



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 37 of 1965

An Act to amend the Country Factories Act, 1945.

[Assented to 9th December, 1965.]

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

1. (1) This Act may be cited as the "Country Factories Act Amendment Act, 1965". Short titles.
- (2) The Country Factories Act, 1945, as amended by this Act may be cited as the "Country Factories Act, 1945-1965".
- (3) The Country Factories Act, 1945, is hereinafter referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.
3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
4. Subsection (3) of section 2 of the principal Act is amended by striking out the figures "1943" (twice occurring) therein and inserting in lieu thereof the figures "1963" in each case. Amendment of principal Act, s. 2.
5. Subsection (1) of section 3 of the principal Act is amended— Amendment of principal Act, s. 3.
 - (a) by striking out the figures "1943" (twice occurring) therein and inserting in lieu thereof the figures "1963" in each case ;

(b) by inserting therein after the definition of "chief inspector" the following definition :—

"crane" or "hoist" means a crane or hoist within the meaning of the Lifts Act, 1960 :

(c) by striking out the passage " , other than premises of the Municipal Tramways Trust," in paragraph (c) of the definition of "factory" therein ;

(d) by striking out the word "solely" in paragraph (ii) of the definition of "factory" therein and inserting in lieu thereof the word "principally" ; and

(e) by striking out the definitions of "machinery" and "mill-gearing" therein and inserting in lieu thereof the following definitions :—

"machinery" includes any driving belt, band, wire, rope or cable of any kind forming part of or connected with machinery and includes mill-gearing :

"mill-gearing" includes every shaft and every wheel drum and pulley or appliance by which the motion of the first moving power is connected to any machine in a factory.

Amendment of principal Act, s. 4.

6. Section 4 of the principal Act is amended by striking out the word "Any" therein and inserting in lieu thereof the words "Except as provided by subsection (7) of section 5 of this Act, any".

Amendment of principal Act, s. 5.

7. Section 5 of the principal Act is amended—

(a) by inserting after the word "factory" at the end of subsection (1) thereof the words "with the Secretary for Labour and Industry" ;

(b) by striking out the words "five years" in subsection (2) thereof and inserting in lieu thereof the word "year" ;

(c) by striking out all the words in subsection (3) thereof after the words "prescribed form" ;

(d) by striking out the words "within twenty-one days of" in paragraph (b) of subsection (5) thereof and inserting in lieu thereof in each case the word "before" ;

(e) by striking out the passage "within twenty-one days of such building or place becoming or again becoming" in paragraph (c) of subsection (5) thereof and inserting in lieu thereof the passage "before such building or place becomes" ;

(f) by inserting the following subsections therein after subsection (6) thereof:—

(7) Upon an application for registration of a building or place which becomes for the first time or after a period of disuse again becomes a factory, the chief inspector may, pending inspection and registration thereof, issue a provisional permit for the occupation and use of such factory upon and subject to such conditions as are contained in the permit.

(8) Notwithstanding anything contained in this section, the following provisions shall apply in any case where any person goes into occupation of, or occupies, a factory in the same building as a shop of which he is the occupier :—

(a) If the majority of the persons employed therein are employed in the shop the factory shall be deemed to be registered for the purposes of this Act if, and during such time as, the shop is registered for the purposes of Part IV of the Early Closing Act, 1926-1960 ;

(b) In all other cases, if the factory is registered in accordance with subsections (1) to (6) of this section, the shop shall be deemed to be registered for the purposes of Part IV of the Early Closing Act, 1926-1960.

8. Section 7 of the principal Act is struck out.

Repeal of principal Act, s. 7.

9. Subsection (1) of section 9 of the principal Act is amended by striking out the words "chief inspector" therein and inserting in lieu thereof the words "Secretary for Labour and Industry".

Amendment of principal Act, s. 9.

10. Subsection (1) of section 11 of the principal Act is amended by striking out the words "hoist or teagle" in paragraph (b) thereof and inserting in lieu thereof the words "hoisting appliance".

Amendment of principal Act, s. 11.

Amendment of
principal Act,
s. 14.

11. Subsection (1) of section 14 of the principal Act is amended by striking out the word "lift" therein and inserting in lieu thereof the words "crane, hoist".

Amendment of
principal Act,
s. 16.

12. Section 16 of the principal Act is amended by striking out the word "machine" (wherever occurring) therein and inserting in lieu thereof in each case the word "machinery".

Amendment of
principal Act,
s. 17—
Faulty or
dangerous
grinding
wheels.

13. Subsection (1) of section 17 of the principal Act is amended by striking out the word "grindstone" therein and inserting in lieu thereof the words "grinding wheel".

Amendment of
principal Act,
s. 18—

14. Section 18 of the principal Act is struck out and the following section is inserted in lieu thereof :—

Notification
of accidents.

18. (1) This section shall apply to every accident which occurs in any factory and—

- (a) which causes loss of life to an employee ; or
- (b) incapacitates an employee for work for more than twenty-four hours.

(2) Whenever an accident to which this section applies occurs, the occupier of the factory concerned shall make and keep for the prescribed period a record relating to the accident containing such of the particulars referred to in paragraph (c) of subsection (3) of this section as are appropriate, and, in the case of any such accident which causes loss of life or incapacitates a person for three days or more, the said occupier shall send written notice thereof to the chief inspector.

(3) A notice under subsection (2) of this section shall—

- (a) if a death occurs as a result of the accident be sent immediately after the occupier becomes aware of such death ; and
- (b) in all other cases be sent within twenty-four hours after the occupier becomes aware of the fact that the employee will be incapacitated for three days or more ; and
- (c) state the cause of death or the cause and nature of the accident, the nature and extent of the injuries sustained by any person, the name and residence of any person killed or injured and such other particulars as may be prescribed.

(4) A person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

Penalty: Twenty pounds.

15. Section 19 of the principal Act is repealed.

Repeal of principal Act, s. 19.

16. Section 21 of the principal Act is amended—

Amendment of principal Act, s. 21.

(a) by inserting in subsection (1) thereof after the word “passages” therein the word “passage-ways”; and

(b) by inserting in subsection (2) thereof after the word “passage” therein the word “passage-way”.

17. Section 22 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

Amendment of principal Act s. 22.

(1) The occupier of a factory shall keep all prescribed appliances for the prevention and extinction of fire in a constant state of repair and available for immediate use and shall take such other precautions for the prevention and extinction of fire as may be prescribed.

18. Section 25 of the principal Act is struck out and the following section is inserted in lieu thereof :—

Repeal and re-enactment of s. 25 of principal Act—

25. (1) Sufficient and suitable sanitary conveniences for the persons employed in any factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are, or are intended to be, employed (except in the case of a factory where the only persons employed are members of the same family dwelling there) the conveniences shall afford separate accommodation for persons of each sex.

Provision of sanitary conveniences.

(2) Regulations may be made determining what is sufficient and suitable provision for the purposes of this section.

(3) If sanitary conveniences are not so provided, the factory shall be deemed to be not kept in conformity with this Act.

19. Section 26 of the principal Act is amended by striking out paragraphs (b), (c) and (d) thereof and inserting in lieu thereof the following paragraphs :—

Amendment of principal Act, s. 26.

- (b) take with him into any such factory a member of the police force when he has reasonable cause to apprehend any obstruction in the execution of his duty ;
- (c) question, with respect to matters under this Act, every person whom he finds in or about any such factory or whom he has reasonable cause to believe to be or to have been within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers ;
- (d) inspect and examine any machinery (in operation if so required by such inspector) in any factory ;
- (da) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all health laws are complied with as regards any factory and the employees therein ;
- (db) report to the Central Board of Health any breaches of the health laws.

Enactment of
s. 26a of
principal Act—

20. The following section is inserted in the principal Act after section 26 thereof :—

Inspector
may be
accompanied
by interpreter.

26a. (1) An inspector entering, inspecting and examining any such factory may take with him an interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Repeal and
re-enactment
of ss. 30 and 31
and enactment
of s. 30a of
principal Act—

21. Sections 30 and 31 of the principal Act are struck out and the following sections are inserted in lieu thereof :—

Obstruction
a breach of
this Act.

30. No person shall—

- (a) hinder or disturb an inspector or interpreter in the execution of his duties or powers ;
- (b) omit to comply with the requirements of section 27 of this Act, or of any direction which the inspector is authorized to give pursuant to this Act ;
- (c) omit to truly answer or reply to any question which any inspector is authorized to ask under section 26 of this Act ; or

- (d) directly or indirectly prevent any person from appearing before or being questioned by an inspector.

Penalty : Fifty pounds.

30a. No person shall—

- (a) forge or counterfeit any certificate of appointment ;
or
(b) make use of any forged, counterfeited, or false certificate ; or
(c) falsely pretend to be an inspector under this Act.

Penalty for
forgery, etc.,
of certificate.

Penalty : Six months' imprisonment.

31. (1) Written notice shall be given by an inspector to the occupier of a factory, which, or any part of which or any machinery wherein, in the opinion of the inspector is defective because it—

Notice for
removal of
defects in
factory.

- (a) does not conform with this Act ; or
(b) does not conform with the regulations ; or
(c) is dilapidated ; or
(d) is unsafe ; or
(e) is injurious to health.

(2) Such notice shall specify—

- (a) the nature of the defect ;
(b) the repairs, alterations, or improvements required to be made ; and
(c) the time within which such repairs, alterations, or improvements are to be completed.

(3) An occupier who fails or neglects to complete such repairs, alterations or improvements within the period specified in that behalf in such notice shall, unless he satisfies the court that such factory or such part thereof or machinery therein was not defective in any of the matters set forth in the notice, be guilty of an offence.

Penalty : Not less than twenty pounds and not exceeding two hundred and fifty pounds.

22. The principal Act is further amended as set out in the schedule to this Act. Penalties.

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

EDRIC BASTYAN, Governor.

THE SCHEDULE.

AMENDMENTS OF THE COUNTRY FACTORIES ACT, 1945.

Section of Act.	Manner Amended.
4	By striking out "five pounds for every day during which the unregistered factory is occupied or used" and inserting in lieu thereof "one hundred pounds".
9	Subsection (2)—By striking out "five pounds" and inserting in lieu thereof "ten pounds".
13	Subsection (2)—By striking out "twenty pounds" and inserting in lieu thereof "fifty pounds".
14	Subsection (2)—By striking out "twenty pounds" and inserting in lieu thereof "fifty pounds".
16	Subsection (1)—By striking out "fifty pounds" and inserting in lieu thereof "one hundred pounds".
21	Subsection (2)—By striking out "five pounds" and "twenty pounds" and inserting in lieu thereof "twenty pounds" and "fifty pounds" respectively.
35	By striking out "ten pounds" and inserting in lieu thereof "twenty-five pounds".