



ANNO PRIMO

GEORGII V REGIS.

A.D. 1910.

No. 1020.

An Act to further amend "The Factories Act, 1907."

[Assented to, December 7th, 1910.]

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 alone as "The Factories Act Amendment Act, 191 "; and "The Factories Act, 1907 " (hereinafter called "the principal Act"), "The Factories Act Amendment Act, 1908," and this Act, may be cited together as "The Factories Acts, 1907 to 1910."

Short title.
945 of 1907.
961 of 1908.

2. This Act is incorporated with the Acts mentioned in section 1, and those Acts and this Act shall be read together as one Act.

Incorporation with other Acts.

Amendments of Principal Act.

3. Section 4 of the principal Act is amended by striking out subsection (5) thereof.

Amendment of s. 4 of the principal Act.

4. (1) The definition of the term "factory" in section 6 of the principal Act is amended so that the said term shall include, in addition to what is mentioned in the said section—

Amendment of s. 6 of principal Act.
Meaning of "factory."

(a) Any clay-pit or quarry within which, or the precincts whereof, the occupier employs any person at manual labour which is exercised by way of trade or for purposes of gain, such clay-pit or quarry being worked or used in connection with any pottery or brickyard occupied by such occupier; and

(b) Any

Vic. Factories Act, 1975, 1905, s. 5.

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Vic. Factories Act
(Amending), 2241,
1909, s. 2.

- (b) Any premises or place, other than the premises of the Municipal Tramways Trust, where electricity is generated for the supply of heat, light, or power, or any or all of them, or where coal gas is made, and within which premises or place, or the precincts whereof, the occupier employs any person at manual labour which is exercised by way of trade or for purposes of gain:

(2) The term "Factory" in this Act and the principal Act does not include any medical dispensary or dentist's or chemist's laboratory.

Amendment of s. 6.
Meaning of
"apprentice."
New.

5. The definition of the term "apprentice" in section 6 of the principal Act is repealed, and from the passing of this Act the term "apprentice" in the principal Act and in this Act, shall mean and include—

- (1) A person under twenty-one years of age who is bound by indentures of apprenticeship entered into prior to the passing of the principal Act, which indentures—
- (a) Bind the employer to instruct such person for the full period of the apprenticeship in the particular process, trade, business, occupation, or calling carried on by such employer, or in any part or parts thereof; and
- (b) Are entered into for a period—
- i. Of not less than three years; or
 - ii. Which, with the addition of such time as such person had, before becoming bound by the said indentures, worked at the said process, trade, business, occupation, or calling, or the said part or parts thereof, makes a period of not less than three years; or
 - iii. Which begins before such person is twenty years of age and continues until he is twenty-one years of age; and
- (2) A person under the age of twenty-one years who is bound by indentures of apprenticeship, entered into after the passing of the principal Act, which indentures—
- (a) Bind the employer to instruct such person for the full period of the apprenticeship in the particular process, trade, business, occupation, or calling carried on by such employer, and
- (b) Are in the form prescribed by the Board pursuant to subdivision vi. of section 93 of the principal Act, or the form (if any) prescribed by the Governor under section 43 of this Act, whichever (if either) was or is in force when the indentures were or are entered into; and
- (c) Are

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(c) Are entered into for a period, which, if a term is prescribed by the Board pursuant to subdivision vi. of the said section 93—

- i. Is not less than the term so prescribed; or
- ii. With the addition of such time as such person had, before becoming bound by the said indentures, worked at the said process, trade, business, occupation or calling, makes a period not less than the term so prescribed; or
- iii. Begins before such person is twenty years of age and continues until he is twenty-one years of age;

or which, if no term is so prescribed—

- i. Is not less than three years; or
- ii. With the addition of such time as such person had, before becoming bound by the said indentures, worked at the said process, trade, business, occupation or calling, makes a period of not less than three years; or
- iii. Begins before such person is twenty years of age and continues until he is twenty-one years of age; and

(3) A person who is bound by indentures of apprenticeship approved under section 97, subsection (1) of the principal Act, by the Chairman, or by the Minister if at the time of obtaining the approval there is no Chairman; and

(4) A person who before the passing of this Act has become bound pursuant to section 97, subsection (2) of the principal Act by indentures of apprenticeship in the form prescribed by the Board pursuant to section 93, subsection vi., of the said Act; and

(5) A person under the age of twenty-one years who has completed his apprenticeship, such apprenticeship having been for a term of not less than three years.

6. The definition of the term "improver" in section 6 of the principal Act is amended—

Amendment of s. 6.
Meaning of
"improver."

- i. By inserting after the word "who" in the second line thereof the words "works as an improver and"; and
- ii. By striking out subdivision (b) thereof.

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Section 19 amended.

Records and notices
by occupiers.

New.

7. Section 19 of the principal Act is amended as follows.—

- I. In subdivision (b), after the word “forward” in the second line, the words “such record” are inserted, and the words “a true copy thereof,” in the third line, are struck out;
- II. In subdivision (c), after the word “place” in the second line, the words “in the factory” are inserted; and
- III. In subdivision (f), the words “a copy of” are struck out.

Section 20 amended.
Record of outside
work.

New.

8. Section 20, subsection (3), of the principal Act is amended by striking out the words “or a true copy thereof.”

Section 22 amended.
Factory documents to
be produced.

9. Section 22 of the principal Act is amended by striking out the words “indentures of apprenticeship” in subdivision (g) thereof.

Closet accommo-
dation.

Vict. Regulation 12
of 19/2/1906.

10. If any factory is not provided with proper closet accommodation in the proportion of one closet at least for every twenty or fraction of twenty persons of the male sex, and one closet at least, separate from the closets for the male sex, for every twenty or fraction of twenty persons of the female sex employed therein, or if the approaches to the closets provided for one sex are not properly separated from the approaches to the closets provided for the other sex, such factory shall, for the purposes of section 32 of the principal Act, be deemed to be defective by reason of being insufficiently provided with privies.

Section 41 amended.
Application of bake-
house provisions
extended.

11. Section 41 of the principal Act is amended by striking out the word “and” at the end of the second line thereof and the whole of the third line.

Section 43 amended.
Ventilation by fan.
New.

12. Section 43, subsection (1), of the principal Act is amended by striking out the words “by the workers inhaled to an injurious extent” in subdivision (a), and substituting therefor the words “such dust is inhaled, or liable to be inhaled, by the workers.”

Section 46 amended.
Fencing of dangerous
machinery.

New.

Cf. Vict. Act 1975,
1905, s. 58.

13. Section 46, subsection (2), of the principal Act is amended—

- I. By striking out the words “and in particular” in subdivision (a) thereof; and
- II. By striking out the word “directly” in the second line of subdivision (b) thereof.

Section 47 amended.
Notice to fence
machinery.

14. Section 47, subsection (1), of the principal Act is amended by striking out subdivision (a) thereof.

Section 49 amended.
Elevators.

Cf. Lifts Act, 1908,
s. 7.

15. Section 49 of the principal Act is amended by substituting the word “eighteen” for the word “sixteen” in the second line thereof.

16. Section

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- 16.** Section 65, subsection (2), of the principal Act is amended—
- Section 65 amended.
Working hours for
women, children, and
young persons.
New.
- I. By inserting “subdivision (a) of” before “subsection (1)” in the second line thereof; and
 - II. By striking out the words “each day on which he avails himself of the provisions of this section” in paragraph (c), subdivision III., and substituting therefor the words “such extra working.”
- 17.** (1) No employer engaged in any process, trade, business, occupation, or calling, or group or part, in respect whereof a Board has been appointed, shall, nor shall the wife or son or daughter of any such employer—
- Employés not to be
boarders of employer
when wages fixed by
Board.
Principal Act, s. 71
altered.
- (a) Directly or indirectly, for any consideration, keep or receive as a boarder or lodger any person who is in the employ of such employer and whose wages are fixed by a Board; or
 - (b) Have any share or interest in the keeping of a lodging-house in which any such person boards or lodges.
- (2) This section shall not apply when the place where the person boards or lodges is a hotel, club, lodging-house, private dwelling-house, coffee-house, fish or oyster shop, restaurant, or chemist’s shop, nor to any employment where it is customary to provide board and lodging for employés.
- (3) Section 71 of the principal Act is repealed.
- Consequent repeal of
section 71.
- Penalty, Ten Pounds.
- 18.** Section 81 of the principal Act is amended as follows:—
- Section 81 amended.
- I. In subdivision (b), after the word “forward” in the second line, the words “such record” are inserted, and the words “a true copy thereof,” in the third line, are struck out:
 - II. In subdivision (c), after the word “place” in the second line, the words “in the premises where he is so engaged,” are inserted:
 - III. In subdivision (f) the words “a copy of” are struck out.
- Records and notices
by employers.
New.
- 19.** Section 82 of “The Factories Act, 1907,” is hereby amended by inserting the words “within three years previous to being so appointed,” after the word “been” in subsection 3, and also after the word “been” in subsection 4.
- Amendment of sec. 82
of the principal Act
- 20.** (1) Section 93 of the principal Act is amended by inserting after the word “shall,” in the first line of subdivision III., the words “subject to section 65.”
- Section 93 amended.
Determination by a
board.
- (2) The said section 93 is further amended by the addition thereto of the following subdivision:—
- VIII. Shall determine wages prices or rates higher than those determined for the maximum number of hours fixed under
- Overtime pay for
children, young
people, and women
subdivision

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Cf. *ibid.*, s. 93 IV.
and s. 65 (2) (c) III.

subdivision III. which shall be paid to children, young persons, and women respectively, in respect of time above such maximum worked in any week elsewhere than in a factory occupied by the employer :

Section 95 amended.

Principles upon which determinations to be made.

21. Section 95 of the principal Act is amended—

- I. By striking out the first ten lines thereof and substituting therefor the following :—

95. (1) The Board, for the purpose of determining the lowest prices or rates of payment which may be paid, shall take such evidence as it deems sufficient, including evidence of any determination of a similar Board in the State of Victoria, and shall take into consideration—

and—

- II. By adding the following subsection :—

(2) The Board shall ascertain what prices or rates are fair and reasonable as the lowest prices or rates to be paid, taking into consideration the evidence and the matters and things mentioned in subsection (1) hereof, and shall make their determination accordingly.

Section 96 repealed.

22. Section 96 of the principal Act is repealed, and in lieu thereof it is enacted as follows :—

Court to perform functions of Board in case of inability or failure of Board, or if Board not appointed.

96. (1) A Board may report to the Court of Industrial Appeals that it is unable to decide as to the exercise and discharge of its powers and duties under section 93, or any of such powers and duties specified in its report.

(2) If a Board fails to exercise and discharge its powers and duties under section 93, or any of such powers and duties, within six months from the publication in the *Gazette* of the appointment of the Chairman of such Board, the Minister may report such failure to the Court of Industrial Appeals.

(3) When the Minister has published in the *Gazette* a notice under subsection (1) of section 84, and, through the inability of the Minister to obtain the required number of persons who are qualified and willing to be appointed and to act as members of the Board to be appointed or through any other cause whatsoever, the Board is not fully appointed within three months after such publication of the said notice, the Minister may report to the Court of Industrial Appeals that the Board cannot be appointed.

(4) Upon receiving a report from a Board or the Minister as aforesaid, the Court, according to the nature of the case, may exercise and shall discharge the powers and duties of the

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the Board which have not been exercised and discharged by the Board, or the powers and duties which the Board might have exercised and discharged if it had been appointed.

(5) The Court shall embody its decision in a report.

(6) The decision of the Court—

(a) Shall be forwarded to the Minister ;

(b) Shall be forthwith published by the Minister in the *Gazette* ;

(c) Shall come into force on the fourteenth day after such publication, or on a later date (if any) fixed by the Court, of which date notice is given in the *Gazette* at the time of such publication ; and

(d) Shall thereafter be deemed to be and shall have the same force and effect and application as if, according to the nature of the case, it were the determination or a determination or other act of the Board mentioned in subsection (1) or subsection (2) hereof, or of the Board which was to have been appointed.

23. Section 97 of the principal Act is amended by—

I. Inserting after the word “Chairman” in the sixth line thereof the words “or by the Minister if at the time of obtaining the approval there is no Chairman” ;

II. Inserting after the word “Chairman” in the seventh line thereof the words “or the Minister, as the case may be” ; and

III. Repealing subsection (2) thereof.

Section 97 amended.
Special provisions as to apprentices.

24. In Division VII. of Part VIII. of the principal Act the following amendments are made:—

I. In the headline, after the word “slow,” the word “inexperienced” is inserted ;

II. In section 103, subsections (1) and (6), after the word “slow” the word “inexperienced” is inserted ;

III. In section 103, subsection (2), after the word “slowness” the word “inexperience” is inserted ;

IV. In section 104, after the word “slow” the words “or inexperienced” are inserted.

Division VII., Part VIII. amended.
Provisions as to aged, slow, and infirm workers extended to inexperienced workers.
New.

25. (1) Subsection (1) of section 105 of the principal Act is amended by substituting for subdivision (c) thereof the following subdivision:—

(c) Come into force on the fourteenth day after such publication, or on a later date (if any) fixed by the Board,
of

Section 105 amended.
Determination to remain in force until suspended or altered.
Cf., principal Act s. 107 (1).

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of which date notice is given in the *Gazette* at the time of such publication.

(2) Subsection (2) of the said section 105 is amended—

i. By striking out the word “and” at the end of the sixth line and the whole of the seventh and eighth lines thereof;

ii. By substituting for subdivision (b) thereof the following subdivision:—

(b) Remain in force until suspended under section 107, or altered pursuant to an order of the Court of Industrial Appeals;

and

iii. By striking out subdivision (c) thereof and inserting the following subdivision:—

(c) When a subsequent Board is appointed the determination of the previous Board shall remain in force until the coming into force of the determination of such subsequent Board.

Revocation of extensions of determinations.

26. Any Order heretofore published or made under subsection (2), subdivision (a) ii. of section 105 of the principal Act is hereby revoked.

Section 106 amended.
Child of employer not affected by determination.

27. Section 106 of the principal Act is amended by striking out the word “child” and substituting therefor the words “son or daughter.”

Section 107 amended.
Amendment of determination.

28. Section 107 of the principal Act is amended—

i. By striking out subdivision (b) of subsection 3 thereof; and

ii. By inserting at the end of subsection (3) thereof the following:—

and

Cf., *supra*, s. 25 (1), (c).

(d) Shall come into force on the fourteenth day after the publication by the Minister in the *Gazette* of a notice indicating the alterations.

Section 108 amended.
Documents to be produced to inspector.

29. Section 108 of the principal Act is amended by inserting the words “or any indenture of apprenticeship” after the word “exhibited” in subdivision (d) thereof.

Section 113 amended.
Failure to produce documents.

30. Section 113 of the principal Act is amended by inserting the words “indenture of apprenticeship” before the word “book” in subdivision (d) thereof.

Section 125 amended.
Functions of Court of Industrial Appeals.

31. Section 125, subsection (1), subdivision (c) of the principal Act is amended so as to read as follows:—

(c) Exercising the functions conferred upon it by section 96.

32. Subsection

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32. Subsection (2) of section 128 of the principal Act is amended by striking out the words “and referred to in subdivision II. of section 105” in the third line thereof.

Section 128 amended.
Appeal to Court.

33. Section 136 of the principal Act is amended by striking out “subsection III.” in subdivision (a) thereof.

Section 136 amended.
Determination by
Court of Appeals,
Cf., *supra*, s. 21, i.

34. Section 139 of the principal Act is amended by striking out subsection (2) thereof.

Section 139 amended.
Confirmation.

35. Section 140 of the principal Act is amended by adding thereto the following subsections:—

Section 140 amended.
Altered determina-
tion.

(2) The Minister shall publish in the *Gazette* a notice indicating the alterations.

(3) The determination as altered shall come into force on the fourteenth day after such publication.

Cf., *supra*, s. 25 (1)
(c), and 27 II. (d).

36. Section 164 of the principal Act is amended by inserting after the word “Act” in the first line thereof the following:— “and, notwithstanding anything in this Act, all amounts recoverable under or by virtue of this Act.”

Section 164 amended.
Sums recoverable
under the Act may be
recovered summarily.

37. The Third Schedule to the principal Act is amended—

Third Schedule
amended—
Registration Fees.

I. By inserting under the words “THIRD SCHEDULE” the words “REGISTRATION FEES”;

II. By inserting after the word “used” in the eighth line thereof the following:—“, such power not being under one-half horsepower nominal,”; and

III. By adding the following at the end thereof:—“For the purposes of this Schedule, in computing the number of persons employed in a factory, no son or daughter of the occupier thereof shall be counted.”

Miscellaneous.—Additional Provisions.

38. (1) The notice required by section 19, subdivision (c), of the principal Act, shall state the times for starting work and for ceasing work for the day, and the times for commencing and for ending any interval for meals; and in any case where the same times do not apply to all the employés the notice shall be prepared accordingly.

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

(2) Any time during which an employé works before the time for starting work, or after the time for ceasing work, or during the interval for meals, which applies to him, as such time is stated in the notice referred to in subsection (1) of this section, shall be regarded as extra working time for the purposes of section 65 of the principal Act, and shall be paid for accordingly.

Other times to be
“overtime.”

39. Every

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Clear spaces in vicinity of machinery.
New.

39. Every occupier of a factory shall cause such space to be kept clear in the vicinity of any engine, machine, or machinery therein as is sufficient to enable any person to work, attend to, and clean the same without risk or injury to himself or any other person.
Penalty—Twenty Pounds.

Weekly notice stating particulars of over-time worked.
Cf. principal Act, s. 65.

40. Every employer, in any process, trade, business, occupation or calling, or group or part, for which a Board has made a determination under section 93 of the principal Act, who during any week employs any persons beyond the maximum number of hours fixed as regards such persons respectively under subdivision III. of the said section, or before the starting times or after the finishing times (if any) fixed as regards such persons under subdivision IX. of the said section, shall, not later than Tuesday in the next following week, give to the Chief Inspector a notice in writing stating --

- (a) The names of all persons so employed in the first mentioned week ;
- (b) The days in that week on which such persons were respectively so employed ; and
- (c) The length of time during which such persons were respectively so employed on such days respectively.

Penalty—For the first offence, Five Pounds ; and for any subsequent offence, Twenty Pounds.

Apprenticeship to determine not later than age of twenty-one.
New.

41. (1) Notwithstanding anything contained in the principal Act or this Act—

- I. No person shall, after the passing of this Act, be capable of entering into indentures of apprenticeship or becoming apprenticed after he attains the age of twenty years ; and
- II. When any person who becomes apprenticed after the passing of this Act, except pursuant to section 97, subsection (1), of the principal Act, attains the age of twenty-one years his indentures of apprenticeship shall no longer bind the parties thereto, except as regards anything theretofore done or omitted.

(2) This section shall only apply in respect to persons apprenticed to a process, trade, business, occupation, or calling, or part thereof, for which a Board is appointed.

Additional requirements as to indentures of apprenticeship
New.

42. (1) Every indenture of apprenticeship entered into after the passing of this Act shall be in duplicate, and the employer shall, upon the signing of the indenture, deliver one part thereof to the apprentice.

(2) Every indenture of apprenticeship entered into after the passing of this Act shall contain a covenant that the employer will instruct the person thereby apprenticed in the particular process, trade, business, occupation, or calling carried on by the employer.

(3) The

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(3) The requirements of this section are in addition to the requirements of sections 93 and 97 of the principal Act and to the requirements of section 41 of this Act.

(4) This section shall only apply in respect of persons apprenticed to a process, trade, business, occupation, or calling, or part thereof, for which a Board is appointed.

Penalty—Ten Pounds.

43. (1) The Governor may, by an order published in the *Gazette*, prescribe a form of indenture of apprenticeship which shall be so framed as to be adaptable to any process, trade, business, occupation, calling, or part or parts of any of them.

General form of indentures of apprenticeship may be prescribed; New.

(2) After the expiration of one month from the publication of such order no employer shall take an apprentice to any process, trade, business, occupation, or calling, or part or parts thereof for which a Board is appointed, except under indentures in the form prescribed by such order; and indentures contravening the provisions of this section shall be void.

(3) Any notice under section 93 of the principal Act prescribing a form of indenture shall, after the expiration of the said month, have no effect as to any indentures thereafter entered into.

(4) Notwithstanding anything in this section a Board may, by a notice made and published under the said section 93, prescribe how any blank spaces in the form prescribed under this section are to be filled up, and in that case an indenture shall be deemed not to be in the form prescribed by the Governor under this section unless the blank spaces are so filled up.

Penalty—Twenty Pounds.

44. If a subsequent Board adopts, as its determination, a determination of the previous Board, with or without alterations, the requirements of subsection (1) of section 105 of the principal Act as to publication shall be deemed to be complied with upon publication by the Minister in the *Gazette* of a notice indicating that the Board has adopted the determination of the previous Board, or what alterations have been made, as the case may be.

Publication of determination of a subsequent Board.

45. (1) No employer shall dismiss from his employment any employé in consequence of—

- i. Such employé becoming or acting in the capacity of a member of any Board:
- ii. Anything done by such employé as or in the capacity of a member of a Board:
- iii. Anything arising out of or consequent upon such employé being or acting in the capacity of a member of a Board:

Employé not to be dismissed because a member of a Board nor for proceedings under the Act.

New.

iv. Such

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iv. Such employé becoming a party to, or being summoned or called as a witness in, any proceedings under the principal Act or this Act: or

v. Any evidence given or anything said or done or omitted to be said or done by an employé as a party to, or as a witness in, any such proceedings.

(2) In any proceedings for an offence against this section, if it is proved that an employé was dismissed from any employment under the defendant within two months after any of the acts or matters mentioned in subsection (1) hereof, the burden of proving that such dismissal was not in consequence of such act or matter shall be upon the defendant.

(3) Proceedings for an offence against this section may be commenced and prosecuted either by the employé alleged to have been dismissed or by an inspector; and in either case, if the defendant is convicted, the dismissal shall be deemed to be a wrongful dismissal, and the Special Magistrate or Justices may, in addition to any penalty for the offence, award such sum as he or they deem proper by way of damages and costs, which sum may be recovered by the employé, or by the inspector on his behalf, in the same way as a penalty imposed for an offence against the principal Act.

Penalty—Twenty Pounds.

Sums recoverable in Court may be recovered summarily.

46. (1) Whenever in the principal Act or this Act it is provided that anything may be recovered in a "court of competent jurisdiction" the same may be recovered by action in such a court, or may be recovered by complaint to be heard and determined in a summary way before any Special Magistrate or any two Justices of the Peace under the Ordinance No. 6 of 1850, or any Act for the time being in force relating to the duties of Justices of the Peace as to summary proceedings.

(2) Such Magistrate or Justices may make any order as to the costs of and incidental to the complaint which he or they think proper.

(3) All orders made by such Magistrate or Justices on the hearing of the complaint may be enforced as provided by section 166 of the principal Act, or by the said Ordinance or any other Act relating to the duties of Justices of the Peace as to summary proceedings.

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

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

(2) Any

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

(3) Section 166 of the principal Act shall apply in respect of any sum ordered to be paid under this section, as if such sum were a pecuniary penalty under the principal Act.

48. (1) A majority consisting of at least three-fifths of the employers, and a majority consisting of at least three-fifths of the employés in any trade, in any locality defined in the agreement hereinafter mentioned, may enter into an agreement with respect to all or any of the matters which would be within the jurisdiction of a wages board if appointed for the said trade, and may transmit such agreement to the Minister.

Agreement between majority of employers and employés may be made binding on all employers and employés.

(2) Upon receipt of the agreement the Minister shall refer the same to the Chief Inspector, who shall thereupon ascertain whether or not it has been signed by a majority of the employers and of the employés respectively as above provided in the said trade in the said locality, and shall report thereon to the Minister.

(3) If the Chief Inspector reports in the affirmative on the question so referred to him, the Minister shall thereupon transmit the agreement to the Court of Industrial Appeals.

(4) The Court shall hear any person to be affected by the proposed agreement, either in support of or in opposition to such agreement, and consider whether or not the agreement—

- (a) Is consistent with the provisions of the principal Act and this Act;
- (b) May lawfully be observed and enforced; and
- (c) Should be confirmed;

and shall report its decision on those questions to the Minister.

(5) If the decision of the Court is in the affirmative on both the questions mentioned in subsection (4) hereof, the agreement—

- (a) Shall forthwith be published by the Minister in the *Gazette*;
- (b) Shall come into force on the fourteenth day after such publication, or on a later date (if any) fixed by the Court, of which date notice is given in the *Gazette* at the time of such publication; and
- (c) Shall thereafter be deemed to be and shall have the same force and effect, as regards all employers and employés in the said trade in the said locality, as if it were the determination or other act of a wages board; and

(d) Shall

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(d) Shall remain in force until altered by a later agreement between employers and employés in the said trade, and in the said locality, published under this section, or by a determination or other act of a wages board appointed for the said trade, and having jurisdiction to make a determination to apply in the said locality.

(6) The provisions of this section shall apply to any trade except a trade for which a wages board is by the principal Act or this Act required to be appointed or as to which a resolution of both Houses of Parliament has, before or after the passing of this Act, been passed approving of the appointment of a Board.

(7) In this section the word "trade" includes any process, trade, business, occupation, or calling.

Copy of determinations, &c., to be forwarded to Chief Inspector.

49. A copy of every determination or order of whatsoever character made or to be made by any Board or Chairman, and all correspondence connected with the making of any such determination or order shall forthwith be forwarded to and filed in the office of the Chief Inspector, and be open to inspection by any person interested in or affected by any such determination or order.

Wages Boards for Localities Outside the Metropolitan Area.

Appointment of Wages Boards outside metropolitan area.

50. (1) A resolution may be passed by both Houses of Parliament approving of the appointment of a Wages Board for any process, trade, business, occupation, or calling, or for any specified part or parts thereof, or for any group of processes, trades, businesses, occupations, or callings, within any locality or area outside the metropolitan area, specified in such resolution.

(2) Thereupon such Board shall be appointed, and Parts VIII., IX., and X. of the principal Act (except sections 153 to 156, inclusive), as amended by this Act or any other Act, the provisions of this Act from and including section 40 to the end hereof (except section 48), and all other provisions of the principal Act and any Act amending that Act which may be necessary for giving effect to the said resolution, or to give effect to or enforce any determination or other Act of the said Board, shall apply to the said locality or area.

(3) Any determination of the said Board shall, subject to anything therein expressed, apply to all employers and employés who are engaged in the particular process, trade, business, occupation, or calling, or part or group within the said locality or area.

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

DAY H. BOSANQUET, Governor.