

FACTORIES AND SHOPS (FURTHER AMENDMENT) ACT.

Act No. 42, 1941.

An Act to enable penalties under the Factories and Shops Act, 1912-1936, as amended by subsequent Acts, to be recovered before a police or stipendiary magistrate; to constitute a Factory Welfare Board, and to define its powers, duties and functions; for these and other purposes to amend the Factories and Shops Act, 1912-1936, as amended by subsequent Acts, in certain respects; and for purposes connected therewith. [Assented to, 8th October, 1941.]

George VI.
No. 42, 1941.

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

1. (1) This Act may be cited as the "Factories and Shops (Further Amendment) Act, 1941."

Short title,
citation,
and com-
mencement.

(2) The Factories and Shops Act, 1912-1936, as amended by subsequent Acts and by this Act, may be cited as the Factories and Shops Acts, 1912-1941.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Factories and Shops Act, 1912-1936, as amended by subsequent Acts, is amended—

Amendment
of Act No.
39, 1912.
Sec. 54.
(Recovery
of penal-
ties.)

- (a) (i) by omitting from section fifty-four the figures "1912" wherever occurring and by inserting in lieu thereof the figures "1940";
- (ii) by inserting in subsection one of the same section after the word "before" the words "a police or stipendiary magistrate or";
- (iii)

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(iii) by inserting in subsection two of the same section after the word "proceedings" where secondly occurring the words "before a police or stipendiary magistrate or an industrial magistrate";

Sec. 56.
(Penalty for not keeping factory or shop in conformity with this Act.)

(b) by inserting in section fifty-six before the words "industrial magistrate" the words "police or stipendiary magistrate or".

Further amendment of Act No. 39, 1912.

3. The Factories and Shops Act, 1912-1936, as amended by subsequent Acts, is further amended—

Sec. 34.
(Safe-guards.)

(a) (i) by omitting subsection two of section thirty-four and by inserting in lieu thereof the following new subsections:—

(2) Where the Minister is satisfied, upon the report of the Factory Welfare Board constituted under this Act, or of an inspector or otherwise, that any manufacture, machinery, plant, appliance, equipment, material, process or description of manual labour, used in any factory or class or description of factories, is of such a nature as to require special measures to be taken for securing the safety or health of persons employed in connection therewith, or any class of those persons, or that facilities for medical or first-aid attention, rest, recreation, meals, changing and protection of clothing, and washing, are necessary or desirable in the interests of persons employed in any factory, or class or description of factories he may, subject to the provisions of this Act—

(a) by order, direct the occupier or occupiers of such factory or class or description of factories to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or obligations or to provide such facilities; or

(b)

(b) make such regulations,

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as appear to him to be reasonably practicable and to meet the necessity of the case.

(2A) Where the Minister has, under the provisions of subsection two of this section, made an order in respect of any factory or class or description of factories and the requirements of such order have not been complied with in respect of any factory to which such order applies within the time specified therein, then such factory shall be deemed to be not kept in conformity with this Part of this Act.

(ii) by inserting in subsection three of the same section after the word "plant" the words "appliance, equipment, material";

(b) by omitting section 36c, and by inserting in lieu thereof the following new section:—

Subst. sec.
36c.

36c. (1) There shall be constituted a Factory Welfare Board which shall consist of three members appointed by the Governor.

Factory
Welfare
Board.

One of such members, who shall be the chairman of the Factory Welfare Board, shall be the person who for the time being holds the office of Chief Inspector of Factories. One of such members shall be representative of employers and the other shall be representative of employees. Such members (other than the Chief Inspector of Factories) shall be appointed for a term of three years, shall be eligible for reappointment and shall be paid such remuneration or fees and travelling expenses as may be prescribed.

(2) It shall be the duty of the Factory Welfare Board—

(a) to encourage and assist in the establishment in factories of welfare committees; to direct and supervise the activities of such committees; to investigate and make recommendations to the Minister in respect of special measures necessary to secure the safety or health of employees and in respect of
of

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of matters relating to the welfare of employees, the prevention of accidents in factories, and the provision of facilities for medical or first-aid attention, rest, recreation, meals, changing and protection of clothing, and washing; and to collaborate with organisations of employers and of employees and authorities engaged in technical research in relation to the foregoing matters;

- (b) to investigate and report on any matter referred to it by the Minister in relation to the safety, health and welfare of employees in factories and the housing of such employees.

(3) The Minister may upon the recommendation of the Factory Welfare Board and in the manner prescribed establish welfare committees for any factory or class or description of factories. Such committees shall have such powers in relation to the promotion of the welfare of employees in such factory or class or description of factories as may be prescribed.

(4) The Governor may under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint factory welfare officers who shall have the powers and duties prescribed. An inspector may exercise and perform the powers and duties of a factory welfare officer.