of Act
No. 39, 1912.
Sec. 20.
(Cleanliness
and ventila-
tion.)

Sec. 25.
(Ventilation.)

(iv)

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(iv) by omitting from the same section the words "reasonable time" and by inserting in lieu thereof the words "time in that behalf specified in the notice."

Further
amendment of
Act No. 39, 1912.

4. The Principal Act is further amended—

New s. 31.

(a) by omitting section thirty-four and by inserting in lieu thereof the following new section :—

Safeguards
from dangers.

34. (1) If an inspector reports that loss of life or bodily injury to any person has been or is likely to be caused in any factory by the machinery used therein or by explosion or by escape of gas or metal or by electricity, the Minister may direct the occupier of such factory and of any other factory where the like danger exists to take such steps as the Minister may, by order, direct to prevent the occurrence of accidents.

If such steps are not taken accordingly in any factory within such time as the Minister directs, then such factory shall be deemed to be not kept in conformity with this part of this Act.

(2) Where the Minister is satisfied that any manufacture, machinery, plant, process, or description of manual labour used in factories is of such a nature as to require special measures to be taken for securing the safety or health of the persons employed in connection therewith, or any class of those persons, he may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(3) Regulations so made may apply to all factories in which the manufacture, machinery, plant, process, or description of manual labour is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class or description of such factories.

They

They may provide for the exemption of any specified class or description of factories, either absolutely or subject to conditions, and may also impose duties on certain persons, and may impose penalties for any breach of the regulations not exceeding twenty pounds.

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- (b) by inserting in section thirty-seven after the words "or other mechanical power" the words:—

"No woman or young person shall be permitted or required to lift or carry by hand a greater weight than—

Males under 16 years of age, 30 pounds	Restrictions on employ- ment.
Males under 18 years of age, 40 pounds	
Females under 16 years of age, 20 pounds	
Females under 18 years of age, 25 pounds	
Females of 18 years and over, 35 pounds "	

- (c) by omitting section thirty-eight and by inserting in lieu thereof the following new sections:—

38. (1) Where any accident occurs in a factory which is either—

Notice of
accidents.

- (a) an accident causing loss of life to a person employed in the factory, or
- (b) an accident due to any machinery moved by mechanical power or to molten metal, hot liquid, or other hot substance, explosion, escape of gas or steam, or to electricity, and so disabling any person employed in the factory as to prevent him from returning to his work in the factory within forty-eight hours of the occurrence of the accident, or
- (c) an accident due to any other cause which the Minister specifies by order published in the Gazette and which causes such disablement as aforesaid, or
- (d) an accident, not otherwise covered by this section, so disabling a person employed in the factory as to prevent him from returning to his work in the factory within seven days,

written

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written notice of the accident in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Chief Inspector of Factories.

(2) If any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Chief Inspector of Factories as soon as the death comes to the knowledge of the occupier of the factory.

First aid
appliances.

38A. Every factory shall, unless the occupier is exempted by the Minister, be provided with a first aid ambulance chest, appliances and requisites, which shall be installed, equipped, and maintained as prescribed by regulations.

Sec. 39
(3)(4).
(Means of
escape from
fire.)

(d) by omitting subsections three and four of section thirty-nine and by inserting in lieu thereof the following new subsections:—

(3) Every factory or shop in which persons are employed on any floor above the first floor shall be provided with sufficient means of escape in case of fire for the persons employed therein.

The means of escape and their efficiency shall be approved in writing by the Chief Officer of Fire Brigades or some other officer of fire brigades, or other competent person appointed by him in that behalf.

(4) The means of escape in case of fire provided in any factory or shop shall be maintained in good condition and free from obstruction, and if they are not so maintained the factory or shop shall be deemed not to be kept in conformity with this Act.

(5) In respect of every factory or shop in which such means of escape are to be provided after the passing of the Factories and Shops (Amendment) Act, 1927, two sets of plans and specifications of such means shall be submitted by the occupier to the chief inspector for approval, one set of which shall be retained by the chief inspector.

On

On each set of plans shall also be shown the alternate means of egress from all floors of the building.

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5. The Principal Act is further amended by omitting section forty-nine and

Further
amendment of
Act No. 39, 1912.

(a) by inserting in lieu thereof the following new section :—

Sec. 49.

49. (1) In any factory where any Chinese works, and in any other factory where any person is employed in preparing, manufacturing, or assembling articles of furniture, no person shall perform or employ, allow, permit or authorise any person whomsoever to perform any work of any nature whether connected with the business of any such factory or not :

Hours of
employment
in Chinese
and certain
other
factories.

(a) In the case of Chinese on any day before forty-five minutes after seven o'clock in the morning or after half-past five o'clock in the evening Monday to Friday, inclusive, or on Saturday, or on Sunday, or a public holiday at any time whatever.

(b) In the case of persons other than Chinese, on any day before half-past seven o'clock in the morning or after six o'clock in the evening, Monday to Friday inclusive, or on Saturday after one o'clock in the afternoon, or on Sunday at any time whatever.

(2) In any prosecution for a contravention of this section the occupier of a factory shall be deemed to have permitted a person to work if any person whosoever is proved to have been working in the factory of such occupier during the time when work is prohibited.

(3) 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

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shall be deemed to be done whilst employed in the factory, and the time shall be counted accordingly.

(4) No Chinese shall be permitted by the occupier to prepare or partake of meals, board, lodge, or sleep on the premises of a building of which a furniture factory forms part nor be upon or in any building or curtilage of a building used as a furniture factory at any other time except a time at which he may lawfully work thereon :

Provided that, in any Chinese furniture factory in which at least six workmen are employed, one person may be permitted to be on the premises between half-past five o'clock in the evening and forty-five minutes after seven o'clock in the morning for the sole purpose of acting as watchman.

(5) No building or portion of a building or curtilage of such building shall be used as a furniture factory if such building or the curtilage thereof has internal communication with any adjoining premises or provides for ingress or egress otherwise than from a street or public lane or if Chinese working in such building prepare or partake of meals, board, lodge, sleep therein, or are thereupon or therein at any time at which Chinese may not lawfully work therein.

(6) In any prosecution for an offence against this section, evidence—

(a) that at any time during which work is prohibited by this section in any factory, sounds have been heard such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on ; and

(b) that during such time any member of the Police Force or inspector was refused or could not gain immediate admission to such factory,

shall be prima facie evidence that the provisions of this section have been contravened by the occupier of the factory. (7)

(7) The occupier of a furniture factory shall not use or allow to be used as a sleeping place any portion of such factory. George V,
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(8) If any person offends against any of the provisions of this section, he shall, for each and every day on which he offends, be liable for the first offence to a penalty of not more than ten pounds, and for a second or subsequent offence a penalty of not more than fifty pounds, and in addition to the foregoing penalty, the registration of a factory, the occupier of which is convicted under this section for a third offence, shall be forthwith cancelled by the Minister.

(9) In order to meet the exigencies of trade the Minister may, subject to the conditions and restrictions imposed in section forty-three, suspend the operation of this section relating to the working hours in any factory for any period not exceeding four weeks.

(10) Subject to the approval of the Industrial Commission the secretary of the registered industrial union of employers or employees in the furniture industry for the time being or any officer duly authorised by such secretary in writing shall, in relation to a furniture factory in which Chinese are employed, have the like powers as are conferred upon an inspector by paragraphs one, two, and six of section nine of this Act.

(b) by inserting in section three next after the definition of "Factory" the following new definition:—

"Furniture" means furniture of which wood, wicker, pitheane, bamboo, sea-grass reed-text or metal forms a part, and such as is usually made or assembled by cabinetmakers, chair and couch makers, upholsterers, wood turners, wood carvers, wood-working machinists, sawyers, and mattress and wire mattress makers and wicker, pitheane, and seagrass workers.

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Further
amendment
of Act No. 39,
1912.

6. The Principal Act is further amended—
(a) by inserting in Part II thereof next after section forty-nine the following new short heading and section :—

DIVISION 5A.—*Marking of furniture.*

Marking of
furniture.

49A. For the purpose of regulating the stamping of furniture manufactured in or imported into New South Wales the provisions contained in Schedule Five to this Act shall have effect as from a date to be fixed by the Governor and notified by proclamation published in the Gazette.

New
Schedule
Five.

- (b) by inserting at the end of the said Act next after Schedule Four the following new Schedule :—

Sec. 49A.

SCHEDULE FIVE, SECTION 49A.

Marking Furniture.

1. All furniture manufactured or sent out of any factory shall be legibly and permanently stamped.

2. All furniture manufactured or prepared either wholly or partly in New South Wales shall as soon as it has been practically completed so as to permit the stamp being placed on it, and before it is sent out or removed from the building, premises, or place in which it is so manufactured or prepared, and all furniture imported into New South Wales shall be legibly and permanently stamped with a stamp of an indelible permanent ink, or stain, or impression.

3. Such stamp shall set forth in legible type the distinguishing number or letter or combination of same (herein called the maker's mark) assigned by the Chief Inspector to each manufacturer of furniture corresponding with the true name and address of such manufacturer, as appearing in a register made and kept by the Chief Inspector for the purpose. If such furniture was only partly manufactured or prepared by such manufacturer, the words "partly prepared by" shall be stamped above the maker's mark of such manufacture.

4. Such stamp shall be placed on some part of such furniture, and on each movable part thereof where it can be clearly and easily seen and read at a distance of not less than five feet.

5. Every occupier of a factory or shop who delivers or causes to be delivered to a purchaser any new furniture which is not stamped pursuant to this Schedule shall be guilty of an offence and shall be liable on summary conviction for a first offence to a penalty of not less than five pounds nor more than fifteen pounds and for every subsequent offence to a penalty of not less than twenty pounds nor more than fifty pounds.

6. All furniture imported into New South Wales for the purpose of sale shall be stamped by the importer or consignee or buyer for the purposes of re-sale thereof within forty-eight hours after such furniture has been unpacked, with a stamp on such furniture in accordance with this Schedule.

7. The provisions of this Act with regard to the stamping of furniture shall not be deemed to be complied with in the case of wardrobes, sideboards, tables, washstands, bookcases, cabinets, hall stands, hall seats, dinner waggons, bedsteads, chairs, seats, church altars, cupboards, pedestals, meat safes, chiffoniers, kitchen dressers, chests of drawers and commodes unless each of the letters with which such articles are stamped is at least one-half of an inch long by one-eighth of an inch wide and in the manner prescribed.

8. Every person—

- (a) who wholly or partly manufactures or prepares furniture and who fails or omits to cause such furniture to be stamped as in this Schedule provided; or
- (b) who exposes for sale or sells or delivers after sale or lets on hire any furniture wholly manufactured or prepared by persons other than himself or his immediate employees and stamps the same with his own stamp; or
- (c) who on any furniture wholly or partly made by persons other than himself or his immediate employees places a stamp implying or stating that such furniture was made by himself only; or
- (d) who falsely stamps any furniture; or
- (e) who exposes for sale or sells or offers for sale or delivers after sale or lets on hire any furniture manufactured or prepared either wholly or partly in New South Wales which is not stamped pursuant to this Schedule or which he knows to be falsely stamped; or
- (f) who removes or obliterates or obscures or erases from or alters or adds to or attempts to remove or obliterate or obscure or erase from or alter or add to any stamp on any furniture—

shall be guilty of an offence, and shall be liable for the first offence to a penalty of not less than five pounds nor more than fifty pounds, and for every subsequent offence to a penalty of not less than twenty pounds and not more than fifty pounds.

9. Every occupier of a factory or shop, and the agents and servants of such occupier shall whenever so required by an inspector point out to such inspector where any article of furniture in such factory or shop is stamped in accordance with the provisions of this Schedule.

Every person who contravenes the provisions of this clause shall be guilty of an offence, and shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

10. The provisions of this Schedule shall apply to any furniture in any furniture factory or retail shop or warehouse or storeroom or any such distributing place of business notwithstanding that such furniture was manufactured prior to the passing of the Factories and Shops (Amendment) Act, 1927.

11. Any person who offers for sale, or offers to let on hire any article of furniture after the passing of the Factories and Shops (Amendment) Act, 1927, shall show the stamp referred to in this Schedule to any person seeking to purchase or hire any article of furniture.

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No. 12. 12. The secretary of the registered industrial union of employers or employees in the furniture industry or an officer authorised by him in writing shall have the like powers as are conferred upon an inspector by paragraphs one, two, and six of section nine of this Act.

13. The stamp which by this Schedule is directed to be stamped on furniture shall be placed in the position thereon prescribed by regulation, and until so prescribed in the position directed by an inspector.

Sec. 1. (c) by inserting in section one next before the word and figure "Division 6" the words and figures "Division 5A—Marking of furniture, s. 49A."

Further
amendments of
Act No. 39, 1912.

7. The Principal Act is further amended—

Sec. 51.
(Regulations.) (a) By inserting at the end of section fifty-one the following new subsection:—

(2) The regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations;
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

Sec. 62.
(Regulations.) (b) By inserting at the end of section sixty-two the following new subsection:—

(2) The regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations;

(iii)

- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. George V,
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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof such regulation or part thereof shall thereupon cease to have effect.

- (c) by omitting from section seventy-one the words Sec. 71.
“a copy of such regulations shall be laid (Regulations.)
before both Houses of Parliament without delay,” and by inserting in lieu thereof the following subsection:—

(2) The regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations;
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.