



ANNO SEXTO

EDWARDI VII REGIS.

A.D. 1906.

No. 915.

An Act to amend the Law relating to Factories, and for other purposes.

[*Assented to, December 22nd, 1906.*]

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 Act Amendment Act, 1906," and shall be incorporated and read as one with "The Factories Act, 1894" (hereinafter called "the principal Act"), and any Act or Acts amending or extending the same. Short title and incorporation.

2. The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent therein mentioned; but all regulations now in force are hereby continued and confirmed until repealed by regulations under this Act. Repeal.

3. Every Board constituted under any of the above-mentioned Acts, and the determinations thereof, are hereby continued until such Board is superseded by a Board under this Act, or such determinations are amended or revoked by such a last-mentioned Board. Continuation of present Board and determinations.

4. Section 4 of "The Factories Amendment Act, 1900," is hereby amended by striking out the words "North" and "East" in the second line thereof, and the words "Adelaide," "West Adelaide," "East," "West Torrens," "Sturt" in the third line thereof. Amendment of sec. 4 of Act 752 of 1900.

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Amendment of sec. 10
of Act 752 of 1900.

5. Section 10, sub-section (1) (b) of "The Factories Amendment Act, 1900," is hereby amended by adding after the word "Inspector" in the last line thereof the words "and shall be forwarded annually to the Chief Inspector at such time as may be prescribed, or whenever demanded by him."

Boards and their Objects.

Power to appoint
Board to fix prices
for certain work.

Vic. Act 1975,
sec. 75.

6. (1) In order to determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, employed either inside or outside a factory or workroom—

In wholly or partly preparing or manufacturing any particular articles of clothing, or wearing apparel, or furniture; or

In bread making or baking, and small goods making or baking;
or

In the process, trade, or business of a butcher or seller of meat, or maker or seller of small goods; or

In the process, trade, or business of drivers of trollies, wagons, drays, and carriers' vehicles, and every such driver shall be deemed to be employed in a factory within the meaning of this Act and the Acts incorporated therewith; or

In the process, trade, or business of brick-making :

the Governor may from time to time appoint a Board, consisting of not less than four nor more than ten members and a chairman, and may at any time remove any member of the Board.

Power to appoint
Board to fix prices
for certain work.

Ibid., sec. 75.

(2) In order to determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, employed in or engaged in connection with any process, trade, business, occupation or calling, whether carried on in a factory or workroom or not, other than those authorised by sub-section (1) of this section, the Governor may from time to time appoint a Board consisting of not less than four nor more than ten members and a chairman, and may at any time remove any member of the Board: Provided that no such Board shall be appointed unless a resolution has been passed by both Houses of Parliament declaring that it is expedient to appoint such Board.

Matters to be con-
sidered.

Ibid., sec. 75.

(3) In fixing such lowest prices or rates, the Board shall take into consideration the nature, kind, and class of the work, and the mode and manner in which the work is to be done, and the age and the sex of the workers, and any matter which may from time to time be prescribed.

Mode

*The Factories Act Amendment Act.—1906.**Mode of Appointing Members and Term of Office.*

7. (1) One-half of the members of a Board shall be appointed as representatives of employers and one-half as representatives of employés.

Constitution of Board
Vic. Act, 1975,
sec. 76.

(2) The representatives of the employers shall be, or shall have been, *bonâ fide* and actual employers in the trade concerned, and the representatives of the employés shall be or shall have been actual and *bonâ fide* employés in such trade.

Representatives.

(3) (a) Appointments as members of any Board shall be for three years only, but any member of a Board may on the expiration of his term of office be re-appointed thereto; and

Term of office of
member or chairman
of Board.

(b) The Chairman of any Board shall be deemed and taken to be a member thereof.

8. (1) Before the appointment of the members of any Board, the Minister may, by notice published in the *Government Gazette*, nominate persons as representatives of employers and representatives of employés to be appointed as members of such Board.

Provision for appointment after nomination of representative members of Board without previous election.

(2) In any case where one-fifth of the employers or employés in any process, trade, or business carry on or are engaged in such process, trade, or business outside the Electoral Districts named in section 4 of "The Factories Amendment Act, 1900," one at least of the persons so nominated as representatives of employers and one at least of the persons so nominated as representatives of employés shall be a person who resides and who carries on or is engaged in, or has carried on or been engaged in (as the case may be), such process, trade, or business outside the said Electoral Districts.

Ibid, sec. 77.

Who may be nominated.

(3) Unless, within twenty-one days after the date when such nominations are so published, at least one-fifth of the employers or at least one-fifth of the adult employés respectively engaged in the process, trade, or business subject to such Board give notice in writing to the Minister that they object to the appointment of the persons nominated as their representatives (as the case may be), then such persons so nominated may be appointed members of the Board by the Governor as representatives thereon of the employers or employés (as the case may be).

Objections to nominated members.

Appointments.

(4) If the Minister is satisfied that at least one-fifth of the employers or of the adult employés object within the time aforesaid to the persons nominated as their representatives, then such representatives of employers or such representatives of employés shall be elected in manner provided by the regulations in the Third Schedule of this Act.

Provision for election if nominees objected to by one-fifth.

(5) The

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Decision as to objectors.

(5) The Minister shall decide whether persons nominated as representatives have been objected to by at least one-fifth of employers or adult employés (as the case may be), and for that purpose he shall accept the records given by the Chief Inspector in his latest annual report.

Men's and Boys' Clothing Board.

Vic. Act, 1975, sec. 79.

9. In the case of the Board for Men's and Boys' Clothing, the representatives of the employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing, and the rolls for any election of such respective representatives shall be prepared and votes given in manner provided by the regulations in the Third Schedule of this Act.

Appointment after nomination.

Ibid, sec. 80.

10. If the number of persons nominated as representatives of employers or employés (as the case may be) does not exceed the number of persons to be elected, the persons nominated shall be deemed and taken to have been elected, and shall be appointed by the Governor accordingly to be members of the Board.

Governor may appoint in certain cases.

Ibid, sec. 81.

11. In the event of any vacancy occurring from any cause whatsoever in any Board, the Governor may, without previous nomination or election, appoint a person as representative of employers or employés, as the case may require (and the person so appointed shall be deemed and taken to have been elected by such employers or employés, as the case may be); and such person shall be so appointed for the unexpired portion of the term of office of the member who dies, or resigns, or is removed.

Appointment of Chairman.

Appointment of chairman of Board.

Ibid, sec. 82.

12. The Governor shall appoint some person, not being one of the representative members thereof, to be Chairman of the Board.

Powers of Board.

Principles of future determination by Boards.

Ibid, sec. 83.

13. In the making of any determination as to any prices or rates, every Board appointed under the provisions of sub-section (2) of section 6 of this Act 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 piece-work 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

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(c) Where the average prices or rates so ascertained are not, in the opinion of the Board, sufficient to afford a reasonable limit for the determination of the lowest prices or rates which should be paid, they may so report to the Minister, who shall in such case refer the determination for the consideration of the Court of Industrial Appeals, and the Court in that event may fix the lowest prices or rates to be paid without having regard to the provisions of sub-section (b) hereof :

(d) Where it appears to be just and expedient, special wages, prices, or rates may be fixed for aged, infirm, or slow workers.

14. All powers of any Board may be exercised by a majority of the members thereof present at any meeting. Exercise of powers.
Vic. Act, 1975,
sec. 84.

15. During any vacancy in a Board (other than in the office of Chairman), the continuing members may act as if no vacancy existed, provided no member of the Board objects. Effect of vacancy.
Ibid, sec. 85

16. The Chairman of any Board may require any person (including a member of a Board) giving evidence before a Board to give his evidence on oath, and for such purpose shall be entitled to administer an oath accordingly to such person. Power of chairman of
Board to administer
oaths.
Ibid, sec. 86.

17. (1) So far as regards any articles, process, trade, or business, in respect to which any Board is appointed, such Board shall determine the lowest prices or rates of payment payable to any person, or persons, or classes of persons employed in such process, trade, or business, or for wholly or partly preparing or manufacturing any such articles specified by such Board. Board to determine
lowest price or rate
of payment.
Ibid, sec. 87.

(2) Such prices or rates of payment may be fixed at piece-work prices or rates, or at wages prices or rates, or both, as the Board thinks fit: Provided that, for wholly or partly preparing or manufacturing outside a factory or work-room articles of clothing or wearing apparel, a piece-work price or rate only shall be fixed, and provided that the Board shall, on request of any occupier of a factory, or work-room, or shop, or place, fix a wages price or rate for any work done by persons operating at a machine used in such factory, or work-room, or shop, or place. Outside work to be
piece-work rate only.

18. Notwithstanding any other enactment, the price or rate of payment to be fixed by any Board for wholly or partly preparing or manufacturing any article of furniture shall, wherever practicable, be both a piece-work price or rate and a wages price or rate. The piece-work price or rate shall be based on the wages price or rate fixed by such Board. Rate for furniture to
be both a piece-work
and a wages rate if
practicable.
Ibid, sec. 88.

19. Where

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Piece-work rate, when fixed by Board, to be based on wages rate.

Vic. Act, 1975, sec. 89.

19. Where, pursuant to this Act, by any determination of a Board both a piece-work price or rate and a wages price or rate are fixed for any work, the piece-work price or rate shall be based on the wages price or rate; but no determination shall be liable to be questioned or challenged on the ground that any piece-work price or rate is a greater or less amount than such price or rate would be if based upon the wages price or rate.

Board, when fixing minimum wage, shall also fix maximum number of hours, &c.

ibid, sec. 90.

20. Every Board, when fixing the lowest wages price or rate to be paid to any person or persons, or classes of persons, shall also determine the maximum number of hours per week for which such lowest wages price or rate shall be payable according to the nature or conditions of his work; and the wages price or rate payable for any shorter time worked shall be not less than a *pro rata* amount of such price or rate. The Board shall also fix a higher wages price or rate than that set forth in the determination of the Board as the price or rate payable for the maximum number of hours per week which shall be paid to any male employé over the age of sixteen years who works for any time in excess of the maximum number of hours so fixed.

Apprentices and Improvers and Juvenile Workers.

Apprentices and improvers.

ibid, sec. 91.

21. (1) When determining any prices or rates of payment pursuant to this Act, every Board shall also determine the number or proportionate number of improvers who may be employed within any factory or work-room, or shop, or place, and the lowest prices or rates of pay payable to apprentices or improvers wholly or partly preparing or manufacturing any articles as to which any Board has made a determination, or when engaged in any process, trade, or business respecting which any Board has made a determination.

(2) The Board when so determining shall take into consideration the age, sex, and experience of such apprentices or improvers, and may fix a scale of prices or rates payable to such apprentices or improvers, respectively, according to their respective age, sex, and experience, and may fix a different proportion of male and female improvers.

Consideration of experience of young workers.

ibid, sec. 92.

22. When fixing the wages rate to be paid to persons (other than apprentices or improvers) under twenty-one years of age, for any particular class of work, any Board may fix different rates, having regard to the length of experience of such persons in such particular class.

Apprentices and improvers.

ibid, sec. 93.

23. (1) All apprentices, unless bound by indentures of apprenticeship, which bind the employer to instruct such apprentice in a process, business, or trade for a period of at least three years, shall be deemed

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deemed to be improvers for the purposes of this Act and the Acts incorporated herewith.

(2) A person may, with the sanction in writing of the Minister, be bound as an apprentice to any trade for less than three years if, owing to his previous experience or length of employment in such trade, it is not possible to bind such person as an apprentice for three years. Vic. Act, 1975, sec. 17.

(3) A person bound pursuant to this section with the sanction of the Minister shall not be deemed to be an improver.

24. Where, by the determination of a Board, the wages of an apprentice or of an improver are to vary in accordance with his experience or length of employment in his trade, then, for the purpose of determining the wages he is entitled to receive, any time during which such apprentice or improver has worked at his trade shall be reckoned in his length of employment in such trade. Experience of apprentice, &c., how calculated. Ibid, sec. 94.

25. Where any apprentice under the age of twenty-one years has been bound by indentures of apprenticeship for a period of not less than two years, no provision in any determination of a Board shall invalidate, cancel, or alter such deed of apprenticeship in any way whatever, if such deed of apprenticeship was signed by all parties thereto before the notice of motion for the resolution for the appointment of such Board was given in either House of Parliament. Determinations not to affect certain apprentices. Ibid, sec. 95.

26. The Minister is hereby authorised to grant to any person over twenty-one years of age, who has satisfied him that such person has not had the full experience prescribed for improvers by any Board, a licence to work as an improver for the period named in such licence at the wage fixed by the Board for an improver of the like experience. Licence to improvers over twenty-one years old. Ibid, sec. 96.

27. Unless the context otherwise requires, in the determination of a Board the expressions "apprentice" or "improver" shall have the like meaning as in "The Factories Amendment Act, 1900." "Apprentice" or "improver." Ibid, sec. 97.

When Piece-work Rates may be fixed by Employer.

28. (1) Any Board, instead of specifying the lowest piece-work prices or rates which may be paid for wholly or partly preparing or manufacturing any articles, may determine that piece-work prices or rates based on wages rates fixed by such Board may be fixed and paid therefor, subject to and as provided in the next following sub-section. Piece-work rate may be fixed by manufacturer in certain cases. Ibid, sec. 98.

(2) Any employer who, pursuant to such determination, fixes and pays piece-work prices or rates, shall base such piece-work prices Piece-work rates to be based on earnings of average worker. OR

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or rates on the earnings of an average worker working under like conditions to those for which the piece-work prices or rates are fixed, and who is paid by time at the wages rates fixed by such Board. Every such employer shall, if required by the Chief Inspector so to do, forward a statement of such prices or rates to the Chief Inspector.

When piece-work rate fixed, offering lower rate an offence.

(3) Any person who, having fixed a piece-work price or rate as in this section provided, either directly or indirectly, or by any pretence or device, pays or offers (or permits any person to offer), or attempts to pay any person a piece-work price or rate lower than the price or rate so fixed by such first-mentioned person, or who is guilty of a contravention of any of the provisions of the preceding sub-section, shall be deemed to be guilty of a contravention of the provisions of this Act.

Proof that piece-work price corresponds to wages rate.

(4) In proceedings against any person for a contravention of the provisions of the two last preceding sub-sections of this section; the onus of proof that any piece-work price or rate fixed or paid by such person is in accordance with the provisions of such sub-sections shall in all cases lie on the defendant.

Aged, Slow, and Infirm Workers.

Aged, slow, or infirm workers.

Vic. Act, 1975, sec. 99.

29. (1) If it is proved to the satisfaction of the Chief Inspector that any person, by reason of age, slowness, or infirmity, is unable to obtain employment at the minimum wage fixed by any Board, the Chief Inspector may, in such case, grant to such aged, or infirm, or slow worker a licence for twelve months to work at a less wage (to be named in such licence) than the said minimum wage, and such licence may be renewed from time to time.

(2) The number of persons so licensed as slow workers employed in any factory shall not, without the consent of the Minister, exceed the proportion of one-fifth of the whole number of persons employed in such factory at the minimum wage fixed for adults or at piece-work rates; provided that one licensed slow worker may be employed in any registered factory: and any person who, without such consent, employs any greater number than such proportion shall be guilty of contravention of this Act.

(3) Any person who, either directly or indirectly, or by any pretence or device, pays or offers to pay, or permits any person to offer or pay, any such aged or infirm or slow worker at a lower rate than that fixed by the Chief Inspector in such licence shall be deemed to be guilty of an offence against this Act.

(4) In the event of the Chief Inspector refusing to grant such licence, such person may appeal to the Minister, who may grant such licence in the place of such Inspector.

Duration

*The Factories Act Amendment Act.—1906.**Duration, publication, and application of Determinations of Boards and Court of Appeals.*

30. Any price or rate determined by any Board shall, from a date (not being within thirty days of the making of such determination) fixed by such Board, be and remain in force until amended by a determination of such Board; but such determination may at any time be amended or revoked by the Court of Industrial Appeals.

Price or rate as determined to remain in force until altered by a Board.

Vic. Act 1975, sec. 100.

31. (1) The determination of any Board shall be signed by the Chairman thereof and published in the *Government Gazette*, and shall, notwithstanding any other enactment, apply to every city, town, and township to which the determination may be expressly applied by an Order of the Governor published in the *Government Gazette*.

Application of determination to city, town, or township.

Ibid, sec. 101.

(2) (a) A determination of any Board may be applied by an Order of the Governor to any area within the boundaries of a District Council, if such area is within ten miles of any city or town:

Application of any determination of Board to District Council.

(b) A determination of any Board may be applied by an Order of the Governor to any area within the boundaries of a District Council which is at least ten miles from any city or town, if such District Council petitions the Governor to so apply such determination:

(c) Every Order of the Governor made pursuant to this section shall be published in the *Government Gazette*, and any determination thereby applied to any such area shall have full force and effect therein.

(3) When the determination of any Board has been expressly applied by the Governor to any city, town, township, or area within the boundaries of a District Council as aforesaid, then any amendment of such determination at any time made by such Board or by the Court of Industrial Appeals shall also apply to such city, town, township, or area.

Application of amendment of determination.

32. No determination of a Board shall apply to any children of the employer.

Children of employer not affected.

Ibid, sec. 102.

Provisions regarding Furniture, Bread, and Pastrycooks Boards.

33. (1) One Board may be appointed to determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, for wholly or partly preparing or manufacturing any particular articles of furniture; and to any person or persons, or classes of persons, employed in the manufacturing processes of a maker of overmantels and of wood mantelpieces (other than wood mantelpieces to be painted, such as are usually made in saw-mills); and to any person or persons, or classes of persons, engaged in the manufacturing of mattresses or bedding.

Appointment of Board for articles of furniture.

Ibid, sec. 103.

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For bread-making
etc.

(2) One Board may be appointed to determine the lowest prices or rates which may be paid to any person or persons or classes of persons for bread making or baking, and to any person or persons or classes of persons employed in the manufacturing processes of a pastrycook.

Governor may extend the Powers of Boards.

Power to determine
prices or rates payable
to certain persons for
preparing any articles.

Vic. Act 1975,
sec. 104.

34. (1) Where any person or persons or classes of persons is or are employed by any employer in preparing or manufacturing articles, the lowest prices or rates of payment for preparing or manufacturing which have been determined by a Board, then, if so directed by the Governor, any Board shall also, in the manner prescribed in this Act, determine the lowest prices or rates of payment which may be paid by any employer to such person or persons, or classes of persons, for wholly or partly preparing or manufacturing, either inside or outside a factory or work-room, any particular articles whatsoever.

Power to extend
scope of Board.

Vic. Act 2008, sec. 16.

(2) The Governor may, by an order published in the *Government Gazette*, if so authorised by a resolution passed by both Houses of Parliament, extend the powers of any Board under this Act and the Acts incorporated herewith, so that such Board may fix the lowest prices or rates for any articles or process, trade or business, or part of any such process, trade, or business, which, in the opinion of the Governor, are of the same or similar class or character as those for which such Board was appointed; and such Board shall, as regards the articles, process, trade, or business mentioned in the extending Order in Council, have all the powers conferred on a Board by the said Acts.

Vic. Act 1975,
sec. 110 (2).

Evidence.

(3) The production of a copy of the *Government Gazette* containing an Order so extending the powers of a Board shall be conclusive evidence of the making of such Order, and such Order shall not be liable to be challenged or disputed in any Court whatever.

Suspension of Determination.

Power to suspend
determination of any
Board.

Ibid, sec. 105.

35. (1) Notwithstanding anything contained in this Act, the Governor may, at any time, for such period or periods as he thinks fit, not exceeding six months in the whole, by Order published in the *Government Gazette*, suspend the operation of the determination of any Board. When the operation of any determination (whether published in the *Government Gazette* or not) is so suspended, it shall be the duty of such Board to forthwith hear, receive, and examine evidence as to such determination, and thereupon such Board may either adhere to the said determination, or may make such amendments therein as to such Board seem proper.

Publication of
amended determina-
tion.

(2) In the event of such Board making any such amendments, such determination as so amended shall forthwith be published in the *Government Gazette*, and shall for all purposes be deemed and taken to be the determination of such Board, and shall, from such date as may be fixed in such amended determination, apply to every city, town, township, and also to any area within the boundaries of

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a District Council, to which such determination may be expressly applied by an Order of the Governor published in the *Government Gazette*; and the suspended determination shall thereupon have no further force or effect.

(3) In the event of such Board notifying the Minister that such Board adheres to its determination without amendment, such suspension of the operation of such determination shall, by an Order of the Governor published in the *Government Gazette*, be revoked from such date not later than fourteen days as may be fixed in such Order.

Removal of suspension.

General Provisions.

36. In this Act the expression "clothing or wearing apparel" includes boots and shoes.

Meaning of "clothing," &c.

Vic. Act 1975, sec. 106.

37. (1) Where any person is employed to perform two or more classes of work to which a rate fixed by a Board is applicable, then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the Board for such work.

Payment of employé engaged in two or more classes of work.

Ibid, sec. 107.

(2) When any person is employed during any part of a day for an employer at work for which a Board has fixed a wages price or rate, then all work whatever done by such person during such day for such employer, whether inside or outside a factory or work-room, shall be paid for at the same wages price or rate.

Rate of wages throughout day.

Vic. Act 2008, sec. 15.

38. When any determination of a Board is amended, suspended, or repealed, such amendment, suspension, or repeal shall not directly or indirectly affect any legal proceedings of any kind theretofore commenced under the provisions of this Act for any breach of such determination, nor any right existing at the time of such amendment, suspension, or repeal.

Effect on legal proceedings of amendment of a determination.

Vic. Act 1975, sec. 108.

39. The Governor may, by Order published in the *Government Gazette*, direct that any Board may in any regulation, determination, Order, or instrument, or legal proceedings, be described for all purposes by some short title specified in such Order.

Short title of Boards.

Ibid, sec. 109.

40. There shall be kept printed, painted, or affixed, in legible Roman characters, in some conspicuous place at or near the entrance of each and every factory, or work-room, or shop, or place to which the determination of a Board applies, in such a position as to be easily read by the persons employed therein, a true copy of the determination of the Board as to the lowest prices or rates of payment determined by such Board.

Notification of determinations where applicable

Ibid, sec. 110.

41. When in any determination a Board has fixed piece-work prices or rates for wholly or partly preparing or manufacturing any articles, and in the description of the work in respect of which such piece-work price or rate is to be paid such Board enumerates several operations, and when any one or more of such operations is by the direction or with the expressed or implied consent of the occupier of

Effect on piece-work rate of varying usual course.

Ibid, sec. 111.

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of the factory, or his manager, or foreman, or agent, omitted, such omission shall not affect the price or rate to be paid in connection with the particular work, but such price or rate shall, unless otherwise provided in such determination, be that fixed as the price or rate for the whole work described.

Effect of fixing a wages rate only.

Vic. Act 1975,
sec 112.

42. When in any determination a Board has fixed a wages rate only for wholly or partly preparing or manufacturing, either inside or outside a factory or work-room, any articles, or for doing any work, then it shall not be lawful for any person to pay, or authorise or permit to be paid therefor, any piece-work rates, and the receipt or acceptance of any piece-work rates shall not be deemed to be payment or part payment of any such wages.

Employés not to be paid in goods.

Ibid, sec. 113.

43. Where a piece-work price or rate or a wages price or rate has been fixed by the determination of any Board for wholly or partly preparing or manufacturing, either inside or outside any factory or work-room, any articles, or for doing any work, no person shall, either directly or indirectly, require or compel any person affected by such determination to accept goods of any kind or description in lieu of money, or in payment or part payment for any work done or wages earned, and the receipt or acceptance of any goods shall not be deemed to be payment or part payment for any such work or of any such wages.

Power to recover rate determined by Board, notwithstanding any agreement to the contrary.

Ibid, sec. 114.

44. Where any employer employs any person who does any work for him for which a Board has determined the lowest prices or rates, then such employer shall be liable to pay, and shall pay, in full, in money, without any deduction whatever, to such person the price or rate so determined; and such person may, within twelve months after such money became due, take proceedings in any Court of competent jurisdiction to recover from the employer the full amount or any balance due in accordance with the determination, any smaller payment or any express or implied agreement or contract to the contrary notwithstanding.

Proceedings in Courts of Law.

Evidence of determination.

Sec. 117.

45. The production in any Court of a copy of the *Government Gazette* containing the determination of any Board shall be conclusive evidence of the due making and existence of such determination, and of the due appointment of such Board, and of all preliminary steps necessary to the making of such determination.

Determinations of Board challengeable before the Supreme Court only.

Sec. 118.

46. (1) If any person desires to dispute the validity of any determination of any Board made or purporting to have been made under any of the provisions of this Act, it shall be lawful for such person to apply to the Supreme Court, upon motion supported by affidavit, for a rule calling upon the Board to show cause why such determination should not be quashed, either wholly or in part, for the illegality thereof; and the said Court may make the said rule absolute or discharge it, with or without costs, as to the Court shall seem just.

(2) Every

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(2) Every determination of any Board shall, unless and until so quashed, have and be deemed and taken to have the like force, validity, and effect as if such determination had been enacted in this Act, and shall not be in any manner liable to be challenged or disputed; but any such determination may be altered or revoked by any subsequent determination under this Act.

Penalty.

47. (1) Where a price or rate of payment for any person or persons, or classes of persons, employed in any process, trade, or business, or for wholly or partly preparing or manufacturing any articles as aforesaid, has been determined by a Board and is in force, then any person —

Penalty.
Vic. Act 1975,
sec. 119.

- (a) Who, either directly or indirectly, or under any pretence or device, attempts to employ or employs, or authorises or permits to be employed, any person, apprentice, or improver in any process, trade, or business, or in so preparing or manufacturing any such articles, at a lower price or rate of wages or piece-work (as the case may be) than the price or rate so determined; or
- (b) Who attempts to employ or employs, or authorises or permits to be employed, any improver in excess of the number or proportionate number as determined pursuant to this Act; or
- (c) Who is guilty of a contravention of any of the provisions of this Act,

shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty for the first offence of not more than Ten Pounds, and for the second offence of not less than Five Pounds nor more than Twenty-five Pounds, and for the third or any subsequent offence, of not less than Fifty Pounds nor more than One Hundred Pounds.

(2) The registration of the factory or work-room of any person who is convicted under this Act of a third offence shall, without further or other authority than this Act, be forthwith cancelled by the Chief Inspector.

Court of Industrial Appeals.

48. (1) There shall be a Court of Industrial Appeals for deciding all appeals against a determination of a Board, and for dealing with any determination of a Board referred to the Court by the Minister.

Constitution of Court.

(2) The Court shall consist of such Judge of the Supreme Court as may be from time to time appointed by the Governor.

(3) If, from any cause whatever, any Judge appointed as aforesaid is unable to act, the Governor may appoint any other Judge of the Supreme Court to constitute the Court during such inability.

(4) The Governor may, for the purposes of this Act, appoint a Registrar of the Court of Industrial Appeals,

49. Where

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Power of Court.

Vic. Act 2008,
sec. 32.

49. Where any determination of a Board is under the consideration of the Court of Industrial Appeals, such Court may, in fixing any prices or rates of payment (whether piece-work prices or rates, or wages prices or rates), either confirm, increase, or decrease the same, as the Court thinks fit.

Principles of determination by Court.

Vic. Act 1975,
sec. 121.

50. Where any determination of a Board appointed under subsection (2) of section 6 of this Act is under the consideration of the Court of Industrial Appeals, such Court shall in all cases have regard to the principles mentioned in section 13 of this Act.

Principles as to past determinations.

Ibid, sec. 122.

51. Where any determination made by a Board is being dealt with by the Court, such Court shall consider whether the determination appealed against has had or may have the effect of prejudicing the progress, maintenance of, or scope of employment in the trade or industry affected by any such price or rate; and, if of opinion that it has had or may have such effect, the Court shall make such alterations as, in its opinion, may be necessary to remove or prevent such effect, and at the same time to secure a living wage to the employés in such trade or industry who are affected by such determination.

Living wage.

Appeal to Court.

Ibid, sec. 123.

52. (1) Notwithstanding anything contained in this Act, a majority of the representatives of employers, or a majority of the representatives of employés on any Board, or any employer or group of employers, who employ not less than twenty-five per centum of the total number of the workers in any trade, or twenty-five per centum or more of the workers in any trade, may at any time in the prescribed manner appeal against any determination to the Court. For the purposes of this sub-section the Court shall accept the records given by the Chief Inspector in his latest annual report.

(2) The Minister may, without appeal, at any time after the making of a determination by a Board, refer such determination for the consideration of the Court, and may also refer any appeal made to him as hereinbefore provided for the consideration of the Court.

(3) No appeal against or reference to the Court of a determination which has been published in the *Government Gazette* shall have the effect of suspending or delaying the operation of such determination.

(4) Every determination of a Board referred to the Court by the Minister, and such documents relating thereto as may be deemed necessary, shall be forwarded by the Chief Inspector to the Registrar of the Court.

(5) Except as hereinafter provided, no barrister, solicitor, or agent shall be allowed to appear before or be heard by the Court. By the direction of the Court, or with the consent of both parties to the appeal or reference, either party may, at its own cost, be represented by a barrister, solicitor, or agent. In appeals under subsection

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section (1) of this section, the Court may give such directions for the representation of parties as may in the circumstances appear to be proper.

(6) The Court shall have and may exercise all or any of the powers conferred on a Board by this Act, and shall have full power to amend the whole or any part of any determination of a Board.

(7) The Court shall have and may exercise, in respect of the summoning, sending for, and examining of witnesses, documents, and books, and in respect of persons summoned or giving evidence before the Court, the same powers as are by "The Witnesses on Commission Oaths Act" conferred on Commissioners when the Governor directs that the witnesses to be examined before them shall be examined on oath: Provided, however, that every summons to attend the Court shall be signed by the Registrar.

(8) No evidence relating to any trade secret, or to the profits or financial position of any witness or party, shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

(9) The determination of the Court shall be final and without appeal, and may not be reviewed or altered by a Board, or any other Court, without leave of the Court; but the Court, if satisfied upon affidavit that a *prima facie* case for review exists, may either give such leave or may direct a re-hearing before the Court, when the Court may itself alter or amend its determination.

(10) The determination of the Court shall be forwarded to the Minister by the Registrar.

53. (1) On any appeal or reference to the Court, the Court shall appoint two assessors for the purpose of advising on any questions relating to the determination.

Assessors.

Vic. Act 1975,
sec. 124.

(2) Within such time as the Court specifies, one of such assessors may be nominated by the representatives of the employers and one by the representatives of the employés on the Board which made the determination.

(3) If default is made in nominating an assessor for the employers or the employés (as the case may be), the Court may appoint an assessor for the employers or the employés (as the case may be) without any nomination.

(4) Each assessor shall be entitled to an attendance fee of One Pound for every day on which he attends the Court by order of the Court.

54. (1) The Minister shall cause each determination of the Court to be published in the *Government Gazette*, and such determination shall apply to every city, town, township, and area to which the referred determination applies or is or had been expressly applied.

Publication, &c.

Ibid, sec. 125.

(2) The

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(2) The production before any Court of a copy of the *Government Gazette*, containing a determination of the Court, shall be conclusive evidence of the making and existence of such determination, and of the appointment of such Court, and of all preliminary steps necessary to the making of such determination.

(3) The provisions of this Act for or relating to the enforcement of any determination of a Board shall equally apply to any determination made by the Court, and such provisions shall, with such substitutions as may be necessary, be read and construed accordingly.

Application of any determination of Court to portion of District Council.

Vic. Act 1975, sec. 126.

55. Notwithstanding anything in the principal Act to the contrary—

(a) A determination of the Court of Industrial Appeals may be applied by an Order of the Governor to any area within the boundaries of a District Council, if such area is within ten miles of any city or town :

(b) A determination of the Court of Industrial Appeals may be applied by an Order of the Governor to any area within the boundaries of a District Council which is at least ten miles from any city or town, if the District Council petitions the Governor to so apply such determination :

(c) Every Order of the Governor made pursuant to this section shall be published in the *Government Gazette*, and any determination thereby applied to any such area shall have full force and effect therein.

Miscellaneous.

Working hours for females and boys.

Ibid, sec. 40.

56. (1) Except as in this section provided, no person shall employ, or authorise or permit to be employed, in any factory or work-room, any person under the age of sixteen years, or any woman or girl, for more than forty-eight hours in any one week, or for more than ten hours in any one day, or later than nine o'clock in the evening.

Provision for unforeseen press of work.

(2) In order to meet an unforeseen press of work, any occupier of a factory or work-room may employ any boy under sixteen years of age, or any girl over sixteen years of age, or any woman for not more than fifty-five hours in one week, subject to the following conditions, namely:—

Conditions.

(a) The aggregate number of hours of employment above forty-eight hours per week shall not exceed one hundred hours in any one year :

(b) Notice of having availed himself of the provisions of this subsection shall be given by the occupier of such factory or work-room to the Chief Inspector within twenty-four hours after the commencement of such extra working, and a copy thereof shall be affixed in the factory or work-room within such period. The notice to the Chief Inspector shall be accompanied by a full statement signed, by such occupier, of the facts on which the occupier relies that such working was *bonâ fide* for the purpose of meeting an unforeseen press of work :

(c) The

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- (c) The occupier of the factory or work-room shall keep a record of every day and week in which he avails himself of the provisions of this sub-section, and a copy of such record for twelve months back shall be kept constantly affixed in legible characters in some conspicuous place where it may be easily read by the persons employed in the factory or work-room:
- (d) Payment for overtime and tea money shall be made for each day on which the occupier of a factory or work-room avails himself of the provisions of this sub-section, at the rate prescribed in the Second Schedule to this Act: Second Schedule.
- (e) No such boy, girl, or woman shall be so employed without his or her consent:
- (f) If the Minister is not satisfied that such working was *boná fide* for the purpose of meeting an unforeseen press of work he shall give notice in writing of such dissatisfaction to such occupier, and unless the occupier of such factory or work-room within one month from such notice proves to the satisfaction of the Minister that such working was *boná fide* for such purpose the Minister shall direct the Chief Inspector to make a record that such working was not *boná fide* for such purpose; and
- (g) If the Minister directs such record to be made in regard to any occupier of a factory or workroom three times within any period of twelve calendar months, such occupier shall not thereafter at any time be entitled to avail himself of the provisions of this sub-section.
- (3) If any person offends against the provisions of this section he shall be liable to a penalty for the first offence of not more than Five Pounds, and for any subsequent offence of not less than Two Pounds nor more than Twenty Pounds. Penalty.
- (4) In order to meet the exigencies of trade the Minister, after due inquiry and on payment of the prescribed fee, may, if he thinks fit, from time to time, by notification under his hand published in the *Government Gazette*, suspend the operation of this section in any one or more factories or work-rooms, or in all factories or work-rooms of a particular description, or for any particular trade, or for any particular purpose of any particular trade. No such suspension shall have any force or effect for more than two months from the date of such notification, and in the event of any breach of the conditions of such suspension the same may at any time be revoked by the Minister by a notification under his hand posted to the occupier of the factory or work-room affected thereby and also published in the *Government Gazette*. Minister may temporarily suspend limitation of hours.
Limit of suspension.
- (5) Every notification by the Minister of the suspension of the operation of this section in any one or more factories or work-rooms, or in all factories or work-rooms, shall be as nearly as may be in the form and contain the conditions set forth in the Second Schedule to this Act. Form of suspension.
Second Schedule.

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Calculation of piece-
worker's time.

Vic. 1654, sec. 29.

(6) On any day all persons under sixteen years of age, and all women and girls, employed in any capacity in a factory or work-room shall (meal times excepted) be deemed to be employed in a factory or work-room from the time when they commence work until the time they leave.

Employés not to be
boarders.

Vic. Act 2008,
sec. 33.

57. (1) It shall not be lawful for any occupier of a factory, work-room, or shop (other than chemists' shops, coffee-houses, confectioners, eating-houses, fish and oyster shops, fruit and vegetable shops, restaurants, tobacconists' shops, booksellers' and news agents' shops, and cooked meat other than tinned meat shops), his wife or child, to directly or indirectly, for any consideration, keep or receive adult employés as boarders or lodgers, or have any share or interest in the keeping of a lodging-house in which his employés board or lodge: Provided that the Chief Inspector may, if he think fit, allow an occupier of a factory, work-room, or shop, or his wife or child, to accept money for board or lodging from an employé, subject to such conditions as the Chief Inspector may impose.

(2) Except as in this section provided, no employé shall pay to any occupier of a factory, work-room, or shop, or his wife or child, any sum of money whatever for board or lodging, or give credit therefor.

Penalty for offences.

58. Every person guilty of any contravention of or offence against this Act, or any regulation thereunder, for which no penalty is provided by this Act or such regulation, shall, on conviction, be liable to a penalty for the first offence of not more than Two Pounds, and for every subsequent offence to a penalty of not less than One Pound or more than Ten Pounds.

Regulations.

Regulations.

59. The Governor may, subject to the conditions prescribed by section 29 of the principal Act, by Order published in the *Government Gazette*, make and issue regulations for the more effectual carrying into effect the objects of this Act, and in particular—

Prescribing the manner of appeal to the Court of Industrial Appeals;

Prescribing the mode of appointing secretaries to Boards;

Prescribing penalties, not exceeding Ten Pounds, for each offence against such regulations or any of them;

Prescribing the form of notices to be given in pursuance of this Act, and containing particulars with regard to factories or workrooms; and

Prescribing the form of returns to be made by the occupiers of factories or workrooms and by employers.

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

GEORGE R. LE HUNTE, Governor.

SCHEDULES.

The Factories Act Amendment Act.—1906.

SCHEDULES.

FIRST SCHEDULE.

Number of Act.	Short Title of Act.	Nature and Extent of Appeal.
603 752	“The Factories Act, 1894 ” “The Factories Amendment Act, 1900 ”	Sections 13 and 29. The whole of Part II., except sections 35 and 38. In section 57, sub-section 11., the words “any apprentices or”, and the words “apprentices or”, and the words “or of apprentices and improvers (as the case may be).” Section 58.

Sec. 2.

SECOND SCHEDULE.

“The Factories Act Amendment Act, 1906.”

In compliance with an application in writing under the provisions of “The Factories Act Amendment Act, 1906,” and after due inquiry, I , being the Minister for the time being administering the said Act, do hereby suspend the operation of section 56 of the said Act in the

Sec. 56.

FACTORIES OR WORK-ROOMS OF

for a period of _____ weeks from the _____, upon the following express conditions, that is to say:—

1. That no person or persons shall employ in the said factory or work-rooms more than _____ females, or more than _____ boys, under the age of sixteen years for more than forty-eight hours in any one week, and that the said _____ females and _____ boys under the age of sixteen years shall not be employed for more than _____ hours in any one week, nor for more than _____ hours beyond the ordinary working hours in any one day, in preparing or manufacturing articles for trade or sale.
2. That every boy under the age of sixteen years, and every female, so employed shall receive not less than _____ respectively per week for each week during which he or she works overtime, and, in addition, each wage-worker shall be paid for such overtime at the rate of time and a quarter, and each piece-worker shall be paid a rate and a quarter for overtime in addition to ordinary earnings by piece-work.
3. That every boy under the age of sixteen years, and every female, shall receive six-pence tea money each evening he or she works overtime.
4. That none of such females or boys shall be so employed for more than forty-eight hours in any one week without their consent.
5. That a copy of this order be kept conspicuously and continually posted in such factory or work-room for the information of all concerned.

Given under my hand, at Adelaide, the _____ day of _____, 19 _____.

Minister of Industry.
THIRD

The Factories Act Amendment Act.—1906.

THIRD SCHEDULE:

REGULATIONS APPLICABLE TO ANY TRADE, PROCESS, BUSINESS, OCCUPATION,
OR CALLING UNDER THIS ACT.*Records and Notices.*

2. 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.

3. Every occupier of a factory shall forward to the Chief Inspector, when demanded in writing by him, a return of the names, work, and wages of all persons who are employed in such factory (and in case any of such persons are under the age of 18 years, the age of such persons) during the year immediately preceding the date of such return, in the form and giving the particulars required in Schedule I. hereto.

4. The record of fines required to be kept under section 10, sub-section (b), of "The Factories Amendment Act, 1900," shall be in the form and give the particulars required in Schedule II. hereto.

5. Every occupier of a factory for whom work is done elsewhere than in such factory shall 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 III. hereto. For the purposes of this regulation every person who issues, or gives out, or authorises or permits to be issued or given out, any article or material whatsoever for the purpose of being wholly or partly prepared or manufactured outside a factory for trade or for sale shall be deemed to be the occupier of a factory.

6. Every occupier shall forward to the Chief Inspector, when required in writing by him, a return of each of the records mentioned in rules 4 and 5 of these regulations, in the forms and giving the particulars required in Schedules II. and III. hereto respectively.

7. Every person who, outside a factory, wholly or partly prepares or manufactures any article or material for trade or sale shall, either personally or by written notice, register with the Chief Inspector his full name and address; also, from time to time in like manner, register with the Chief Inspector any change in such address; and such registration shall be effected by filling in and duly signing the form contained in Schedule IV. hereto, delivering the same at the office of the Chief Inspector, or sending it to him through the post, within seven days from the date of commencing such work.

Mode of Electing Members of Boards and matters relating to Boards.

8. The Chief Inspector shall prepare rolls of voters, none of whom shall be under 18 years of age, for the purposes of the election of members of boards, and such rolls shall be in the forms of Schedule V. hereto. There shall be separate rolls for each manufacture, process, trade, or business in respect of which a board is directed to be elected.

9. For the purpose of the preparation of such rolls every occupier of a factory shall forward to the Chief Inspector, when demanded in writing by him, a list of all persons who shall have been *bona fide* employed by him in such factory on the date of making such list, 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 list shall be in the form and give the particulars required in Schedule VII. hereto.

10. Every employer, and the occupier of every factory or workroom, shall forward to the Chief Inspector, when required in writing by him, a list of the persons employed by such employer or occupier outside a registered factory or workroom, and such list shall be in the form and giving the particulars required in Schedule VIII. hereto.

11. The employers' rolls of voters shall be prepared from the lists to be forwarded to the Chief Inspector by employers in pursuance of rule 9 of these regulations, and shall be corrected each year according to such lists.

12. An employer shall not be registered on the roll of electors 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 employer shall be entitled to vote at an election of members of such board until he shall have complied with regulation 9.

13. The number of votes to which an employer duly registered on the electors' 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;

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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 roll of voters, shall be counted in determining the number of votes such employer is entitled to.

14. Each employé duly registered on the roll of voters for the election of members of any board shall have one vote only for the trade to which he belongs.

15. Each employés roll of voters shall be prepared from the lists of employés forwarded to the Chief Inspector by employers in accordance with these regulations, and from any records as to employés required to be made or kept under the Factories Acts: Provided that any person qualified, as hereinafter provided, to be placed on a roll of voters as an elector of representatives of employés on any board shall be placed on such employés roll of voters.

16. Every employé, not under 18 years of age, who produces evidence satisfactory to the Chief Inspector that his ordinary occupation, when at work, is employment in preparing or manufacturing any article, or in any process, trade, or business in regard to which the lowest prices or rates of payment are to be determined by any board, shall be placed on the roll of voters as an elector of representatives of employés.

17. The application of any employé to be placed on the roll of voters shall be in form of Schedule IX. hereto.

18. If the Chief Inspector fail, neglect, or refuse to enter any person's name on the roll 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 roll or may dismiss the appeal, and such decision shall be final.

19. No person shall be entitled to be enrolled both as a voter for representatives of employers and as a voter for representatives of employés.

20. The names of employés working outside a factory or workroom shall be entered on a roll of voters separate from that on which the names of the employés working in a factory or workroom are entered.

21. If the number of voters of any board working outside a factory or workroom is greater than one-fifth of the whole number of voters who are employés, then the voters 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 employés 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.

22. 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 employés, then the voters working outside a factory or workroom shall be entitled to vote for the full number of persons to be elected as representatives of employés on such boards, but shall not be entitled to elect special representatives for outworkers only.

23. When the Governor in Council directs, by order published in the *Government Gazette*, that a board be appointed to determine the lowest prices or rates for preparing or manufacturing any particular articles, or for any process, trade, or business, such order shall state the number of members of which such board 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 in Council 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.

24. Of such members one-half shall be elected by and be, or shall have been, *bond fide* and actual employers in the trade concerned; and the representatives of employés shall be, or shall have been, actual and *bond fide* employés in such trade: Provided that, in the case contemplated by rule 22 of these regulations, one of such members to be elected by employés shall be nominated and elected by voters working outside a factory or workroom, subject to the provisions of the said rule 22.

25. In the event of any vacancy occurring from any cause whatsoever in any board, the Governor may, without previous nomination or election, appoint a person as representative of employers or employés, as the case may require (and the person

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so appointed shall be deemed and taken to have been elected by such employers or employés, as the case may be); and such person shall be so appointed for the unexpired portion of the term of office of the member vacating the position on such board.

26. The Secretary to the Minister of Industry, or any other person appointed by the Minister, 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.

27. Every candidate as a representative of employers on any board shall be nominated in writing by five voters duly registered on the employers' roll of voters for such board, and every candidate as a representative of employés on any board shall be nominated in writing by 10 voters whose names shall have been registered on the employés' roll of voters for such board: Provided that a nomination by not less than one-fifth of the whole number of employers or of employés (as the case may be) on the roll 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.

28. 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).

29. 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).

30. 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 may 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.

31. 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.

32. 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.

33. Each elector shall place a cross within 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.

34. 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.

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

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

37. 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.

38. 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

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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.

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

40. The mode of conducting the business for which any board is appointed may be fixed by such board, or may be left to the decision of the chairman.

41. Every determination shall be communicated to the Minister, in writing, by the chairman of such board.

42. After the determination of any board has been published in the *Government Gazette*, such board shall adjourn *sine die*, and shall meet again only when convened by the Minister, or by the chairman of such board; but the chairman shall convene a meeting of the board whenever a majority of the members of the board request him in writing so to do.

43. The chairman of a board, for attendance at a meeting, shall be paid £1 for each meeting of the board extending over the morning and afternoon of any day; and £1 for the meeting of a board commenced during the afternoon of any day and continued after 7 p.m. the same day. For a meeting either during only the forenoon or afternoon or evening the chairman shall be paid 10s.

44. Every member of a board, for attendance at a meeting, shall be paid 10s. for each meeting of the board extending over the morning and afternoon of any day; and 10s. for a meeting of the board commenced during the afternoon of any day, and continued after 7 p.m. the same day. For a meeting either during only the forenoon or afternoon or evening of any day each member shall be paid 5s.

SCHEDULE I.

Record under the Factories Acts of the Names, Work, and Wages of all Persons Employed in the undermentioned Factory during the Year ending190....

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

Names of Employés.	Sex.		Age if under 18.	Particulars of Work Done by each Employé.	Amount of Weekly Earnings.	
	Male.	Female.			Wages.	Piece-work.

I certify the above is a true and correct record of the names, work, and wages of all persons employed in the above-mentioned factory from190 to190 .

Date.....
Signature.....

SCHEDULE II.

Return under the Factories Acts of Fines Levied on Employés for the Year

Name of employer
Address
Nature of work carried on

[This record to be forwarded to the Chief Inspector of Factories during the first week in January of each year.]

Name of Employé.	Date of Fine.	Amount.	Particulars—Reason for Inflicting Fine.
		£ s. d.	

I certify that the above is a true return of the fines levied upon employés in the factory of.....
.....at for the year ended

Date.....
Signature.....

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SCHEDULE III.

Record under the Factories Acts of Work Done Outside of a Factory for Each Week during the Year.....

Name of employer
Address

[This record to be forwarded to the Chief Inspector of Factories during the first week in January of each year, and at such other times as the Chief Inspector may demand the same.]

Date.	Name of Outworker (in full).	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

SCHEDULE IV.

“The Factories Amendment Act, 1900.”

To the Chief Inspector of Factories.

Take notice that I, the undersigned, being engaged, wholly or partly, in preparing or manufacturing the undermentioned articles or material for trade or sale outside a factory, and not employing any other person, do hereby submit my name and address for registration in accordance with the provisions of section 12 of the above Act.

Name in full.	Address (in full).	Nature of Work Done or Article Manufactured.

Signature
Date

SCHEDULE V.

Roll of Voters for Board under the Factories Amendment Act, 1900, and the Factories Act Amendment Act, 1906.

(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) Roll of employes of 18 years and upwards employed in registered factories in the trade, or whose ordinary occupation is employment in such trade:—

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

The Factories Act Amendment Act.—1906.

(2B) Roll of employes of 18 years and upwards employed outside factories in the
 trade :—

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

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 employes' representative.
 A. B.
 C. D.
 E. F.
 G. H.

VOTING PAPER.

..... Board.
 Election of one member to act as a representative of employes working outside a factory.
 A. B.
 C. D.
 E. F.

SCHEDULE VII.

List for Voters' Roll of Persons Employed in the undermentioned Factory on..... 19....

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

Name of Employé (in full).	Age (if under 18).	Sex.		Residence of Employé.	Nature of Employment and Kind of Work Done.
		M.	F.		

I certify that the above is a true and correct list of all the persons employed in the above factory at date of forwarding this list, and who have been so employed for at least 14 days during the month of.....last.

Signature.....
 Date.....

The Factories Act Amendment Act.—1906.

SCHEDULE VIII.

List of Persons Employed Outside a Factory in preparing or manufacturing any article of or in working in the process, trade, or business of a

Name of employer for whom persons are working.....
 Address

Nature of process, trade, or business carried on

Name (in full) of Person Employed.	Age, if under 18.	Sex.		Residence of Employé.	Nature or Kind of Work Done by Each Employé.
		Male.	Female.		

I certify that the above is a true and correct list of all persons employed by.....outside a factory at date of forwarding this list.

Signature.....

Date.....

SCHEDULE IX.

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

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

I hereby declare that my usual employment is that of a.....in the.....trade, and that the particulars entered above are true and correct.

Signature.....

Date.....