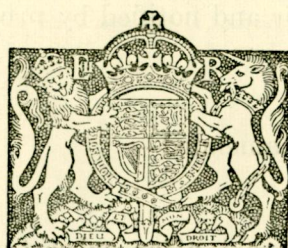


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1956.

An Act to make further provision with respect to the registration of factories and shops; to increase the fees payable for such registrations; to alter the closing times on certain days of certain shops; for these and other purposes to amend the Factories and Shops Act, 1912, and certain other Acts; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1956".

Short title,
citation and
commence-
ment.

59459

109—A

(2)

Factories and Shops (Amendment).

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

(3) The Principal Act, as amended by this Act, may be cited as the Factories and Shops Act, 1912-1956.

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

2. The Principal Act is amended—

Amend-
ment of
Act No. 39,
1912.

10 (a) (i) by inserting next after subsection two of section six the following new subsection:—

Sec. 6.
(Registra-
tion of fac-
tories.)

(2A) The Under Secretary in exercising the powers conferred on him by subsection two of this section shall take into con-
sideration—

15

- (a) the provisions of this Act;
- (b) the provisions of any Act, other than this Act, affecting or relating to the user of the premises;

20

- (c) any other matters relevant to the suitability of the premises for use as a factory and the purposes for which the factory is to be used.

25 (ii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) (a) Where any persons other than the persons named in a certificate of registration or permit as the occupiers of a registered factory become the occupiers thereof the persons so named in the certificate of

30

registration

Factories and Shops (Amendment).

5 registration or permit and the persons
 becoming the occupiers of such factory shall
 serve on the Under Secretary a written
 notice of the change of occupancy within
 fourteen days after such change and if no
 such notice is served as aforesaid by the
 persons named in such certificate of regis-
 10 tration or permit as the occupiers of such
 factory or the persons becoming the occu-
 piers thereof the persons named in such
 certificate of registration or permit shall be
 deemed to be the occupiers of such factory
 and shall be subject to all the provisions of
 this Act relating to the same.

15 (b) Where any person named in a
 certificate of registration or permit as the
 occupier of a registered factory changes his
 name he shall serve on the Under Secretary
 a written notice of such change within
 20 fourteen days after such change and if he
 fails to do so such factory shall be deemed
 to be an unregistered factory.

(c) Any person who fails to serve
 notice in accordance with paragraph (a) or
 25 (b) of this subsection shall be liable to a
 penalty not exceeding fifty pounds.

(b) by inserting next after section 7A the following New sec.
 new section:— 7B.

30 7B. (1) Where the Under Secretary is satis-
 fied that—
 (a) any person has commenced or caused
 to be commenced or is about to com-
 mence or to cause to be commenced the
 erection of any building, or structural
 35 alterations or additions to any build-
 ing; and
 (b) any industry is being or is intended to
 be carried on in that building; and
 (c)

Service of
 notice by
 Under
 Secretary
 in respect
 of certain
 buildings,
 altera-
 tions, etc.

Factories and Shops (Amendment).

(c) such building is not a factory nor intended for use as a factory,
 he may by notice in writing served on such person require an application to be made to the
 5 Under Secretary for his approval of such erection, alterations or additions, as the case may be, and of the plans and specifications thereof.

(2) Application for the approval of the Under Secretary shall—

10 (a) be made in the prescribed manner by the person on whom the notice was served;

(b) be accompanied by two copies of the plans and specifications of the building, structural alterations or additions, as
 15 the case may be, one copy of which shall be retained by the Under Secretary.

(3) The Under Secretary shall consider such application and the plans and specifications accompanying it and may approve, or approve
 20 subject to conditions, or disapprove thereof.

(4) Where any application under this section is approved subject to conditions, or disapproved, the applicant may if dissatisfied
 25 with such decision appeal in the manner prescribed to the Minister. The decision of the Minister shall be final.

(5) Where any application under this section has been approved, the erection of the building or structural alterations or additions
 30 to any building to which such approval relates shall be carried out to the satisfaction of the Under Secretary in conformity with the plans and specifications thereof approved by him.

(6)

Factories and Shops (Amendment).

5 (6) Any person who after a notice has been served on him pursuant to this section in relation to the erection of any building or structural alterations or additions to any building does any work in connection with such erection, structural alterations or additions without the approval required by this section or not in conformity with such approval shall be liable to a penalty not exceeding fifty pounds.

10 (7) In this section "industry" means any craft, occupation or calling (other than mining) in which persons of either sex are employed for hire or reward.

15 (8) Nothing in this section shall apply to any building which is intended to be used primarily as a private dwelling-house.

20 (c) (i) by omitting from subsection one of section thirty-three the symbols and figure "(1)" where secondly occurring and by inserting in lieu thereof the symbols and letter "(a)";

Sec. 33.
(Dangerous machinery.)

25 (ii) by omitting from the same subsection the symbols and figures "(2)", "(3)" and "(4)" and by inserting in lieu thereof the symbols and letters "(b)", "(c)" and "(d)" respectively;

30 (iii) by omitting from subsection two of the same section the words "one hundred pounds" and by inserting in lieu thereof the words "three hundred pounds";

35 (d) (i) by omitting from section thirty-four the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 34.
(Safe-guards from dangers.)

(ii)

Factories and Shops (Amendment).

(ii) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph:—

5

(a) Where a recommendation is made to the Minister by the Factory and Industrial Welfare Board pursuant to paragraph (a1) of subsection two of section 36c of this Act with respect to any industry the Minister may, subject to the provisions of this Act—

10

(i) by order, direct any employer or employers in such industry to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or obligations or to provide such facilities; or

15

(ii) make such regulations, as appear to him to be reasonably practicable and to meet the necessity of the case.

20

(iii) by inserting next after paragraph (b) of the same subsection the following new paragraph:—

(b1) Regulations so made may—

25

(i) apply to all industries or to any specified class or description of industries;

30

(ii) provide for the exemption of any specified class or description of industries, either absolutely or subject to conditions;

(iii) impose duties on certain persons; and

35

(iv) impose penalties not exceeding fifty pounds for any breach of the regulations.

(e)

Factories and Shops (Amendment).

- (e) (i) by omitting from subsections one, two, three and five of section 36c the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";
- (ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection:—
- (1A) (a) The persons who held office as members of the Factory Welfare Board immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, shall be deemed to have been appointed members of the Factory and Industrial Welfare Board.
- (b) Such members (other than the Chief Inspector) shall, notwithstanding the provisions of subsection one of this section, hold office as such for the balance of the term for which they were appointed members of the Factory Welfare Board.
- (c) As from the commencement of the Factories and Shops (Amendment) Act, 1956, in the construction and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to the Factory Welfare Board shall be read, deemed and taken to refer to the Factory and Industrial Welfare Board.
- (iii) by inserting in paragraph (a) of subsection two of the same section after the words "first-aid attention," where secondly occurring the word "housing,";
- (iv)

Sec. 36c.
(Factory
and Indus-
trial
Welfare
Board.)

Factories and Shops (Amendment).

- 5 (iv) by inserting in paragraph (a1) of the same subsection after the words "relating to" the words "the lighting and ventilation of places of employment in any industry, the provision of closet accommodation for employees in any industry, and";
- (v) by inserting in the same paragraph after the words "facilities for" the word "housing,";
- 10 (f) (i) by inserting in subsection one of section thirty-eight after the words "shall forth- with be sent" the words " by the occupier of the factory"; Sec. 38. (Notice of accidents.)
- 15 (ii) by inserting in subsection two of the same section after the words "shall be sent" the words "by the occupier of the factory";
- 20 (iii) by omitting from the same subsection the words "the occupier of the factory" and by inserting in lieu thereof the words "such occupier";
- (iv) by inserting in subsection three of the same section after the word "occupier" the words "of the factory";
- 25 (v) by inserting in subsection four of the same section after the word "sent" the words "by the occupier of the factory";
- (vi) by inserting at the end of the same section the following new subsection:—
- 30 (5) (a) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

(b)

Factories and Shops (Amendment).

5 (b) Proceedings in respect of any offence under the provisions of subsection one, two or three of this section may be instituted at any time within twelve months after the date on which the offence was committed.

3. The Principal Act is further amended—

Further amend-
ment of
Act No. 39,
1912.

10 (a) (i) by omitting from subsection one of section forty-three the words "forty-four hours" and by inserting in lieu thereof the words "forty hours";

Sec. 43.
(Hours of
employment
may be
extended
under
certain
conditions.)

15 (ii) by omitting from the same subsection the words "one shilling and sixpence" and by inserting in lieu thereof the words "five shillings";

(b) by inserting next after subsection two of section fifty-two the following new subsection:—

Sec. 52.
(Breaches
of Act.)

20 (2A) In a prosecution for any such breach or contravention a statement purporting to be signed by the Under Secretary—

25 (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person, or in respect of any premises, specified in the statement, and, in the case of a certificate or permit which has been so issued, as to the date of issue of and particulars contained in such certificate or permit;
30 or

(b) that at any date or during any period specified in the statement a certificate or permit of the description specified in the statement issued pursuant to this
Act

Factories and Shops (Amendment).

Act to any person, or in respect of any premises, specified in the statement was or was not in force or operative;

5 shall be prima facie evidence of the matters contained in such statement without proof of the signature or of the official character of the person by whom the statement purports to have been signed.

10 (c) by inserting in section sixty after the words "under this Part of this Act," the words "or who in any application for the registration under this Part of this Act of any premises as a factory, or in any notice required to be given by him under paragraph (b) of subsection (4A) of section six of this Act, wilfully makes or signs any false statement,";

Sec. 60.
(Penalty for forging certificate and false declaration.)

20 (d) (i) by omitting from paragraph (q) of subsection one of section sixty-two the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 62.
(Governor to have power to make regulations.)

(ii) by inserting next after paragraph (u) of the same subsection the following new paragraph:—

25 (v) requiring certificates of registration of factories or permits issued under section six of this Act to be exhibited and regulating the manner of exhibition;

30 (iii) by omitting paragraph (a) of subsection (1B) of the same section and by inserting in lieu thereof the following paragraph:—

(a) The Governor may make regulations not inconsistent with this Act—

35 (i) providing for the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;

(ii)

Factories and Shops (Amendment).

- 5

(ii) providing for the granting and issue of appropriate certificates of competency or service in respect of the driver of any engine or class or type of engine and the attendant of any boiler or class or type of boiler and the cancellation and suspension of such certificates;
- 10

(iii) providing for the establishment of an examination board for engine drivers and boiler attendants and for the payment of fees to its members;
- 15

(iv) relating to the powers, authorities, duties and functions of the examination board for engine drivers and boiler attendants;
- 20

(v) prescribing the fees to be paid for examination for certificates of competency and the issue of certificates of service;
- 25

(vi) prescribing the fees to be paid for the issue of statements of the particulars contained in certificates of competency and service;
- 30

(vii) authorising the Chief Inspector by certificate in writing under his hand to exempt the driver of any engine or the attendant of any boiler from any or all of the provisions of the regulations where he is satisfied that such provisions cannot reasonably be applied to the driver of such engine or class

or

Factories and Shops (Amendment).

- 5 or type of engine or to the attendant of such boiler or class or type of boiler, as the case may be. Any such exemption may be absolute or may be made subject to such conditions as the Chief Inspector may impose;
- 10 (viii) prohibiting any person from being employed as or acting in the capacity of an engine driver of any class or type of engine unless he is the holder of a certificate of competency or of service appropriate to that class or type of engine;
- 15 (ix) prohibiting any person from being employed as or acting in the capacity of a boiler attendant of any class or type of boiler unless he is the holder of a certificate of competency or of service appropriate to that class or type of boiler;
- 20
- 25 (x) authorising the Chief Inspector by notice in writing under his hand to restrict or prohibit the performance by the driver of any engine or engines of such work, additional to the driving of that engine or those engines, as may be specified in the notice, and requiring persons to comply with the terms of any such notice;
- 30
- 35 (xi) prescribing a penalty not exceeding fifty pounds for any breach of the regulations made in relation to the matters referred to in this subsection.

Factories and Shops (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

5 (a) by omitting from subsection one of section ninety-nine the words “not at the date of such proclamation” and by inserting in lieu thereof the words “which is not a shopping district”;

Sec. 99.
(Power to
constitute
new
shopping
districts.)

(b) by inserting next after paragraph (a) of subsection one of section one hundred and two the following new paragraphs:—

Sec. 102.
(Registra-
tion of
shops.)

10 (a1) Every person who, at the commencement of the Factories and Shops (Amendment) Act, 1956, is the shopkeeper of a shop—

15 (i) situated in a shopping district which has been constituted a shopping district after the commencement of the Factories and Shops (Amendment) Act, 1936; and

20 (ii) in respect of which there is no certificate of registration or renewal of registration operative;
shall, within one month after the commencement of the Factories and Shops (Amendment) Act, 1956, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

25 (a2) Every person who is the shopkeeper of a shop which is not situated within a shopping district shall, within one month after the area in which such shop is situated being constituted a shopping district, make application to the Under Secretary in the prescribed form for a
30 certificate of registration of the shop.

(c)

Factories and Shops (Amendment).

- (c) by omitting section one hundred and three and
by inserting in lieu thereof the following section:—

Subst.
sec. 103.

5 103. (1) Where no certificate of registration or of renewal of registration is for the time being operative in respect of a shop situated in a shopping district, or in respect of a shop for the sale of motor spirit, motor oil or motor accessories not situated within a shopping district, the shopkeeper of the shop shall, unless he proves that—

15 (a) he had applied within the prescribed time for such a certificate of registration or of renewal of registration, as the case may be; and

(b) he had complied with the provisions of this Act in respect of such application; and

20 (c) such application had not been refused, be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

25 (2) If any shopkeeper fails to give any notice required to be given by him under paragraph (a2) of subsection six of section one hundred and two of this Act or to pay the amount required by that paragraph to be paid by him he shall be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

30 (3) Any person who in any application for the registration under this Part of this Act of any shop or in any notice required to be given by him under such Part, wilfully makes or signs

any

Factories and Shops (Amendment).

any false statement shall be guilty of an offence against this Part of this Act and shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

5 (4) Any fee payable by a shopkeeper in respect of the registration or renewal of the registration of a shop may be sued for and recovered as a debt by and in the name of the Minister by any person authorised by him.

10 In any proceedings the production of an authority purporting to be signed by the Minister shall, without proof of the signature, be evidence of the appointment of the person named therein to sue and that his authority to sue
15 remains in force.

(d) by omitting subsections (4B) and (4C) of section Sec. 105.
one hundred and five and by inserting in lieu (Closing
thereof the following subsections:— times for
shops, etc.)

20 (4B) (a) Where immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in a shopping
25 district other than the shopping district of Tweed Heads is later than half past twelve o'clock in the afternoon, then, as on and from such commencement—

30 (i) the closing time on Saturday for such class of shops shall be half past twelve o'clock in the afternoon;

(ii) the closing time on Wednesday for such class of shops shall be half past five o'clock in the afternoon;

(iii)

Factories and Shops (Amendment).

5 (iii) the terms of the Shop Assistants and
Office Assistants (Country) Award
made under the Industrial Arbitration
Act, 1940, as amended by subsequent
Acts, shall except in its application to
the shopping district of Tweed Heads
be deemed to be varied by substituting
for the times fixed by that award for
the cessation of the ordinary hours of
10 work by employees in such class of
shops on Saturday and on Wednesday
the times referred to in subparagraph
(i) and subparagraph (ii), respectively,
of this paragraph.

15 (b) As soon as practicable after the com-
mencement of the Factories and Shops (Amend-
ment) Act, 1956, the Industrial Registrar shall,
subject to appeal to the Industrial Commission
of New South Wales, vary the terms of the Shop
20 Assistants and Office Assistants (Country)
Award to the extent necessary to give effect to
the provisions of this subsection. The Indus-
trial Registrar may refer any matter arising
under this subsection to the Industrial Com-
mission of New South Wales for directions.
25

(c) In this subsection—
“the shopping district of Tweed Heads” means
the country shopping district of Tweed Heads
which was constituted by proclamation pub-
30 lished under the provisions of section four of
the Early Closing (Amendment) Act, 1900, in
the Government Gazette of the twenty-ninth day
of May, one thousand nine hundred and seven.

(4c)

Factories and Shops (Amendment).

(4c) (a) In this subsection—

5 “appointed day” means a day to be
 appointed by the Governor and notified
 by proclamation published in the
 Gazette, such day being subsequent to
 the date of commencement of the
 Factories and Shops (Amendment)
 Act, 1956.

10 (b) Where immediately before the
 appointed day the closing time on Saturday fixed
 by or under this Act for any class of shops
 (other than shops of any of the classes specified
15 in Schedule Eight to this Act) in the shopping
 district of Tweed Heads (as defined in para-
 graph (c) of subsection (4B) of this section) is
 later than half past twelve o'clock in the after-
 noon, then, as on and from the appointed day—

20 (i) the closing time on Saturday for such
 class of shops in such shopping district
 shall be half past twelve o'clock in the
 afternoon;

25 (ii) the closing time on Wednesday for such
 class of shops in such shopping district
 shall be half past five o'clock in the
 afternoon;

30 (iii) the terms of the Shop Assistants and
 Office Assistants (Country) Award
 made under the Industrial Arbitration
 Act, 1940, as amended by subsequent
 Acts, shall be deemed to be varied by
 substituting for the times fixed by that
 award for the cessation of the ordinary
 hours of work by employees in such
 class of shops in such shopping district
35 on Saturday and on Wednesday the
 times referred to in subparagraph (i)
 and subparagraph (ii), respectively, of
 this paragraph;

Factories and Shops (Amendment).

(iv) section one hundred and seven of this Act is amended—

- 5 (a) by omitting therefrom the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;
- 10 (b) by omitting therefrom the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday,”.
- 15 (c) As soon as practicable after the appointed day the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.
- 20
- 25 (e) (i) by inserting in section one hundred and seven after the words “shopping district” where lastly occurring the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;
- 30
- 35 (ii) by omitting from the same section the words “or on the day notified in accordance with the provisions of paragraph (i) of subsection (4c) of section one hundred and five of this Act as the day on which the weekly half-holiday is to be observed” and by inserting in lieu thereof the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday”;
- (f)

Sec. 107.
(Matters
to be dealt
with in
awards.)

Factories and Shops (Amendment).

- (f) by inserting at the end of subsection two of section one hundred and eleven the words “An authority to make such application purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister’s signature.”; Sec. 111. (Power to order earlier closing time.)
- (g) by omitting from the definition of “Under Secretary” in section 117A the words “and Social Welfare”; Sec. 117A. (Definition.)
- (h) by inserting next after paragraph (d) of subsection one of section one hundred and twenty-eight the following new paragraph:— Sec. 128. (Regulations.)
- (d1) requiring certificates of registration and of renewal of registration of shops to be exhibited and regulating the manner of exhibition.

5. The Principal Act is further amended—

Further amendment of Act No. 39, 1912.

- (a) (i) by omitting subsection four of section six and by inserting in lieu thereof the following subsections:— Sec. 6. (Registration of factories.)
- (4) Subject to the provisions of this section a certificate of registration of a factory—
- (a) which is issued on or after the commencement of the Factories and Shops (Amendment) Act, 1956, shall be in force from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- (b) which was in force immediately before such commencement shall be in force until the thirty-first day of December, one thousand nine hundred and fifty-six;

(c)

Factories and Shops (Amendment).

(c) may, on payment of the prescribed fee, be renewed and on each renewal shall be in force for a further period of one year:

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15

20

Provided that the Under Secretary may post to any person in whose name a factory referred to in a certificate described in paragraph (b) of this subsection is registered at that person's last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of the certificate of registration of the factory next effected after the date of the notice shall be in force, and such renewal shall upon being so effected be in force for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same factory.

25

(4A) (a) The prescribed fee payable in respect of the issue or renewal of a certificate of registration of a factory shall be the appropriate amount specified in Schedule Four to this Act:

30

35

Provided that where the renewal of any such certificate is, pursuant to the proviso to paragraph (c) of subsection four of this section, to be in force for a period other than one year, the prescribed fee payable in respect of that renewal shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(b)

Factories and Shops (Amendment).

5 (b) In any case where during the
currency of a certificate of registration of
a factory the number of persons employed
in the factory is so increased that, if the
increased number of persons had been so
employed immediately before the last
renewal of the certificate, or, if the certifi-
cate has not been renewed, the issue of the
certificate, a larger fee would have been pay-
10 able in respect of the renewal or issue of the
certificate, as the case may be, the occupier
of the factory shall within twenty-one days
after the date of the increase give written
notice of the increase to the Under
15 Secretary, and pay to him an amount equal
to the difference between—

(i) the prescribed fee paid in respect
of the last renewal of the certifi-
cate, or if the certificate has not
20 been renewed, in respect of its
issue; and

(ii) the prescribed fee which would
have been payable if the number
of persons so employed, as so
25 increased, had been so employed at
the time of the last renewal of the
certificate, or if the certificate has
not been renewed, at the time of its
issue, as the case may be:

30 Provided that where the number of
persons so employed is so increased after
the expiration of one half of the period for
which the certificate was last renewed, or
if it has not been renewed, was issued, the
35 amount to be paid to the Under Secretary
under the provisions of this paragraph shall
be reduced by one half.

If the occupier of the factory fails to
give notice as required by this paragraph

or

Factories and Shops (Amendment).

- or to pay the amount required by this paragraph to be paid by him the factory shall be deemed to be an unregistered factory.
- 5 (ii) by omitting subsection fifteen of the same section;
- (iii) by omitting subsection eighteen of the same section;
- 10 (b) (i) by omitting from subsection two of section Sec. 102.
one hundred and two the words "Schedule (Registra-
Six" and by inserting in lieu thereof the tion of
words "Schedule Four"; shops.)
- (ii) by omitting paragraph (a) of subsection six of the same section and by inserting in lieu thereof the following paragraphs:—
- 15 (a) Subject to paragraph (b) of this subsection and of subsection one of section 103D of this Act—
- 20 (i) the registration of a shop made on or after the commencement of the Factories and Shops (Amendment) Act, 1956, and any certificate of registration issued in respect thereof shall be operative from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- 25
- 30 (ii) the registration of a shop and the certificate of registration issued in respect thereof which were operative immediately before such commencement and the renewal of registration of a shop and the certificate of renewal of registration issued in respect thereof which were so operative shall be operative until the thirtieth day of June, one thousand nine hundred and
- 35 fifty-seven;
- (iii)

Factories and Shops (Amendment).

5 (iii) every registration of a shop and the certificate of registration issued in respect thereof may, on payment of the prescribed fee, be renewed and on each renewal shall be operative for a further period of one year:

10 Provided that the Under Secretary may post to the shop-keeper by whom any certificate referred to in subparagraph (ii) of this paragraph is held at his last known place of abode or business, a notice in writing
15 specifying a period, being not less than six nor more than eighteen months, for which the renewal of registration of the shop referred to in that certificate next effected after the date of the notice, and the certificate of renewal of registration issued in respect thereof, shall be operative, and
20 such renewal of registration and such certificate shall upon such renewal being effected be operative for the period specified in the notice.

30 The Under Secretary shall not post more than one such notice in respect of the same shop.

35 (a1) The prescribed fee payable in respect of the registration of a shop and the issue of a certificate of registration in respect thereof, or for the renewal of registration of a shop and the issue of a certificate of renewal of registration in
respect

Factories and Shops (Amendment).

respect thereof, shall be the appropriate amount specified in Schedule Four to this Act:

5 Provided that where a renewal of any such registration and the certificate of renewal of registration issued in respect thereof are, pursuant to the proviso to subparagraph (iii) of paragraph (a) of this subsection, to be operative for a period
10 other than one year, the prescribed fee payable in respect of that renewal and certificate shall be an amount equal to one-twelfth of such appropriate amount multiplied by
15 the number of months comprised in the period, disregarding any fraction of a month.

 (a2) In any case where during the currency of any registration or renewal of
20 registration of a shop the number of persons employed in the shop is so increased that, if the increased number of persons had been so employed immediately before the last renewal of registration of the shop and the issue of the certificate of renewal of
25 registration in respect thereof, or, if the first registration of the shop has not been renewed, the first registration of the shop and the issue of the certificate of registration in respect thereof, a larger fee would
30 have been payable in respect of the renewal of such registration and the issue of such certificate of renewal of registration or such registration and issue of such certificate of registration, as the case may be, the
35 person in whose name the shop is registered shall within twenty-one days after the date of the increase give written notice of the increase to the Under Secretary, and pay

to

Factories and Shops (Amendment).

to him an amount equal to the difference between—

5 (i) the prescribed fee paid in respect of the last renewal of registration of the shop and the certificate of renewal of registration issued in respect thereof, or if the first registration of the shop has not been renewed, in respect of that registration and the certificate of registration issued in respect thereof; and

10 (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of such last renewal of registration or if such first registration has not been renewed, at the time of that registration, as the case may be:

25 Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

30 (iii) by omitting paragraph (c) of the same subsection;

(c) by omitting Schedule Four and by inserting in lieu thereof the following Schedule:—

Substituted
Schedule
Four.

SCHEDULE FOUR.

35 The registration fees to be paid in respect of factories and shops shall be:—

	£	s.	d.
For every factory or shop in which—			
no person is employed	5	0	
one or two persons are employed ..	10	0	
			more

Factories and Shops (Amendment).

	more than two and not more than four persons are employed	1	0	0
	more than four and not more than ten persons are employed	2	10	0
5	more than ten and not more than twenty persons are employed	5	0	0
	more than twenty and not more than thirty persons are employed	6	0	0
10	more than thirty and not more than fifty persons are employed	10	0	0
	more than fifty and not more than one hundred persons are employed	20	0	0

Where more than one hundred persons are employed in a factory or shop the registration fee to be paid in respect of that factory or shop shall be an amount of £20 plus an additional amount of £10 in respect of every additional fifty persons or fraction of fifty persons employed in that factory or shop.

For the purposes of calculating the registration fee payable in respect of—

- (a) any factory, all persons other than the occupier of the factory who are wholly or partly engaged in or in connection with the business of the factory and outdoor workers shall be regarded as persons employed in the factory;
- (b) any shop, all persons other than the shopkeeper of the shop who are wholly or partly engaged in the shop in the retail business thereof shall be regarded as persons employed in the shop.

(d) by omitting Schedule Six.

Repeal of
Schedule
Six.

6. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) by inserting in the heading to Part V after the word "FALSE" the words "OR MISLEADING";
- (b) (i) by inserting in paragraph (b) of subsection one of section ninety-seven after the word "false" the words "or misleading";
- (ii) by inserting in subsection three of the same section after the word "false" wherever occurring the words "or misleading";
- (iii)

Part V.
Heading.

Sec. 97.
(Penalty for
publishing
or causing
to be
published
any false
advertisement
to promote the
sale of
goods.)

Factories and Shops (Amendment).

- (iii) by inserting in the same subsection after the word "falsity" the words "or misleading character, as the case may be";
- 5 (iv) by inserting in paragraph (a) of subsection seven of the same section after the word "falsity" the words "or misleading character";
- 10 (c) by inserting in the matter relating to Part V in Sec. 1. section one after the word "FALSE" the words (Short title.) "OR MISLEADING"

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No. , 1956.

A BILL

To make further provision with respect to the registration of factories and shops; to increase the fees payable for such registrations; to alter the closing times on certain days of certain shops; for these and other purposes to amend the Factories and Shops Act, 1912, and certain other Acts; and for purposes connected therewith.

[MR. LANDA:—2 October, 1956.]

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

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1956".

Short title,
citation and
commence-
ment.

59459 109—A

(2)

Factories and Shops (Amendment).

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

(3) The Principal Act, as amended by this Act, 5 may be cited as the Factories and Shops Act, 1912-1956.

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

2. The Principal Act is amended—

Amend-
ment of
Act No. 39,
1912.

10 (a) (i) by inserting next after subsection two of section six the following new subsection:— (Registra-
tion of fac-
tories.)

15 (2A) The Under Secretary in exercising the powers conferred on him by subsection two of this section shall take into consideration—

- (a) the provisions of this Act;
- (b) the provisions of any Act, other than this Act, affecting or relating to the user of the premises;
- 20 (c) any other matters relevant to the suitability of the premises for use as a factory and the purposes for which the factory is to be used.

25 (ii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

30 (9) (a) Where any persons other than the persons named in a certificate of registration or permit as the occupiers of a registered factory become the occupiers thereof the persons so named in the certificate of

registration

Factories and Shops (Amendment).

5 registration or permit and the persons
becoming the occupiers of such factory shall
serve on the Under Secretary a written
notice of the change of occupancy within
fourteen days after such change and if no
such notice is served as aforesaid by the
persons named in such certificate of regis-
tration or permit as the occupiers of such
factory or the persons becoming the occu-
piers thereof the persons named in such
certificate of registration or permit shall be
deemed to be the occupiers of such factory
and shall be subject to all the provisions of
this Act relating to the same.

15 (b) Where any person named in a
certificate of registration or permit as the
occupier of a registered factory changes his
name he shall serve on the Under Secretary
a written notice of such change within
fourteen days after such change and if he
fails to do so such factory shall be deemed
to be an unregistered factory.

25 (c) Any person who fails to serve
notice in accordance with paragraph (a) or
(b) of this subsection shall be liable to a
penalty not exceeding fifty pounds.

(b) by inserting next after section 7A the following New sec.
new section:— 7B.

30 7B. (1) Where the Under Secretary is satis- Service of
fied that— notice by
Under
Secretary
in respect
of certain
buildings,
altera-
tions, etc.

(a) any person has commenced or caused
to be commenced or is about to com-
mence or to cause to be commenced the
erection of any building, or structural
alterations or additions to any build-
ing; and

35 (b) any industry is being or is intended to
be carried on in that building; and

(c)

Factories and Shops (Amendment).

(c) such building is not a factory nor intended for use as a factory,

5 he may by notice in writing served on such person require an application to be made to the Under Secretary for his approval of such erection, alterations or additions, as the case may be, and of the plans and specifications thereof.

(2) Application for the approval of the Under Secretary shall—

10 (a) be made in the prescribed manner by the person on whom the notice was served;

15 (b) be accompanied by two copies of the plans and specifications of the building, structural alterations or additions, as the case may be, one copy of which shall be retained by the Under Secretary.

20 (3) The Under Secretary shall consider such application and the plans and specifications accompanying it and may approve, or approve subject to conditions, or disapprove thereof.

25 (4) Where any application under this section is approved subject to conditions, or disapproved, the applicant may if dissatisfied with such decision appeal in the manner prescribed to the Minister. The decision of the Minister shall be final.

30 (5) Where any application under this section has been approved, the erection of the building or structural alterations or additions to any building to which such approval relates shall be carried out to the satisfaction of the Under Secretary in conformity with the plans and specifications thereof approved by him.

(6)

Factories and Shops (Amendment).

5 (6) Any person who after a notice has been served on him pursuant to this section in relation to the erection of any building or structural alterations or additions to any building does any work in connection with such erection, structural alterations or additions without the approval required by this section or not in conformity with such approval shall be liable to a penalty not exceeding fifty pounds.

10 (7) In this section "industry" means any craft, occupation or calling (other than mining) in which persons of either sex are employed for hire or reward.

15 (8) Nothing in this section shall apply to any building which is intended to be used primarily as a private dwelling-house.

20 (c) (i) by omitting from subsection one of section thirty-three the symbols and figure "(1)" where secondly occurring and by inserting in lieu thereof the symbols and letter "(a)";

Sec. 33.
(Dangerous machinery.)

25 (ii) by omitting from the same subsection the symbols and figures "(2)", "(3)" and "(4)" and by inserting in lieu thereof the symbols and letters "(b)", "(c)" and "(d)" respectively;

30 (iii) by omitting from subsection two of the same section the words "one hundred pounds" and by inserting in lieu thereof the words "three hundred pounds";

35 (d) (i) by omitting from section thirty-four the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 34.
(Safe-guards from dangers.)

(ii)

Factories and Shops (Amendment).

(ii) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph:—

5 (a) Where a recommendation is made to the Minister by the Factory and Industrial Welfare Board pursuant to paragraph (a1) of subsection two of section 36c of this Act with respect to any industry the Minister may, subject to the provisions of this Act—

10 (i) by order, direct any employer or employers in such industry to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or
15 obligations or to provide such facilities; or

(ii) make such regulations, as appear to him to be reasonably practicable and to meet the necessity of the case.

20 (iii) by inserting next after paragraph (b) of the same subsection the following new paragraph:—

(b1) Regulations so made may—

25 (i) apply to all industries or to any specified class or description of industries;

(ii) provide for the exemption of any specified class or description of
30 industries, either absolutely or subject to conditions;

(iii) impose duties on certain persons; and

(iv) impose penalties not exceeding
35 fifty pounds for any breach of the regulations.

(e)

Factories and Shops (Amendment).

(e) (i) by omitting from subsections one, two, three and five of section 36c the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 36c.
(Factory
and Indus-
trial
Welfare
Board.)

(ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection:—

(1A) (a) The persons who held office as members of the Factory Welfare Board immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, shall be deemed to have been appointed members of the Factory and Industrial Welfare Board.

(b) Such members (other than the Chief Inspector) shall, notwithstanding the provisions of subsection one of this section, hold office as such for the balance of the term for which they were appointed members of the Factory Welfare Board.

(c) As from the commencement of the Factories and Shops (Amendment) Act, 1956, in the construction and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to the Factory Welfare Board shall be read, deemed and taken to refer to the Factory and Industrial Welfare Board.

(iii) by inserting in paragraph (a) of subsection two of the same section after the words "first-aid attention," where secondly occurring the word "housing,";

(iv)

Factories and Shops (Amendment).

- 5 (iv) by inserting in paragraph (a1) of the same subsection after the words "relating to" the words "the lighting and ventilation of places of employment in any industry, the provision of closet accommodation for employees in any industry, and";
- (v) by inserting in the same paragraph after the words "facilities for" the word "housing,";
- 10 (f) (i) by inserting in subsection one of section Sec. 38. thirty-eight after the words "shall forth- (Notice of accidents.) with be sent" the words " by the occupier of the factory";
- 15 (ii) by inserting in subsection two of the same section after the words "shall be sent" the words "by the occupier of the factory";
- 20 (iii) by omitting from the same subsection the words "the occupier of the factory" and by inserting in lieu thereof the words "such occupier";
- (iv) by inserting in subsection three of the same section after the word "occupier" the words "of the factory";
- 25 (v) by inserting in subsection four of the same section after the word "sent" the words "by the occupier of the factory";
- (vi) by inserting at the end of the same section the following new subsection:—
- 30 (5) (a) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.
- (b)

Factories and Shops (Amendment).

5 (b) Proceedings in respect of any offence under the provisions of subsection one, two or three of this section may be instituted at any time within twelve months after the date on which the offence was committed.

3. The Principal Act is further amended—

10 (a) (i) by omitting from subsection one of section forty-three the words “forty-four hours” and by inserting in lieu thereof the words “forty hours”;

15 (ii) by omitting from the same subsection the words “one shilling and sixpence” and by inserting in lieu thereof the words “five shillings”;

(b) by inserting next after subsection two of section fifty-two the following new subsection:—

20 (2A) In a prosecution for any such breach or contravention a statement purporting to be signed by the Under Secretary—

25 (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person, or in respect of any premises, specified in the statement, and, in the case of a certificate or permit which has been so issued, as to the date of issue of and particulars contained in such certificate or permit;
30 or

(b) that at any date or during any period specified in the statement a certificate or permit of the description specified in the statement issued pursuant to this

Act

Further amendment of Act No. 39, 1912.

Sec. 43. (Hours of employment may be extended under certain conditions.)

Sec. 52. (Breaches of Act.)

Factories and Shops (Amendment).

Act to any person, or in respect of any premises, specified in the statement was or was not in force or operative;

5 shall be prima facie evidence of the matters contained in such statement without proof of the signature or of the official character of the person by whom the statement purports to have been signed.

10 (c) by inserting in section sixty after the words "under this Part of this Act," the words "or who in any application for the registration under this Part of this Act of any premises as a factory, or in any notice required to be given by him under paragraph (b) of subsection (4A) of section six of this Act, wilfully makes or signs any false statement,";

Sec. 60.
(Penalty for forging certificate and false declaration.)

20 (d) (i) by omitting from paragraph (q) of subsection one of section sixty-two the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 62.
(Governor to have power to make regulations.)

(ii) by inserting next after paragraph (u) of the same subsection the following new paragraph:—

25 (v) requiring certificates of registration of factories or permits issued under section six of this Act to be exhibited and regulating the manner of exhibition;

30 (iii) by omitting paragraph (a) of subsection (1b) of the same section and by inserting in lieu thereof the following paragraph:—

(a) The Governor may make regulations not inconsistent with this Act—

35 (i) providing for the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;

(ii)

Factories and Shops (Amendment).

- 5 (ii) providing for the granting and issue of appropriate certificates of competency or service in respect of the driver of any engine or class or type of engine and the attendant of any boiler or class or type of boiler and the cancellation and suspension of such certificates;
- 10 (iii) providing for the establishment of an examination board for engine drivers and boiler attendants and for the payment of fees to its members;
- 15 (iv) relating to the powers, authorities, duties and functions of the examination board for engine drivers and boiler attendants;
- 20 (v) prescribing the fees to be paid for examination for certificates of competency and the issue of certificates of service;
- 25 (vi) prescribing the fees to be paid for the issue of statements of the particulars contained in certificates of competency and service;
- 30 (vii) authorising the Chief Inspector by certificate in writing under his hand to exempt the driver of any engine or the attendant of any boiler from any or all of the provisions of the regulations where he is satisfied that such provisions cannot reasonably be applied to the driver of such engine or class

or

Factories and Shops (Amendment).

- 5 or type of engine or to the attendant of such boiler or class or type of boiler, as the case may be. Any such exemption may be absolute or may be made subject to such conditions as the Chief Inspector may impose;
- 10 (viii) prohibiting any person from being employed as or acting in the capacity of an engine driver of any class or type of engine unless he is the holder of a certificate of competency or of service appropriate to that class or type of engine;
- 15 (ix) prohibiting any person from being employed as or acting in the capacity of a boiler attendant of any class or type of boiler unless he is the holder of a certificate of competency or of service appropriate to that class or type of boiler;
- 20
- 25 (x) authorising the Chief Inspector by notice in writing under his hand to restrict or prohibit the performance by the driver of any engine or engines of such work, additional to the driving of that engine or those engines, as may be specified in the notice, and requiring persons to comply with the terms of any such notice;
- 30
- 35 (xi) prescribing a penalty not exceeding fifty pounds for any breach of the regulations made in relation to the matters referred to in this subsection.

Factories and Shops (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

5 (a) by omitting from subsection one of section ninety-nine the words “not at the date of such proclamation” and by inserting in lieu thereof the words “which is not a shopping district”; Sec. 99.
(Power to constitute new shopping districts.)

(b) by inserting next after paragraph (a) of subsection one of section one hundred and two the following new paragraphs:— Sec. 102.
(Registration of shops.)

10 (a1) Every person who, at the commencement of the Factories and Shops (Amendment) Act, 1956, is the shopkeeper of a shop—

15 (i) situated in a shopping district which has been constituted a shopping district after the commencement of the Factories and Shops (Amendment) Act, 1936; and

(ii) in respect of which there is no certificate of registration or renewal of registration operative;

20 shall, within one month after the commencement of the Factories and Shops (Amendment) Act, 1956, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

25 (a2) Every person who is the shopkeeper of a shop which is not situated within a shopping district shall, within one month after the area in which such shop is situated being constituted a shopping district, make application to the Under Secretary in the prescribed form for a
30 certificate of registration of the shop.

(c)

Factories and Shops (Amendment).

- (c) by omitting section one hundred and three and
by inserting in lieu thereof the following section:—

Subst.
sec. 103.

5 103. (1) Where no certificate of registration or of renewal of registration is for the time
being operative in respect of a shop situated in
a shopping district, or in respect of a shop for
the sale of motor spirit, motor oil or motor
accessories not situated within a shopping
10 district, the shopkeeper of the shop shall, unless
he proves that—

15 (a) he had applied within the prescribed
time for such a certificate of registra-
tion or of renewal of registration, as
the case may be; and

(b) he had complied with the provisions of
this Act in respect of such application;
and

20 (c) such application had not been refused,
be guilty of an offence against this Part of this
Act and be liable upon summary conviction to
a penalty not exceeding twenty pounds.

25 (2) If any shopkeeper fails to give any
notice required to be given by him under para-
graph (a2) of subsection six of section one
hundred and two of this Act or to pay the
amount required by that paragraph to be paid
by him he shall be guilty of an offence against
30 this Part of this Act and be liable upon sum-
mary conviction to a penalty not exceeding
twenty pounds.

35 (3) Any person who in any application
for the registration under this Part of this Act
of any shop or in any notice required to be given
by him under such Part, wilfully makes or signs

any

Factories and Shops (Amendment).

any false statement shall be guilty of an offence against this Part of this Act and shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

5 (4) Any fee payable by a shopkeeper in respect of the registration or renewal of the registration of a shop may be sued for and recovered as a debt by and in the name of the Minister by any person authorised by him.

10 In any proceedings the production of an authority purporting to be signed by the Minister shall, without proof of the signature, be evidence of the appointment of the person named therein to sue and that his authority to sue
15 remains in force.

(d) by omitting subsections (4B) and (4c) of section Sec. 105.
one hundred and five and by inserting in lieu (Closing times for
thereof the following subsections:— shops, etc.)

20 (4B) (a) Where immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in a shopping district other than the shopping district of
25 Tweed Heads is later than half past twelve o'clock in the afternoon, then, as on and from such commencement—

30 (i) the closing time on Saturday for such class of shops shall be half past twelve o'clock in the afternoon;

(ii) the closing time on Wednesday for such class of shops shall be half past five o'clock in the afternoon;

(iii)

Factories and Shops (Amendment).

5 (iii) the terms of the Shop Assistants and
Office Assistants (Country) Award
made under the Industrial Arbitration
Act, 1940, as amended by subsequent
Acts, shall except in its application to
the shopping district of Tweed Heads
be deemed to be varied by substituting
for the times fixed by that award for
the cessation of the ordinary hours of
10 work by employees in such class of
shops on Saturday and on Wednesday
the times referred to in subparagraph
(i) and subparagraph (ii), respectively,
of this paragraph.

15 (b) As soon as practicable after the com-
mencement of the Factories and Shops (Amend-
ment) Act, 1956, the Industrial Registrar shall,
subject to appeal to the Industrial Commission
of New South Wales, vary the terms of the Shop
20 Assistants and Office Assistants (Country)
Award to the extent necessary to give effect to
the provisions of this subsection. The Indus-
trial Registrar may refer any matter arising
under this subsection to the Industrial Com-
mission of New South Wales for directions.
25

(c) In this subsection—

30 “the shopping district of Tweed Heads” means
the country shopping district of Tweed Heads
which was constituted by proclamation pub-
lished under the provisions of section four of
the Early Closing (Amendment) Act, 1900, in
the Government Gazette of the twenty-ninth day
of May, one thousand nine hundred and seven.

(4c)

Factories and Shops (Amendment).

(4c) (a) In this subsection—

“appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette, such day being subsequent to the date of commencement of the Factories and Shops (Amendment) Act, 1956.

(b) Where immediately before the appointed day the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of this section) is later than half past twelve o'clock in the afternoon, then, as on and from the appointed day—

(i) the closing time on Saturday for such class of shops in such shopping district shall be half past twelve o'clock in the afternoon;

(ii) the closing time on Wednesday for such class of shops in such shopping district shall be half past five o'clock in the afternoon;

(iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops in such shopping district on Saturday and on Wednesday the times referred to in subparagraph (i) and subparagraph (ii), respectively, of this paragraph;

Factories and Shops (Amendment).

(iv) section one hundred and seven of this Act is amended—

5 (a) by omitting therefrom the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

10 (b) by omitting therefrom the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday,”.

15 (c) As soon as practicable after the appointed day the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.

20

25 (e) (i) by inserting in section one hundred and seven after the words “shopping district” where lastly occurring the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

30

Sec. 107.
(Matters to be dealt with in awards.)

(ii) by omitting from the same section the words “or on the day notified in accordance with the provisions of paragraph (i) of subsection (4c) of section one hundred and five of this Act as the day on which the weekly half-holiday is to be observed” and by inserting in lieu thereof the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday”;

35

(f)

Factories and Shops (Amendment).

- (f) by inserting at the end of subsection two of section one hundred and eleven the words "An authority to make such application purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister's signature."; Sec. 111. (Power to order earlier closing time.)
- 5
- (g) by omitting from the definition of "Under Secretary" in section 117A the words "and Social Welfare"; Sec. 117A. (Definition.)
- 10
- (h) by inserting next after paragraph (d) of subsection one of section one hundred and twenty-eight the following new paragraph:— Sec. 128. (Regulations.)
- (d1) requiring certificates of registration and of renewal of registration of shops to be exhibited and regulating the manner of exhibition.
- 15
- 5. The Principal Act is further amended—** Further amendment of Act No. 39, 1912.
- (a) (i) by omitting subsection four of section six and by inserting in lieu thereof the following subsections:— Sec. 6. (Registration of factories.)
- 20
- (4) Subject to the provisions of this section a certificate of registration of a factory—
- (a) which is issued on or after the commencement of the Factories and Shops (Amendment) Act, 1956, shall be in force from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- 25
- 30
- (b) which was in force immediately before such commencement shall be in force until the thirty-first day of December, one thousand nine hundred and fifty-six;
- 35
- (c)

Factories and Shops (Amendment).

(c) may, on payment of the prescribed fee, be renewed and on each renewal shall be in force for a further period of one year:

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15

20

Provided that the Under Secretary may post to any person in whose name a factory referred to in a certificate described in paragraph (b) of this subsection is registered at that person's last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of the certificate of registration of the factory next effected after the date of the notice shall be in force, and such renewal shall upon being so effected be in force for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same factory.

25

(4A) (a) The prescribed fee payable in respect of the issue or renewal of a certificate of registration of a factory shall be the appropriate amount specified in Schedule Four to this Act:

30

35

Provided that where the renewal of any such certificate is, pursuant to the proviso to paragraph (c) of subsection four of this section, to be in force for a period other than one year, the prescribed fee payable in respect of that renewal shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(b)

Factories and Shops (Amendment).

5 (b) In any case where during the
currency of a certificate of registration of
a factory the number of persons employed
in the factory is so increased that, if the
increased number of persons had been so
employed immediately before the last
renewal of the certificate, or, if the certi-
10 cate has not been renewed, the issue of the
certificate, a larger fee would have been pay-
able in respect of the renewal or issue of the
certificate, as the case may be, the occupier
of the factory shall within twenty-one days
after the date of the increase give written
15 notice of the increase to the Under
Secretary, and pay to him an amount equal
to the difference between—

20 (i) the prescribed fee paid in respect
of the last renewal of the certifi-
cate, or if the certificate has not
been renewed, in respect of its
issue; and

25 (ii) the prescribed fee which would
have been payable if the number
of persons so employed, as so
increased, had been so employed at
the time of the last renewal of the
certificate, or if the certificate has
not been renewed, at the time of its
issue, as the case may be:

30 Provided that where the number of
persons so employed is so increased after
the expiration of one half of the period for
which the certificate was last renewed, or
if it has not been renewed, was issued, the
35 amount to be paid to the Under Secretary
under the provisions of this paragraph shall
be reduced by one half.

If the occupier of the factory fails to
give notice as required by this paragraph

or

Factories and Shops (Amendment).

or to pay the amount required by this paragraph to be paid by him the factory shall be deemed to be an unregistered factory.

5 (ii) by omitting subsection fifteen of the same section;

(iii) by omitting subsection eighteen of the same section;

10 (b) (i) by omitting from subsection two of section one hundred and two the words "Schedule Six" and by inserting in lieu thereof the words "Schedule Four";

Sec. 102.
(Registra-
tion of
shops.)

(ii) by omitting paragraph (a) of subsection six of the same section and by inserting in lieu thereof the following paragraphs:—

15 (a) Subject to paragraph (b) of this subsection and of subsection one of section 103D of this Act—

20 (i) the registration of a shop made on or after the commencement of the Factories and Shops (Amendment) Act, 1956, and any certificate of registration issued in respect thereof shall be operative from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;

25 (ii) the registration of a shop and the certificate of registration issued in respect thereof which were operative immediately before such commencement and the renewal of registration of a shop and the certificate of renewal of registration issued in respect thereof which were so operative shall be operative until the thirtieth day of June, one thousand nine hundred and fifty-seven;

(iii)

Factories and Shops (Amendment).

(iii) every registration of a shop and the certificate of registration issued in respect thereof may, on payment of the prescribed fee, be renewed and on each renewal shall be operative for a further period of one year:

Provided that the Under Secretary may post to the shop-keeper by whom any certificate referred to in subparagraph (ii) of this paragraph is held at his last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of registration of the shop referred to in that certificate next effected after the date of the notice, and the certificate of renewal of registration issued in respect thereof, shall be operative, and such renewal of registration and such certificate shall upon such renewal being effected be operative for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same shop.

(a1) The prescribed fee payable in respect of the registration of a shop and the issue of a certificate of registration in respect thereof, or for the renewal of registration of a shop and the issue of a certificate of renewal of registration in respect

Factories and Shops (Amendment).

respect thereof, shall be the appropriate amount specified in Schedule Four to this Act:

5 Provided that where a renewal of any
such registration and the certificate of
renewal of registration issued in respect
thereof are, pursuant to the proviso to sub-
10 paragraph (iii) of paragraph (a) of this
subsection, to be operative for a period
other than one year, the prescribed fee pay-
able in respect of that renewal and certifi-
15 cate shall be an amount equal to one-twelfth
of such appropriate amount multiplied by
the number of months comprised in the
period, disregarding any fraction of a
month.

(a2) In any case where during the
20 currency of any registration or renewal of
registration of a shop the number of persons
employed in the shop is so increased that,
if the increased number of persons had
been so employed immediately before the
last renewal of registration of the shop and
the issue of the certificate of renewal of
25 registration in respect thereof, or, if the
first registration of the shop has not been
renewed, the first registration of the shop
and the issue of the certificate of registra-
30 tion in respect thereof, a larger fee would
have been payable in respect of the renewal
of such registration and the issue of such
certificate of renewal of registration or
such registration and issue of such certifi-
35 cate of registration, as the case may be, the
person in whose name the shop is registered
shall within twenty-one days after the date
of the increase give written notice of the
increase to the Under Secretary, and pay

to

Factories and Shops (Amendment).

to him an amount equal to the difference between—

- 5 (i) the prescribed fee paid in respect of the last renewal of registration of the shop and the certificate of renewal of registration issued in respect thereof, or if the first registration of the shop has not been renewed, in respect of that registration and the certificate of registration issued in respect thereof; and
- 10 (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of such last renewal of registration or if such first registration has not been renewed, at the time of that registration, as the case may be:
- 15
- 20

25 Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

- 30 (iii) by omitting paragraph (c) of the same subsection;

- (c) by omitting Schedule Four and by inserting in lieu thereof the following Schedule:—

Substituted
Schedule
Four.

SCHEDULE FOUR.

35 The registration fees to be paid in respect of factories and shops shall be:—

	£	s.	d.
For every factory or shop in which—			
no person is employed	5	0	
one or two persons are employed ..	10	0	
more			

Factories and Shops (Amendment).

	more than two and not more than four persons are employed	1	0	0
5	more than four and not more than ten persons are employed	2	10	0
	more than ten and not more than twenty persons are employed	5	0	0
	more than twenty and not more than thirty persons are employed	6	0	0
10	more than thirty and not more than fifty persons are employed	10	0	0
	more than fifty and not more than one hundred persons are employed	20	0	0

Where more than one hundred persons are employed in a factory or shop the registration fee to be paid in respect of that factory or shop shall be an amount of £20 plus an additional amount of £10 in respect of every additional fifty persons or fraction of fifty persons employed in that factory or shop.

For the purposes of calculating the registration fee payable in respect of—

- (a) any factory, all persons other than the occupier of the factory who are wholly or partly engaged in or in connection with the business of the factory and outdoor workers shall be regarded as persons employed in the factory;
- (b) any shop, all persons other than the shopkeeper of the shop who are wholly or partly engaged in the shop in the retail business thereof shall be regarded as persons employed in the shop.

(d) by omitting Schedule Six.

Repeal of
Schedule
Six.

6. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) by inserting in the heading to Part V after the word "FALSE" the words "OR MISLEADING";
- (b) (i) by inserting in paragraph (b) of subsection one of section ninety-seven after the word "false" the words "or misleading";
- (ii) by inserting in subsection three of the same section after the word "false" wherever occurring the words "or misleading";
- (iii)

Part V.
Heading.

Sec. 97.
(Penalty for
publishing
or causing
to be
published
any false
advertisement to
promote the
sale of
goods.)

Factories and Shops (Amendment).

- (iii) by inserting in the same subsection after the word "falsity" the words "or misleading character, as the case may be";
- 5 (iv) by inserting in paragraph (a) of subsection seven of the same section after the word "falsity" the words "or misleading character";
- 10 (c) by inserting in the matter relating to Part V in Sec. 1. section one after the word "FALSE" the words (Short title.) "OR MISLEADING"

FACTORIES AND SHOPS (AMENDMENT) BILL, 1956.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to specify the matters which the Under Secretary is to take into account in determining whether or not to register premises as a factory;
- (2) to require changes in the occupancy of factories to be notified to the Under Secretary;
- (3) to prohibit, in certain circumstances, the erection or alteration of, or additions to any building intended for use for the purposes of industry, unless the plans and specifications of the building, alterations or additions have been approved by the Under Secretary;
- (4) to change the name of the Factory Welfare Board to the Factory and Industrial Welfare Board and to extend the powers of the Board;
- (5) to extend the powers of the Minister to make orders and regulations with respect to welfare of employees in any industry;
- (6) to clarify the requirements of the Factories and Shops Act, 1912, as amended, relating to the notifying of accidents in factories;
- (7) to reduce the permitted hours of employment in factories of males under 16 years of age and females, and to increase the amount of tea money payable to such persons to five shillings;
- (8) to make certain statements signed by the Under Secretary *prima facie* evidence of their contents;
- (9) to enable regulations to be made with respect to the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;
- (10) to require the registration of all shops which are situated in shopping districts and are not already registered and to impose a penalty on any shop-keeper who fails to register his shop;
- (11) to make provision for fixing the closing time on Saturday of certain classes of shops in shopping districts at 12.30 p.m. instead of a later hour and to fix a later closing time on Wednesday for such classes of shops;
- (12) to enable regulations to be made with respect to the exhibiting of certificates of registration of factories and shops;
- (13) to provide—
 - (i) that all future certificates of registration of factories and shops shall be in force for one year from the last day of the month of issue, instead of such certificates expiring, in the case of factories, in December, and in the case of shops, in June;
 - (ii) for the spreading of the issue of renewals of existing certificates of registration of factories and shops over the whole year;
- (14) to prescribe increased fees payable for the registration and renewal of registration of factories and shops;
- (15) to extend the provisions of Part V of the Act relating to false advertisements to misleading advertisements;
- (16) to make other provision of a minor or ancillary character.

FACTORIES AND SHOPS (AMENDMENT) BILL, 1933

EXPLANATORY NOTES

1. The Bill is intended to amend the Factories and Shops Act, 1931, in relation to the following matters:
- (a) To provide for the appointment of inspectors of factories and shops.
 - (b) To provide for the appointment of inspectors of factories and shops.
 - (c) To provide for the appointment of inspectors of factories and shops.
 - (d) To provide for the appointment of inspectors of factories and shops.
 - (e) To provide for the appointment of inspectors of factories and shops.
 - (f) To provide for the appointment of inspectors of factories and shops.
 - (g) To provide for the appointment of inspectors of factories and shops.
 - (h) To provide for the appointment of inspectors of factories and shops.
 - (i) To provide for the appointment of inspectors of factories and shops.
 - (j) To provide for the appointment of inspectors of factories and shops.
 - (k) To provide for the appointment of inspectors of factories and shops.
 - (l) To provide for the appointment of inspectors of factories and shops.
 - (m) To provide for the appointment of inspectors of factories and shops.
 - (n) To provide for the appointment of inspectors of factories and shops.
 - (o) To provide for the appointment of inspectors of factories and shops.
 - (p) To provide for the appointment of inspectors of factories and shops.
 - (q) To provide for the appointment of inspectors of factories and shops.
 - (r) To provide for the appointment of inspectors of factories and shops.
 - (s) To provide for the appointment of inspectors of factories and shops.
 - (t) To provide for the appointment of inspectors of factories and shops.
 - (u) To provide for the appointment of inspectors of factories and shops.
 - (v) To provide for the appointment of inspectors of factories and shops.
 - (w) To provide for the appointment of inspectors of factories and shops.
 - (x) To provide for the appointment of inspectors of factories and shops.
 - (y) To provide for the appointment of inspectors of factories and shops.
 - (z) To provide for the appointment of inspectors of factories and shops.

No. , 1956.

A BILL

To make further provision with respect to the registration of factories and shops; to increase the fees payable for such registrations; to alter the closing times on certain days of certain shops; for these and other purposes to amend the Factories and Shops Act, 1912, and certain other Acts; and for purposes connected therewith.

[MR. LANDA:—2 October, 1956.]

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

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1956".

Short title,
citation and
commence-
ment.

Factories and Shops (Amendment).

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

(3) The Principal Act, as amended by this Act, may be cited as the Factories and Shops Act, 1912-1956.

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

2. The Principal Act is amended—

Amend-
ment of
Act No. 39,
1912.

10 (a) (i) by inserting next after subsection two of section six the following new subsection:—

Sec. 6.
(Registra-
tion of fac-
tories.)

15 (2A) The Under Secretary in exercising the powers conferred on him by subsection two of this section shall take into consideration—

- (a) the provisions of this Act;
- (b) the provisions of any Act, other than this Act, affecting or relating to the user of the premises;
- 20 (c) any other matters relevant to the suitability of the premises for use as a factory and the purposes for which the factory is to be used.

25 (ii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

30 (9) (a) Where any persons other than the persons named in a certificate of registration or permit as the occupiers of a registered factory become the occupiers thereof the persons so named in the certificate of

registration

Factories and Shops (Amendment).

5 registration or permit and the persons
 becoming the occupiers of such factory shall
 serve on the Under Secretary a written
 notice of the change of occupancy within
 10 fourteen days after such change and if no
 such notice is served as aforesaid by the
 persons named in such certificate of regis-
 tration or permit as the occupiers of such
 factory or the persons becoming the occu-
 15 piers thereof the persons named in such
 certificate of registration or permit shall be
 deemed to be the occupiers of such factory
 and shall be subject to all the provisions of
 this Act relating to the same.

15 (b) Where any person named in a
 certificate of registration or permit as the
 occupier of a registered factory changes his
 name he shall serve on the Under Secretary
 a written notice of such change within
 20 fourteen days after such change and if he
 fails to do so such factory shall be deemed
 to be an unregistered factory.

25 (c) Any person who fails to serve
 notice in accordance with paragraph (a) or
 (b) of this subsection shall be liable to a
 penalty not exceeding fifty pounds.

(b) by inserting next after section 7A the following
 new section:—

New sec.
7B.

30 7B. (1) Where the Under Secretary is satis-
 fied that—

(a) any person has commenced or caused
 to be commenced or is about to com-
 mence or to cause to be commenced the
 erection of any building, or structural
 35 alterations or additions to any build-
 ing; and

(b) any industry is being or is intended to
 be carried on in that building; and

(c)

Service of
notice by
Under
Secretary
in respect
of certain
buildings,
altera-
tions, etc.

Factories and Shops (Amendment).

(c) such building is not a factory nor intended for use as a factory,

5 he may by notice in writing served on such person require an application to be made to the Under Secretary for his approval of such erection, alterations or additions, as the case may be, and of the plans and specifications thereof.

(2) Application for the approval of the Under Secretary shall—

10 (a) be made in the prescribed manner by the person on whom the notice was served;

15 (b) be accompanied by two copies of the plans and specifications of the building, structural alterations or additions, as the case may be, one copy of which shall be retained by the Under Secretary.

20 (3) The Under Secretary shall consider such application and the plans and specifications accompanying it and may approve, or approve subject to conditions, or disapprove thereof.

25 (4) Where any application under this section is approved subject to conditions, or disapproved, the applicant may if dissatisfied with such decision appeal in the manner prescribed to the Minister. The decision of the Minister shall be final.

30 (5) Where any application under this section has been approved, the erection of the building or structural alterations or additions to any building to which such approval relates shall be carried out to the satisfaction of the Under Secretary in conformity with the plans and specifications thereof approved by him.

(6)

Factories and Shops (Amendment).

5 (6) Any person who after a notice has been served on him pursuant to this section in relation to the erection of any building or structural alterations or additions to any building does any work in connection with such erection, structural alterations or additions without the approval required by this section or not in conformity with such approval shall be liable to a penalty not exceeding fifty pounds.

10 (7) In this section "industry" means any craft, occupation or calling (other than mining) in which persons of either sex are employed for hire or reward.

15 (8) Nothing in this section shall apply to any building which is intended to be used primarily as a private dwelling-house.

20 (c) (i) by omitting from subsection one of section thirty-three the symbols and figure "(1)" where secondly occurring and by inserting in lieu thereof the symbols and letter "(a)";

25 (ii) by omitting from the same subsection the symbols and figures "(2)", "(3)" and "(4)" and by inserting in lieu thereof the symbols and letters "(b)", "(c)" and "(d)" respectively;

30 (iii) by omitting from subsection two of the same section the words "one hundred pounds" and by inserting in lieu thereof the words "three hundred pounds";

35 (d) (i) by omitting from section thirty-four the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

(ii)

Factories and Shops (Amendment).

(ii) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph:—

5 (a) Where a recommendation is made to the Minister by the Factory and Industrial Welfare Board pursuant to paragraph (a1) of subsection two of section 36c of this Act with respect to any industry the Minister may, subject to the provisions of this Act—

10 (i) by order, direct any employer or employers in such industry to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or obligations or to provide such facilities; or

15

(ii) make such regulations, as appear to him to be reasonably practicable and to meet the necessity of the case.

20 (iii) by inserting next after paragraph (b) of the same subsection the following new paragraph:—

(b1) Regulations so made may—

25 (i) apply to all industries or to any specified class or description of industries;

(ii) provide for the exemption of any specified class or description of industries, either absolutely or subject to conditions;

30

(iii) impose duties on certain persons; and

(iv) impose penalties not exceeding fifty pounds for any breach of the regulations.

35

(e)

Factories and Shops (Amendment).

- (e) (i) by omitting from subsections one, two, three and five of section 36c the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 36c.
(Factory
and Indus-
trial
Welfare
Board.)

- (ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection:—

(1A) (a) The persons who held office as members of the Factory Welfare Board immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, shall be deemed to have been appointed members of the Factory and Industrial Welfare Board.

(b) Such members (other than the Chief Inspector) shall, notwithstanding the provisions of subsection one of this section, hold office as such for the balance of the term for which they were appointed members of the Factory Welfare Board.

(c) As from the commencement of the Factories and Shops (Amendment) Act, 1956, in the construction and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to the Factory Welfare Board shall be read, deemed and taken to refer to the Factory and Industrial Welfare Board.

- (iii) by inserting in paragraph (a) of subsection two of the same section after the words "first-aid attention," where secondly occurring the word "housing,";

(iv)

Factories and Shops (Amendment).

- 5 (iv) by inserting in paragraph (a1) of the same subsection after the words "relating to" the words "the lighting and ventilation of places of employment in any industry, the provision of closet accommodation for employees in any industry, and";
- (v) by inserting in the same paragraph after the words "facilities for" the word "housing,";
- 10 (f) (i) by inserting in subsection one of section thirty-eight after the words "shall forth- with be sent" the words " by the occupier of the factory"; Sec. 38. (Notice of accidents.)
- 15 (ii) by inserting in subsection two of the same section after the words "shall be sent" the words "by the occupier of the factory";
- 20 (iii) by omitting from the same subsection the words "the occupier of the factory" and by inserting in lieu thereof the words "such occupier";
- (iv) by inserting in subsection three of the same section after the word "occupier" the words "of the factory";
- 25 (v) by inserting in subsection four of the same section after the word "sent" the words "by the occupier of the factory";
- (vi) by inserting at the end of the same section the following new subsection:—
- 30 (5) (a) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.
- (b)

Factories and Shops (Amendment).

5 (b) Proceedings in respect of any offence under the provisions of subsection one, two or three of this section may be instituted at any time within twelve months after the date on which the offence was committed.

3. The Principal Act is further amended—

Further
amend-
ment of
Act No. 39,
1912.

10 (a) (i) by omitting from subsection one of section forty-three the words "forty-four hours" and by inserting in lieu thereof the words "forty hours";

Sec. 43.
(Hours of
employment
may be
extended
under
certain
conditions.)

15 (ii) by omitting from the same subsection the words "one shilling and sixpence" and by inserting in lieu thereof the words "five shillings";

(b) by inserting next after subsection two of section fifty-two the following new subsection:—

Sec. 52.
(Breaches
of Act.)

20 (2A) In a prosecution for any such breach or contravention a statement purporting to be signed by the Under Secretary—

25 (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person, or in respect of any premises, specified in the statement, and, in the case of a certificate or permit which has been so issued, as to the date of issue of and particulars contained in such certificate or permit;
30 or

(b) that at any date or during any period specified in the statement a certificate or permit of the description specified in the statement issued pursuant to this Act

Factories and Shops (Amendment).

- Act to any person, or in respect of any premises, specified in the statement was or was not in force or operative;
- 5 shall be prima facie evidence of the matters contained in such statement without proof of the signature or of the official character of the person by whom the statement purports to have been signed.
- 10 (c) by inserting in section sixty after the words "under this Part of this Act," the words "or who in any application for the registration under this Part of this Act of any premises as a factory, or in any notice required to be given by him under paragraph (b) of subsection (4A) of section six of this Act, wilfully makes or signs any false statement,";
- 15
- 20 (d) (i) by omitting from paragraph (q) of subsection one of section sixty-two the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (ii) by inserting next after paragraph (u) of the same subsection the following new paragraph:—
- 25 (v) requiring certificates of registration of factories or permits issued under section six of this Act to be exhibited and regulating the manner of exhibition;
- 30 (iii) by omitting paragraph (a) of subsection (1B) of the same section and by inserting in lieu thereof the following paragraph:—
- (a) The Governor may make regulations not inconsistent with this Act—
- 35 (i) providing for the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;
- (ii)

Sec. 60.
(Penalty for forging certificate and false declaration.)

Sec. 62.
(Governor to have power to make regulations.)

Factories and Shops (Amendment).

- 5

(ii) providing for the granting and issue of appropriate certificates of competency or service in respect of the driver of any engine or class or type of engine and the attendant of any boiler or class or type of boiler and the cancellation and suspension of such certificates;
- 10

(iii) providing for the establishment of an examination board for engine drivers and boiler attendants and for the payment of fees to its members;
- 15

(iv) relating to the powers, authorities, duties and functions of the examination board for engine drivers and boiler attendants;
- 20

(v) prescribing the fees to be paid for examination for certificates of competency and the issue of certificates of service;
- 25

(vi) prescribing the fees to be paid for the issue of statements of the particulars contained in certificates of competency and service;
- 30

(vii) authorising the Chief Inspector by certificate in writing under his hand to exempt the driver of any engine or the attendant of any boiler from any or all of the provisions of the regulations where he is satisfied that such provisions cannot reasonably be applied to the driver of such engine or class

or

Factories and Shops (Amendment).

- 5 or type of engine or to the attendant of such boiler or class or type of boiler, as the case may be. Any such exemption may be absolute or may be made subject to such conditions as the Chief Inspector may impose;
- 10 (viii) prohibiting any person from being employed as or acting in the capacity of an engine driver of any class or type of engine unless he is the holder of a certificate of competency or of service appropriate to that class or type of engine;
- 15 (ix) prohibiting any person from being employed as or acting in the capacity of a boiler attendant of any class or type of boiler unless he is the holder of a certificate of competency or of service appropriate to that class or type of boiler;
- 20
- 25 (x) authorising the Chief Inspector by notice in writing under his hand to restrict or prohibit the performance by the driver of any engine or engines of such work, additional to the driving of that engine or those engines, as may be specified in the notice, and requiring persons to comply with the terms of any such notice;
- 30
- 35 (xi) prescribing a penalty not exceeding fifty pounds for any breach of the regulations made in relation to the matters referred to in this subsection.

*Factories and Shops (Amendment).***4.** The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- 5 (a) by omitting from subsection one of section ninety-nine the words “not at the date of such proclamation” and by inserting in lieu thereof the words “which is not a shopping district”;
 (Power to constitute new shopping districts.)

- (b) by inserting next after paragraph (a) of subsection one of section one hundred and two the following new paragraphs:—
 Sec.102.
(Registration of shops.)

10 (a1) Every person who, at the commencement of the Factories and Shops (Amendment) Act, 1956, is the shopkeeper of a shop—

15 (i) situated in a shopping district which has been constituted a shopping district after the commencement of the Factories and Shops (Amendment) Act, 1936; and

20 (ii) in respect of which there is no certificate of registration or renewal of registration operative;
 shall, within one month after the commencement of the Factories and Shops (Amendment) Act, 1956, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

25 (a2) Every person who is the shopkeeper of a shop which is not situated within a shopping district shall, within one month after the area in which such shop is situated being constituted a shopping district, make application to the
 30 Under Secretary in the prescribed form for a certificate of registration of the shop.

(c)

Factories and Shops (Amendment).

(c) by omitting section one hundred and three and
by inserting in lieu thereof the following
section:—

Subst.
sec. 103.

5 103. (1) Where no certificate of registration
or of renewal of registration is for the time
being operative in respect of a shop situated in
a shopping district, or in respect of a shop for
the sale of motor spirit, motor oil or motor
accessories not situated within a shopping
10 district, the shopkeeper of the shop shall, unless
he proves that—

15 (a) he had applied within the prescribed
time for such a certificate of registra-
tion or of renewal of registration, as
the case may be; and

(b) he had complied with the provisions of
this Act in respect of such application;
and

20 (c) such application had not been refused,
be guilty of an offence against this Part of this
Act and be liable upon summary conviction to
a penalty not exceeding twenty pounds.

25 (2) If any shopkeeper fails to give any
notice required to be given by him under para-
graph (a2) of subsection six of section one
hundred and two of this Act or to pay the
amount required by that paragraph to be paid
by him he shall be guilty of an offence against
30 this Part of this Act and be liable upon sum-
mary conviction to a penalty not exceeding
twenty pounds.

35 (3) Any person who in any application
for the registration under this Part of this Act
of any shop or in any notice required to be given
by him under such Part, wilfully makes or signs

any

Factories and Shops (Amendment).

any false statement shall be guilty of an offence against this Part of this Act and shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

5 (4) Any fee payable by a shopkeeper in respect of the registration or renewal of the registration of a shop may be sued for and recovered as a debt by and in the name of the Minister by any person authorised by him.

10 In any proceedings the production of an authority purporting to be signed by the Minister shall, without proof of the signature, be evidence of the appointment of the person named therein to sue and that his authority to sue
15 remains in force.

(d) by omitting subsections (4B) and (4C) of section Sec. 105.
one hundred and five and by inserting in lieu (Closing
thereof the following subsections:— times for
shops, etc.)

20 (4B) (a) Where immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in a shopping
25 district other than the shopping district of Tweed Heads is later than half past twelve o'clock in the afternoon, then, as on and from such commencement—

30 (i) the closing time on Saturday for such class of shops shall be half past twelve o'clock in the afternoon;

(ii) the closing time on Wednesday for such class of shops shall be half past five o'clock in the afternoon;

(iii)

Factories and Shops (Amendment).

5 (iii) the terms of the Shop Assistants and
Office Assistants (Country) Award
made under the Industrial Arbitration
Act, 1940, as amended by subsequent
Acts, shall except in its application to
the shopping district of Tweed Heads
be deemed to be varied by substituting
for the times fixed by that award for
the cessation of the ordinary hours of
10 work by employees in such class of
shops on Saturday and on Wednesday
the times referred to in subparagraph
(i) and subparagraph (ii), respectively,
of this paragraph.

15 (b) As soon as practicable after the com-
mencement of the Factories and Shops (Amend-
ment) Act, 1956, the Industrial Registrar shall,
subject to appeal to the Industrial Commission
of New South Wales, vary the terms of the Shop
20 Assistants and Office Assistants (Country)
Award to the extent necessary to give effect to
the provisions of this subsection. The Indus-
trial Registrar may refer any matter arising
under this subsection to the Industrial Com-
mission of New South Wales for directions.
25

(c) In this subsection—
“the shopping district of Tweed Heads” means
the country shopping district of Tweed Heads
which was constituted by proclamation pub-
30 lished under the provisions of section four of
the Early Closing (Amendment) Act, 1900, in
the Government Gazette of the twenty-ninth day
of May, one thousand nine hundred and seven.

(4c)

Factories and Shops (Amendment).

(4c) (a) In this subsection—

5 “appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette, such day being subsequent to the date of commencement of the Factories and Shops (Amendment) Act, 1956.

10 (b) Where immediately before the appointed day the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of this section) is
15 later than half past twelve o'clock in the afternoon, then, as on and from the appointed day—

20 (i) the closing time on Saturday for such class of shops in such shopping district shall be half past twelve o'clock in the afternoon;

25 (ii) the closing time on Wednesday for such class of shops in such shopping district shall be half past five o'clock in the afternoon;

30 (iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops in such shopping district
35 on Saturday and on Wednesday the times referred in in subparagraph (i) and subparagraph (ii), respectively, of this paragraph;

Factories and Shops (Amendment).

(iv) section one hundred and seven of this Act is amended—

- 5 (a) by omitting therefrom the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;
- 10 (b) by omitting therefrom the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday,”.
- 15 (c) As soon as practicable after the appointed day the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.
- 20
- 25 (e) (i) by inserting in section one hundred and seven after the words “shopping district” where lastly occurring the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;
- 30
- 35 (ii) by omitting from the same section the words “or on the day notified in accordance with the provisions of paragraph (i) of subsection (4c) of section one hundred and five of this Act as the day on which the weekly half-holiday is to be observed” and by inserting in lieu thereof the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday”;
- (f)

Sec. 107.
(Matters
to be dealt
with in
awards.)

Factories and Shops (Amendment).

- (f) by inserting at the end of subsection two of section one hundred and eleven the words "An authority to make such application purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister's signature.";
- (g) by omitting from the definition of "Under Secretary" in section 117A the words "and Social Welfare";
- (h) by inserting next after paragraph (d) of subsection one of section one hundred and twenty-eight the following new paragraph:—
- (d1) requiring certificates of registration and of renewal of registration of shops to be exhibited and regulating the manner of exhibition.

5. The Principal Act is further amended—

Further amendment of Act No. 39, 1912.

- (a) (i) by omitting subsection four of section six and by inserting in lieu thereof the following subsections:—
- (4) Subject to the provisions of this section a certificate of registration of a factory—
- (a) which is issued on or after the commencement of the Factories and Shops (Amendment) Act, 1956, shall be in force from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- (b) which was in force immediately before such commencement shall be in force until the thirty-first day of December, one thousand nine hundred and fifty-six;
- (c)

Factories and Shops (Amendment).

(c) may, on payment of the prescribed fee, be renewed and on each renewal shall be in force for a further period of one year:

5

10

15

20

Provided that the Under Secretary may post to any person in whose name a factory referred to in a certificate described in paragraph (b) of this subsection is registered at that person's last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of the certificate of registration of the factory next effected after the date of the notice shall be in force, and such renewal shall upon being so effected be in force for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same factory.

25

(4A) (a) The prescribed fee payable in respect of the issue or renewal of a certificate of registration of a factory shall be the appropriate amount specified in Schedule Four to this Act:

30

35

Provided that where the renewal of any such certificate is, pursuant to the proviso to paragraph (c) of subsection four of this section, to be in force for a period other than one year, the prescribed fee payable in respect of that renewal shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(b)

Factories and Shops (Amendment).

5 (b) In any case where during the
currency of a certificate of registration of
a factory the number of persons employed
in the factory is so increased that, if the
increased number of persons had been so
employed immediately before the last
renewal of the certificate, or, if the certi-
10 cate has not been renewed, the issue of the
certificate, a larger fee would have been pay-
able in respect of the renewal or issue of the
certificate, as the case may be, the occupier
of the factory shall within twenty-one days
15 after the date of the increase give written
notice of the increase to the Under
Secretary, and pay to him an amount equal
to the difference between—

20 (i) the prescribed fee paid in respect
of the last renewal of the certifi-
cate, or if the certificate has not
been renewed, in respect of its
issue; and

25 (ii) the prescribed fee which would
have been payable if the number
of persons so employed, as so
increased, had been so employed at
the time of the last renewal of the
certificate, or if the certificate has
not been renewed, at the time of its
issue, as the case may be:

30 Provided that where the number of
persons so employed is so increased after
the expiration of one half of the period for
which the certificate was last renewed, or
if it has not been renewed, was issued, the
35 amount to be paid to the Under Secretary
under the provisions of this paragraph shall
be reduced by one half.

If the occupier of the factory fails to
give notice as required by this paragraph

or

Factories and Shops (Amendment).

or to pay the amount required by this paragraph to be paid by him the factory shall be deemed to be an unregistered factory.

5 (ii) by omitting subsection fifteen of the same section;

(iii) by omitting subsection eighteen of the same section;

10 (b) (i) by omitting from subsection two of section Sec. 102.
one hundred and two the words "Schedule (Registra-
Six" and by inserting in lieu thereof the tion of
words "Schedule Four"; shops.)

(ii) by omitting paragraph (a) of subsection six of the same section and by inserting in lieu thereof the following paragraphs:—

15 (a) Subject to paragraph (b) of this subsection and of subsection one of section 103b of this Act—

20 (i) the registration of a shop made on or after the commencement of the Factories and Shops (Amendment) Act, 1956, and any certificate of registration issued in respect thereof shall be operative from the date of issue of the certificate until the
25 expiration of a period of one year from the last day of the month in which it was issued;

30 (ii) the registration of a shop and the certificate of registration issued in respect thereof which were operative immediately before such commencement and the renewal of registration of a shop and the
35 certificate of renewal of registration issued in respect thereof which were so operative shall be operative until the thirtieth day of June, one thousand nine hundred and fifty-seven; (iii)

Factories and Shops (Amendment).

5 (iii) every registration of a shop and the certificate of registration issued in respect thereof may, on payment of the prescribed fee, be renewed and on each renewal shall be operative for a further period of one year:

10 Provided that the Under Secretary may post to the shop-keeper by whom any certificate referred to in subparagraph (ii) of this paragraph is held at his last known place of abode or business, a notice in writing
15 specifying a period, being not less than six nor more than eighteen months, for which the renewal of registration of the shop referred to in that certificate next effected after the date of the notice, and the certificate of renewal of registration issued in respect thereof, shall be operative, and
20 such renewal of registration and such certificate shall upon such renewal being effected be operative for the period specified in the notice.

30 The Under Secretary shall not post more than one such notice in respect of the same shop.

35 (a1) The prescribed fee payable in respect of the registration of a shop and the issue of a certificate of registration in respect thereof, or for the renewal of registration of a shop and the issue of a certificate of renewal of registration in respect

Factories and Shops (Amendment).

respect thereof, shall be the appropriate amount specified in Schedule Four to this Act:

5 Provided that where a renewal of any
renewal of registration issued in respect
thereof are, pursuant to the proviso to sub-
10 paragraph (iii) of paragraph (a) of this
subsection, to be operative for a period
other than one year, the prescribed fee pay-
able in respect of that renewal and certifi-
15 cate shall be an amount equal to one-twelfth
of such appropriate amount multiplied by
the number of months comprised in the
period, disregarding any fraction of a
month.

20 (a2) In any case where during the
currency of any registration or renewal of
registration of a shop the number of persons
employed in the shop is so increased that,
if the increased number of persons had
25 been so employed immediately before the
last renewal of registration of the shop and
the issue of the certificate of renewal of
registration in respect thereof, or, if the
first registration of the shop has not been
renewed, the first registration of the shop
30 and the issue of the certificate of registra-
tion in respect thereof, a larger fee would
have been payable in respect of the renewal
of such registration and the issue of such
certificate of renewal of registration or
such registration and issue of such certifi-
35 cate of registration, as the case may be, the
person in whose name the shop is registered
shall within twenty-one days after the date
of the increase give written notice of the
increase to the Under Secretary, and pay

to

Factories and Shops (Amendment).

to him an amount equal to the difference between—

5 (i) the prescribed fee paid in respect of the last renewal of registration of the shop and the certificate of renewal of registration issued in respect thereof, or if the first registration of the shop has not been renewed, in respect of that registration and the certificate of registration issued in respect thereof; and

10 (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of such last renewal of registration or if such first registration has not been renewed, at the time of that registration, as the case may be:

25 Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

30 (iii) by omitting paragraph (c) of the same subsection;

(c) by omitting Schedule Four and by inserting in lieu thereof the following Schedule:—

Substituted
Schedule
Four.

SCHEDULE FOUR.

35 The registration fees to be paid in respect of factories and shops shall be:—

	£	s.	d.
For every factory or shop in which—			
no person is employed	5	0	
one or two persons are employed ..	10	0	
			more

109—C

Factories and Shops (Amendment).

	more than two and not more than four persons are employed	1 0 0
	more than four and not more than ten persons are employed	2 10 0
5	more than ten and not more than twenty persons are employed	5 0 0
	more than twenty and not more than thirty persons are employed	6 0 0
10	more than thirty and not more than fifty persons are employed	10 0 0
	more than fifty and not more than one hundred persons are employed	20 0 0

Where more than one hundred persons are employed in a factory or shop the registration fee to be paid in respect of that factory or shop shall be an amount of £20 plus an additional amount of £10 in respect of every additional fifty persons or fraction of fifty persons employed in that factory or shop.

For the purposes of calculating the registration fee payable in respect of—

- (a) any factory, all persons other than the occupier of the factory who are wholly or partly engaged in or in connection with the business of the factory and outdoor workers shall be regarded as persons employed in the factory;
- (b) any shop, all persons other than the shopkeeper of the shop who are wholly or partly engaged in the shop in the retail business thereof shall be regarded as persons employed in the shop.

(d) by omitting Schedule Six.

Repeal of
Schedule
Six.

6. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) by inserting in the heading to Part V after the word "FALSE" the words "OR MISLEADING";
- (b) (i) by inserting in paragraph (b) of subsection one of section ninety-seven after the word "false" the words "or misleading";
- (ii) by inserting in subsection three of the same section after the word "false" wherever occurring the words "or misleading";
- (iii)

Part V.
Heading.

Sec. 97.
(Penalty for
publishing
or causing
to be
published
any false
advertisement
to promote the
sale of
goods.)

Factories and Shops (Amendment).

- (iii) by inserting in the same subsection after the word "falsity" the words "or misleading character, as the case may be";
- 5 (iv) by inserting in paragraph (a) of subsection seven of the same section after the word "falsity" the words "or misleading character";
- 10 (c) by inserting in the matter relating to Part V in Sec. 1. section one after the word "FALSE" the words (Short title.) "OR MISLEADING"

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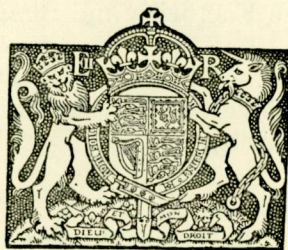
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New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 31, 1956.

An Act to make further provision with respect to the registration of factories and shops; to increase the fees payable for such registrations; to alter the closing times on certain days of certain shops; for these and other purposes to amend the Factories and Shops Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.]

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

1. (1) This Act may be cited as the “Factories and Shops (Amendment) Act, 1956”.

Short title,
citation and
commence-
ment.

70859

A

[1s. 4d.]

(2)

Factories and Shops (Amendment).

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

(3) The Principal Act, as amended by this Act, may be cited as the Factories and Shops Act, 1912-1956.

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

Amend-
ment of
Act No. 39,
1912.

2. The Principal Act is amended—

Sec. 6.
(Registra-
tion of fac-
tories.)

(a) (i) by inserting next after subsection two of section six the following new subsection:—

(2A) The Under Secretary in exercising the powers conferred on him by subsection two of this section shall take into consideration—

- (a) the provisions of this Act;
- (b) the provisions of any Act, other than this Act, affecting or relating to the user of the premises;
- (c) any other matters relevant to the suitability of the premises for use as a factory and the purposes for which the factory is to be used.

(ii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) (a) Where any persons other than the persons named in a certificate of registration or permit as the occupiers of a registered factory become the occupiers thereof the persons so named in the certificate of

registration

Factories and Shops (Amendment).

registration or permit and the persons becoming the occupiers of such factory shall serve on the Under Secretary a written notice of the change of occupancy within fourteen days after such change and if no such notice is served as aforesaid by the persons named in such certificate of registration or permit as the occupiers of such factory or the persons becoming the occupiers thereof the persons named in such certificate of registration or permit shall be deemed to be the occupiers of such factory and shall be subject to all the provisions of this Act relating to the same.

(b) Where any person named in a certificate of registration or permit as the occupier of a registered factory changes his name he shall serve on the Under Secretary a written notice of such change within fourteen days after such change and if he fails to do so such factory shall be deemed to be an unregistered factory.

(c) Any person who fails to serve notice in accordance with paragraph (a) or (b) of this subsection shall be liable to a penalty not exceeding fifty pounds.

(b) by inserting next after section 7A the following new section:— New sec.
7B.

7B. (1) Where the Under Secretary is satisfied that— Service of
notice by
Under
Secretary
in respect
of certain
buildings,
altera-
tions, etc.

(a) any person has commenced or caused to be commenced or is about to commence or to cause to be commenced the erection of any building, or structural alterations or additions to any building; and

(b) any industry is being or is intended to be carried on in that building; and

(c)

Factories and Shops (Amendment).

- (c) such building is not a factory nor intended for use as a factory,

he may by notice in writing served on such person require an application to be made to the Under Secretary for his approval of such erection, alterations or additions, as the case may be, and of the plans and specifications thereof.

(2) Application for the approval of the Under Secretary shall—

- (a) be made in the prescribed manner by the person on whom the notice was served;

- (b) be accompanied by two copies of the plans and specifications of the building, structural alterations or additions, as the case may be, one copy of which shall be retained by the Under Secretary.

(3) The Under Secretary shall consider such application and the plans and specifications accompanying it and may approve, or approve subject to conditions, or disapprove thereof.

(4) Where any application under this section is approved subject to conditions, or disapproved, the applicant may if dissatisfied with such decision appeal in the manner prescribed to the Minister. The decision of the Minister shall be final.

(5) Where any application under this section has been approved, the erection of the building or structural alterations or additions to any building to which such approval relates shall be carried out to the satisfaction of the Under Secretary in conformity with the plans and specifications thereof approved by him.

(6)

Factories and Shops (Amendment).

(6) Any person who after a notice has been served on him pursuant to this section in relation to the erection of any building or structural alterations or additions to any building does any work in connection with such erection, structural alterations or additions without the approval required by this section or not in conformity with such approval shall be liable to a penalty not exceeding fifty pounds.

(7) In this section "industry" means any craft, occupation or calling (other than mining) in which persons of either sex are employed for hire or reward.

(8) Nothing in this section shall apply to any building which is intended to be used primarily as a private dwelling-house.

- (c) (i) by omitting from subsection one of section Sec. 33.
thirty-three the symbols and figure "(1)" (Dangerous machinery.)
where secondly occurring and by inserting
in lieu thereof the symbols and letter
"(a)";
- (ii) by omitting from the same subsection the
symbols and figures "(2)", "(3)" and
"(4)" and by inserting in lieu thereof the
symbols and letters "(b)", "(c)" and
"(d)" respectively;
- (iii) by omitting from subsection two of the same
section the words "one hundred pounds"
and by inserting in lieu thereof the words
"three hundred pounds";
- (d) (i) by omitting from section thirty-four the Sec. 34.
words "Factory Welfare Board" wherever (Safe-
occurring and by inserting in lieu thereof guards from
the words "Factory and Industrial Welfare dangers.)
Board";
- (ii)

Factories and Shops (Amendment).

(ii) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph:—

(a) Where a recommendation is made to the Minister by the Factory and Industrial Welfare Board pursuant to paragraph (a1) of subsection two of section 36c of this Act with respect to any industry the Minister may, subject to the provisions of this Act—

(i) by order, direct any employer or employers in such industry to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or obligations or to provide such facilities; or

(ii) make such regulations, as appear to him to be reasonably practicable and to meet the necessity of the case.

(iii) by inserting next after paragraph (b) of the same subsection the following new paragraph:—

(b1) Regulations so made may—

(i) apply to all industries or to any specified class or description of industries;

(ii) provide for the exemption of any specified class or description of industries, either absolutely or subject to conditions;

(iii) impose duties on certain persons; and

(iv) impose penalties not exceeding fifty pounds for any breach of the regulations.

(e)

Factories and Shops (Amendment).

(e) (i) by omitting from subsections one, two, three and five of section 36c the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 36c.
(Factory and Industrial Welfare Board.)

(ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection:—

(1A) (a) The persons who held office as members of the Factory Welfare Board immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, shall be deemed to have been appointed members of the Factory and Industrial Welfare Board.

(b) Such members (other than the Chief Inspector) shall, notwithstanding the provisions of subsection one of this section, hold office as such for the balance of the term for which they were appointed members of the Factory Welfare Board.

(c) As from the commencement of the Factories and Shops (Amendment) Act, 1956, in the construction and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to the Factory Welfare Board shall be read, deemed and taken to refer to the Factory and Industrial Welfare Board.

(iii) by inserting in paragraph (a) of subsection two of the same section after the words "first-aid attention," where secondly occurring the word "housing,";

(iv)

Factories and Shops (Amendment).

- (iv) by inserting in paragraph (a1) of the same subsection after the words "relating to" the words "the lighting and ventilation of places of employment in any industry, the provision of closet accommodation for employees in any industry, and";
- (v) by inserting in the same paragraph after the words "facilities for" the word "housing,";

Sec. 38.
(Notice of
accidents.)

- (f) (i) by inserting in subsection one of section thirty-eight after the words "shall forthwith be sent" the words " by the occupier of the factory";
- (ii) by inserting in subsection two of the same section after the words "shall be sent" the words "by the occupier of the factory";
- (iii) by omitting from the same subsection the words "the occupier of the factory" and by inserting in lieu thereof the words "such occupier";
- (iv) by inserting in subsection three of the same section after the word "occupier" the words "of the factory";
- (v) by inserting in subsection four of the same section after the word "sent" the words "by the occupier of the factory";
- (vi) by inserting at the end of the same section the following new subsection:—
 - (5) (a) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

(b)

Factories and Shops (Amendment).

(b) Proceedings in respect of any offence under the provisions of subsection one, two or three of this section may be instituted at any time within twelve months after the date on which the offence was committed.

3. The Principal Act is further amended—

Further
amend-
ment of
Act No. 39,
1912.

Sec. 43.
(Hours of
employment
may be
extended
under
certain
conditions.)

(a) (i) by omitting from subsection one of section forty-three the words “forty-four hours” and by inserting in lieu thereof the words “forty hours”;

(ii) by omitting from the same subsection the words “one shilling and sixpence” and by inserting in lieu thereof the words “five shillings”;

(b) by inserting next after subsection two of section fifty-two the following new subsection:—

Sec. 52.
(Breaches
of Act.)

(2A) In a prosecution for any such breach or contravention a statement purporting to be signed by the Under Secretary—

(a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person, or in respect of any premises, specified in the statement, and, in the case of a certificate or permit which has been so issued, as to the date of issue of and particulars contained in such certificate or permit;
or

(b) that at any date or during any period specified in the statement a certificate or permit of the description specified in the statement issued pursuant to this

Act

Factories and Shops (Amendment).

Act to any person, or in respect of any premises, specified in the statement was or was not in force or operative;

shall be prima facie evidence of the matters contained in such statement without proof of the signature or of the official character of the person by whom the statement purports to have been signed.

Sec. 60.

(Penalty for forging certificate and false declaration.)

- (c) by inserting in section sixty after the words "under this Part of this Act," the words "or who in any application for the registration under this Part of this Act of any premises as a factory, or in any notice required to be given by him under paragraph (b) of subsection (4A) of section six of this Act, wilfully makes or signs any false statement,";

Sec. 62.

(Governor to have power to make regulations.)

- (d) (i) by omitting from paragraph (q) of subsection one of section sixty-two the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (ii) by inserting next after paragraph (u) of the same subsection the following new paragraph:—
- (v) requiring certificates of registration of factories or permits issued under section six of this Act to be exhibited and regulating the manner of exhibition;
- (iii) by omitting paragraph (a) of subsection (1B) of the same section and by inserting in lieu thereof the following paragraph:—
- (a) The Governor may make regulations not inconsistent with this Act—
- (i) providing for the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;

(ii)

Factories and Shops (Amendment).

- (ii) providing for the granting and issue of appropriate certificates of competency or service in respect of the driver of any engine or class or type of engine and the attendant of any boiler or class or type of boiler and the cancellation and suspension of such certificates;
- (iii) providing for the establishment of an examination board for engine drivers and boiler attendants and for the payment of fees to its members;
- (iv) relating to the powers, authorities, duties and functions of the examination board for engine drivers and boiler attendants;
- (v) prescribing the fees to be paid for examination for certificates of competency and the issue of certificates of service;
- (vi) prescribing the fees to be paid for the issue of statements of the particulars contained in certificates of competency and service;
- (vii) authorising the Chief Inspector by certificate in writing under his hand to exempt the driver of any engine or the attendant of any boiler from any or all of the provisions of the regulations where he is satisfied that such provisions cannot reasonably be applied to the driver of such engine or class

or

Factories and Shops (Amendment).

or type of engine or to the attendant of such boiler or class or type of boiler, as the case may be. Any such exemption may be absolute or may be made subject to such conditions as the Chief Inspector may impose;

- (viii) prohibiting any person from being employed as or acting in the capacity of an engine driver of any class or type of engine unless he is the holder of a certificate of competency or of service appropriate to that class or type of engine;
- (ix) prohibiting any person from being employed as or acting in the capacity of a boiler attendant of any class or type of boiler unless he is the holder of a certificate of competency or of service appropriate to that class or type of boiler;
- (x) authorising the Chief Inspector by notice in writing under his hand to restrict or prohibit the performance by the driver of any engine or engines of such work, additional to the driving of that engine or those engines, as may be specified in the notice, and requiring persons to comply with the terms of any such notice;
- (xi) prescribing a penalty not exceeding fifty pounds for any breach of the regulations made in relation to the matters referred to in this subsection.

Factories and Shops (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) by omitting from subsection one of section ninety-nine the words “not at the date of such proclamation” and by inserting in lieu thereof the words “which is not a shopping district”; Sec. 99.
(Power to constitute new shopping districts.)

- (b) by inserting next after paragraph (a) of subsection one of section one hundred and two the following new paragraphs:— Sec. 102.
(Registration of shops.)

(a1) Every person who, at the commencement of the Factories and Shops (Amendment) Act, 1956, is the shopkeeper of a shop—

- (i) situated in a shopping district which has been constituted a shopping district after the commencement of the Factories and Shops (Amendment) Act, 1936; and

- (ii) in respect of which there is no certificate of registration or renewal of registration operative;

shall, within one month after the commencement of the Factories and Shops (Amendment) Act, 1956, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

(a2) Every person who is the shopkeeper of a shop which is not situated within a shopping district shall, within one month after the area in which such shop is situated being constituted a shopping district, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

(c)

Factories and Shops (Amendment).

Subst.
sec. 103.

- (c) by omitting section one hundred and three and by inserting in lieu thereof the following section:—

Penalty.

103. (1) Where no certificate of registration or of renewal of registration is for the time being operative in respect of a shop situated in a shopping district, or in respect of a shop for the sale of motor spirit, motor oil or motor accessories not situated within a shopping district, the shopkeeper of the shop shall, unless he proves that—

(a) he had applied within the prescribed time for such a certificate of registration or of renewal of registration, as the case may be; and

(b) he had complied with the provisions of this Act in respect of such application; and

(c) such application had not been refused, be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

(2) If any shopkeeper fails to give any notice required to be given by him under paragraph (a2) of subsection six of section one hundred and two of this Act or to pay the amount required by that paragraph to be paid by him he shall be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

(3) Any person who in any application for the registration under this Part of this Act of any shop or in any notice required to be given by him under such Part, wilfully makes or signs

any

Factories and Shops (Amendment).

any false statement shall be guilty of an offence against this Part of this Act and shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

(4) Any fee payable by a shopkeeper in respect of the registration or renewal of the registration of a shop may be sued for and recovered as a debt by and in the name of the Minister by any person authorised by him.

In any proceedings the production of an authority purporting to be signed by the Minister shall, without proof of the signature, be evidence of the appointment of the person named therein to sue and that his authority to sue remains in force.

(d) by omitting subsections (4B) and (4C) of section one hundred and five and by inserting in lieu thereof the following subsections:—

Sec. 105.
(Closing
times for
shops, etc.)

(4B) (a) Where immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in a shopping district other than the shopping district of Tweed Heads is later than half past twelve o'clock in the afternoon, then, as on and from such commencement—

(i) the closing time on Saturday for such class of shops shall be half past twelve o'clock in the afternoon;

(ii) the closing time on Wednesday for such class of shops shall be half past five o'clock in the afternoon;

(iii)

Factories and Shops (Amendment).

- (iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall except in its application to the shopping district of Tweed Heads be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops on Saturday and on Wednesday the times referred to in subparagraph (i) and subparagraph (ii), respectively, of this paragraph.

(b) As soon as practicable after the commencement of the Factories and Shops (Amendment) Act, 1956, the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.

(c) In this subsection—

“the shopping district of Tweed Heads” means the country shopping district of Tweed Heads which was constituted by proclamation published under the provisions of section four of the Early Closing (Amendment) Act, 1900, in the Government Gazette of the twenty-ninth day of May, one thousand nine hundred and seven.

Factories and Shops (Amendment).

(4c) (a) In this subsection—

“appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette, such day being subsequent to the date of commencement of the Factories and Shops (Amendment) Act, 1956.

(b) Where immediately before the appointed day the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of this section) is later than half past twelve o'clock in the afternoon, then, as on and from the appointed day—

- (i) the closing time on Saturday for such class of shops in such shopping district shall be half past twelve o'clock in the afternoon;
- (ii) the closing time on Wednesday for such class of shops in such shopping district shall be half past five o'clock in the afternoon;
- (iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops in such shopping district on Saturday and on Wednesday the times referred to in subparagraph (i) and subparagraph (ii), respectively, of this paragraph;

(1) **B**

(iv)

Factories and Shops (Amendment).

(iv) section one hundred and seven of this Act is amended—

(a) by omitting therefrom the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

(b) by omitting therefrom the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday,”.

(c) As soon as practicable after the appointed day the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.

Sec. 107.
(Matters
to be dealt
with in
awards.)

(e) (i) by inserting in section one hundred and seven after the words “shopping district” where lastly occurring the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

(ii) by omitting from the same section the words “or on the day notified in accordance with the provisions of paragraph (i) of subsection (4c) of section one hundred and five of this Act as the day on which the weekly half-holiday is to be observed” and by inserting in lieu thereof the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday”;

(f)

Factories and Shops (Amendment).

- (f) by inserting at the end of subsection two of section one hundred and eleven the words "An authority to make such application purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister's signature."; Sec. 111. (Power to order earlier closing time.)
- (g) by omitting from the definition of "Under Secretary" in section 117A the words "and Social Welfare"; Sec. 117A. (Definition.)
- (h) by inserting next after paragraph (d) of subsection one of section one hundred and twenty-eight the following new paragraph:— Sec. 128. (Regulations.)
- (d1) requiring certificates of registration and of renewal of registration of shops to be exhibited and regulating the manner of exhibition.

5. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) (i) by omitting subsection four of section six and by inserting in lieu thereof the following subsections:— Sec. 6. (Registration of factories.)

(4) Subject to the provisions of this section a certificate of registration of a factory—

- (a) which is issued on or after the commencement of the Factories and Shops (Amendment) Act, 1956, shall be in force from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- (b) which was in force immediately before such commencement shall be in force until the thirty-first day of December, one thousand nine hundred and fifty-six;

(c)

Factories and Shops (Amendment).

- (c) may, on payment of the prescribed fee, be renewed and on each renewal shall be in force for a further period of one year:

Provided that the Under Secretary may post to any person in whose name a factory referred to in a certificate described in paragraph (b) of this subsection is registered at that person's last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of the certificate of registration of the factory next effected after the date of the notice shall be in force, and such renewal shall upon being so effected be in force for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same factory.

- (4A) (a) The prescribed fee payable in respect of the issue or renewal of a certificate of registration of a factory shall be the appropriate amount specified in Schedule Four to this Act:

Provided that where the renewal of any such certificate is, pursuant to the proviso to paragraph (c) of subsection four of this section, to be in force for a period other than one year, the prescribed fee payable in respect of that renewal shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month,

(b)

Factories and Shops (Amendment).

(b) In any case where during the currency of a certificate of registration of a factory the number of persons employed in the factory is so increased that, if the increased number of persons had been so employed immediately before the last renewal of the certificate, or, if the certificate has not been renewed, the issue of the certificate, a larger fee would have been payable in respect of the renewal or issue of the certificate, as the case may be, the occupier of the factory shall within twenty-one days after the date of the increase give written notice of the increase to the Under Secretary, and pay to him an amount equal to the difference between—

- (i) the prescribed fee paid in respect of the last renewal of the certificate, or if the certificate has not been renewed, in respect of its issue; and
- (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of the last renewal of the certificate, or if the certificate has not been renewed, at the time of its issue, as the case may be:

Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

If the occupier of the factory fails to give notice as required by this paragraph

or

Factories and Shops (Amendment).

or to pay the amount required by this paragraph to be paid by him the factory shall be deemed to be an unregistered factory.

- (ii) by omitting subsection fifteen of the same section;
- (iii) by omitting subsection eighteen of the same section;

Sec. 102.
(Registra-
tion of
shops.)

- (b) (i) by omitting from subsection two of section one hundred and two the words "Schedule Six" and by inserting in lieu thereof the words "Schedule Four";
- (ii) by omitting paragraph (a) of subsection six of the same section and by inserting in lieu thereof the following paragraphs:—

(a) Subject to paragraph (b) of this subsection and of subsection one of section 103b of this Act—

- (i) the registration of a shop made on or after the commencement of the Factories and Shops (Amendment) Act, 1956, and any certificate of registration issued in respect thereof shall be operative from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;

- (ii) the registration of a shop and the certificate of registration issued in respect thereof which were operative immediately before such commencement and the renewal of registration of a shop and the certificate of renewal of registration issued in respect thereof which were so operative shall be operative until the thirtieth day of June, one thousand nine hundred and fifty-seven;

(iii)

Factories and Shops (Amendment).

- (iii) every registration of a shop and the certificate of registration issued in respect thereof may, on payment of the prescribed fee, be renewed and on each renewal shall be operative for a further period of one year:

Provided that the Under Secretary may post to the shop-keeper by whom any certificate referred to in subparagraph (ii) of this paragraph is held at his last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of registration of the shop referred to in that certificate next effected after the date of the notice, and the certificate of renewal of registration issued in respect thereof, shall be operative, and such renewal of registration and such certificate shall upon such renewal being effected be operative for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same shop.

(a1) The prescribed fee payable in respect of the registration of a shop and the issue of a certificate of registration in respect thereof, or for the renewal of registration of a shop and the issue of a certificate of renewal of registration in

respect

Factories and Shops (Amendment).

respect thereof, shall be the appropriate amount specified in Schedule Four to this Act:

Provided that where a renewal of any such registration and the certificate of renewal of registration issued in respect thereof are, pursuant to the proviso to subparagraph (iii) of paragraph (a) of this subsection, to be operative for a period other than one year, the prescribed fee payable in respect of that renewal and certificate shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(a2) In any case where during the currency of any registration or renewal of registration of a shop the number of persons employed in the shop is so increased that, if the increased number of persons had been so employed immediately before the last renewal of registration of the shop and the issue of the certificate of renewal of registration in respect thereof, or, if the first registration of the shop has not been renewed, the first registration of the shop and the issue of the certificate of registration in respect thereof, a larger fee would have been payable in respect of the renewal of such registration and the issue of such certificate of renewal of registration or such registration and issue of such certificate of registration, as the case may be, the person in whose name the shop is registered shall within twenty-one days after the date of the increase give written notice of the increase to the Under Secretary, and pay

Factories and Shops (Amendment).

to him an amount equal to the difference between—

- (i) the prescribed fee paid in respect of the last renewal of registration of the shop and the certificate of renewal of registration issued in respect thereof, or if the first registration of the shop has not been renewed, in respect of that registration and the certificate of registration issued in respect thereof; and
- (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of such last renewal of registration or if such first registration has not been renewed, at the time of that registration, as the case may be:

Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

- (iii) by omitting paragraph (c) of the same subsection;

- (c) by omitting Schedule Four and by inserting in lieu thereof the following Schedule:—

SCHEDULE FOUR.

The registration fees to be paid in respect of factories and shops shall be:—

	£	s.	d.
For every factory or shop in which—			
no person is employed .. .. .	..	5	0
one or two persons are employed ..	..	10	0
		more	

Substituted
Schedule
Four.

Factories and Shops (Amendment).

more than two and not more than four persons are employed	1	0	0
more than four and not more than ten persons are employed	2	10	0
more than ten and not more than twenty persons are employed	5	0	0
more than twenty and not more than thirty persons are employed	6	0	0
more than thirty and not more than fifty persons are employed	10	0	0
more than fifty and not more than one hundred persons are employed	20	0	0

Where more than one hundred persons are employed in a factory or shop the registration fee to be paid in respect of that factory or shop shall be an amount of £20 plus an additional amount of £10 in respect of every additional fifty persons or fraction of fifty persons employed in that factory or shop.

For the purposes of calculating the registration fee payable in respect of—

- (a) any factory, all persons other than the occupier of the factory who are wholly or partly engaged in or in connection with the business of the factory and outdoor workers shall be regarded as persons employed in the factory;
- (b) any shop, all persons other than the shopkeeper of the shop who are wholly or partly engaged in the shop in the retail business thereof shall be regarded as persons employed in the shop.

(d) by omitting Schedule Six.

Repeal of
Schedule
Six.

Further
amendment
of Act No.
39, 1912.

Part V.
Heading.

Sec. 97.
(Penalty for
publishing
or causing
to be
published
any false
advertis-
ment to
promote the
sale of
goods.)

6. The Principal Act is further amended—

- (a) by inserting in the heading to Part V after the word “FALSE” the words “OR MISLEADING”;
- (b) (i) by inserting in paragraph (b) of subsection one of section ninety-seven after the word “false” the words “or misleading”;
- (ii) by inserting in subsection three of the same section after the word “false” wherever occurring the words “or misleading”;
- (iii)

Factories and Shops (Amendment).

- (iii) by inserting in the same subsection after the word "falsity" the words "or misleading character, as the case may be";
- (iv) by inserting in paragraph (a) of subsection seven of the same section after the word "falsity" the words "or misleading character";
- (c) by inserting in the matter relating to Part V in section one after the word "FALSE" the words "OR MISLEADING". Sec. 1.
(Short title.)

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1956.

Section 10. (Amendment)

(1) by inserting in the same section after the word "false", the words "and misleading" the character as the same may be;

(2) by inserting in paragraph (a) of section seven of the same section after the word "false", the words "and misleading" the character;

(3) by inserting in the matter of said section one a certain word, to wit: "and misleading" the character.

Section 11. (Amendment)

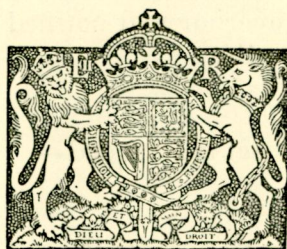
A. H. Lawrence, Chairman, Finance, 1956

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 31 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 31, 1956.

An Act to make further provision with respect to the registration of factories and shops; to increase the fees payable for such registrations; to alter the closing times on certain days of certain shops; for these and other purposes to amend the Factories and Shops Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.]

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

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1956".

(2)

Short title,
citation and
commence-
ment.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Factories and Shops (Amendment).

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

(3) The Principal Act, as amended by this Act, may be cited as the Factories and Shops Act, 1912-1956.

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

Amend-
ment of
Act No. 39,
1912.

Sec. 6.
(Registra-
tion of fac-
tories.)

2. The Principal Act is amended—

(a) (i) by inserting next after subsection two of section six the following new subsection:—

(2A) The Under Secretary in exercising the powers conferred on him by subsection two of this section shall take into consideration—

- (a) the provisions of this Act;
- (b) the provisions of any Act, other than this Act, affecting or relating to the user of the premises;
- (c) any other matters relevant to the suitability of the premises for use as a factory and the purposes for which the factory is to be used.

(ii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) (a) Where any persons other than the persons named in a certificate of registration or permit as the occupiers of a registered factory become the occupiers thereof the persons so named in the certificate of
registration

Factories and Shops (Amendment).

registration or permit and the persons becoming the occupiers of such factory shall serve on the Under Secretary a written notice of the change of occupancy within fourteen days after such change and if no such notice is served as aforesaid by the persons named in such certificate of registration or permit as the occupiers of such factory or the persons becoming the occupiers thereof the persons named in such certificate of registration or permit shall be deemed to be the occupiers of such factory and shall be subject to all the provisions of this Act relating to the same.

(b) Where any person named in a certificate of registration or permit as the occupier of a registered factory changes his name he shall serve on the Under Secretary a written notice of such change within fourteen days after such change and if he fails to do so such factory shall be deemed to be an unregistered factory.

(c) Any person who fails to serve notice in accordance with paragraph (a) or (b) of this subsection shall be liable to a penalty not exceeding fifty pounds.

(b) by inserting next after section 7A the following New sec.
7B.
new section:—

7B. (1) Where the Under Secretary is satisfied that—

(a) any person has commenced or caused to be commenced or is about to commence or to cause to be commenced the erection of any building, or structural alterations or additions to any building; and

(b) any industry is being or is intended to be carried on in that building; and

(c)

Service of
notice by
Under
Secretary
in respect
of certain
buildings,
altera-
tions, etc.

Factories and Shops (Amendment).

- (c) such building is not a factory nor intended for use as a factory,

he may by notice in writing served on such person require an application to be made to the Under Secretary for his approval of such erection, alterations or additions, as the case may be, and of the plans and specifications thereof.

(2) Application for the approval of the Under Secretary shall—

- (a) be made in the prescribed manner by the person on whom the notice was served;

- (b) be accompanied by two copies of the plans and specifications of the building, structural alterations or additions, as the case may be, one copy of which shall be retained by the Under Secretary.

(3) The Under Secretary shall consider such application and the plans and specifications accompanying it and may approve, or approve subject to conditions, or disapprove thereof.

(4) Where any application under this section is approved subject to conditions, or disapproved, the applicant may if dissatisfied with such decision appeal in the manner prescribed to the Minister. The decision of the Minister shall be final.

(5) Where any application under this section has been approved, the erection of the building or structural alterations or additions to any building to which such approval relates shall be carried out to the satisfaction of the Under Secretary in conformity with the plans and specifications thereof approved by him.

(6)

Factories and Shops (Amendment).

(6) Any person who after a notice has been served on him pursuant to this section in relation to the erection of any building or structural alterations or additions to any building does any work in connection with such erection, structural alterations or additions without the approval required by this section or not in conformity with such approval shall be liable to a penalty not exceeding fifty pounds.

(7) In this section "industry" means any craft, occupation or calling (other than mining) in which persons of either sex are employed for hire or reward.

(8) Nothing in this section shall apply to any building which is intended to be used primarily as a private dwelling-house.

(c) (i) by omitting from subsection one of section thirty-three the symbols and figure "(1)" where secondly occurring and by inserting in lieu thereof the symbols and letter "(a)";

Sec. 33.
(Dangerous
machinery.)

(ii) by omitting from the same subsection the symbols and figures "(2)", "(3)" and "(4)" and by inserting in lieu thereof the symbols and letters "(b)", "(c)" and "(d)" respectively;

(iii) by omitting from subsection two of the same section the words "one hundred pounds" and by inserting in lieu thereof the words "three hundred pounds";

(d) (i) by omitting from section thirty-four the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 34.
(Safe-
guards from
dangers.)

(ii)

Factories and Shops (Amendment).

- (ii) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph:—

(a) Where a recommendation is made to the Minister by the Factory and Industrial Welfare Board pursuant to paragraph (a1) of subsection two of section 36c of this Act with respect to any industry the Minister may, subject to the provisions of this Act—

- (i) by order, direct any employer or employers in such industry to make such provision or to take such steps or to observe such prohibitions, restrictions, precautions, or obligations or to provide such facilities; or

(ii) make such regulations, as appear to him to be reasonably practicable and to meet the necessity of the case.

- (iii) by inserting next after paragraph (b) of the same subsection the following new paragraph:—

(b1) Regulations so made may—

- (i) apply to all industries or to any specified class or description of industries;
- (ii) provide for the exemption of any specified class or description of industries, either absolutely or subject to conditions;
- (iii) impose duties on certain persons; and
- (iv) impose penalties not exceeding fifty pounds for any breach of the regulations.

(e)

Factories and Shops (Amendment).

- (e) (i) by omitting from subsections one, two, three and five of section 36c the words "Factory Welfare Board" wherever occurring and by inserting in lieu thereof the words "Factory and Industrial Welfare Board";

Sec. 36c.
(Factory
and Indus-
trial
Welfare
Board.)

- (ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection:—

(1A) (a) The persons who held office as members of the Factory Welfare Board immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, shall be deemed to have been appointed members of the Factory and Industrial Welfare Board.

(b) Such members (other than the Chief Inspector) shall, notwithstanding the provisions of subsection one of this section, hold office as such for the balance of the term for which they were appointed members of the Factory Welfare Board.

(c) As from the commencement of the Factories and Shops (Amendment) Act, 1956, in the construction and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to, or to be read, deemed and taken to refer to the Factory Welfare Board shall be read, deemed and taken to refer to the Factory and Industrial Welfare Board.

- (iii) by inserting in paragraph (a) of subsection two of the same section after the words "first-aid attention," where secondly occurring the word "housing,";

(iv)

Factories and Shops (Amendment).

Sec. 38.
(Notice of
accidents.)

- (iv) by inserting in paragraph (a1) of the same subsection after the words "relating to" the words "the lighting and ventilation of places of employment in any industry, the provision of closet accommodation for employees in any industry, and";
 - (v) by inserting in the same paragraph after the words "facilities for" the word "housing,";
 - (f) (i) by inserting in subsection one of section thirty-eight after the words "shall forthwith be sent" the words " by the occupier of the factory";
 - (ii) by inserting in subsection two of the same section after the words "shall be sent" the words "by the occupier of the factory";
 - (iii) by omitting from the same subsection the words "the occupier of the factory" and by inserting in lieu thereof the words "such occupier";
 - (iv) by inserting in subsection three of the same section after the word "occupier" the words "of the factory";
 - (v) by inserting in subsection four of the same section after the word "sent" the words "by the occupier of the factory";
 - (vi) by inserting at the end of the same section the following new subsection:—
 - (5) (a) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.
- (b)

Factories and Shops (Amendment).

(b) Proceedings in respect of any offence under the provisions of subsection one, two or three of this section may be instituted at any time within twelve months after the date on which the offence was committed.

3. The Principal Act is further amended—

Further
amend-
ment of
Act No. 39,
1912.

- (a) (i) by omitting from subsection one of section forty-three the words “forty-four hours” and by inserting in lieu thereof the words “forty hours”;

Sec. 43.
(Hours of
employment
may be
extended
under
certain
conditions.)

- (ii) by omitting from the same subsection the words “one shilling and sixpence” and by inserting in lieu thereof the words “five shillings”;

- (b) by inserting next after subsection two of section fifty-two the following new subsection:—

Sec. 52.
(Breaches
of Act.)

(2A) In a prosecution for any such breach or contravention a statement purporting to be signed by the Under Secretary—

- (a) that a certificate or permit of the description specified in the statement has or has not been issued pursuant to this Act to any person, or in respect of any premises, specified in the statement, and, in the case of a certificate or permit which has been so issued, as to the date of issue of and particulars contained in such certificate or permit;
or

- (b) that at any date or during any period specified in the statement a certificate or permit of the description specified in the statement issued pursuant to this

Act

Factories and Shops (Amendment).

Act to any person, or in respect of any premises, specified in the statement was or was not in force or operative;

shall be prima facie evidence of the matters contained in such statement without proof of the signature or of the official character of the person by whom the statement purports to have been signed.

Sec. 60.
(Penalty
for forging
certificate
and false
declaration.)

- (c) by inserting in section sixty after the words "under this Part of this Act," the words "or who in any application for the registration under this Part of this Act of any premises as a factory, or in any notice required to be given by him under paragraph (b) of subsection (4A) of section six of this Act, wilfully makes or signs any false statement,";

Sec. 62.
(Governor
to have
power
to make
regulations.)

- (d) (i) by omitting from paragraph (q) of subsection one of section sixty-two the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";

- (ii) by inserting next after paragraph (u) of the same subsection the following new paragraph:—

(v) requiring certificates of registration of factories or permits issued under section six of this Act to be exhibited and regulating the manner of exhibition;

- (iii) by omitting paragraph (a) of subsection (1B) of the same section and by inserting in lieu thereof the following paragraph:—

(a) The Governor may make regulations not inconsistent with this Act—

- (i) providing for the qualifications, examination, certification, supervision and control of engine drivers and boiler attendants;

(ii)

Factories and Shops (Amendment).

- (ii) providing for the granting and issue of appropriate certificates of competency or service in respect of the driver of any engine or class or type of engine and the attendant of any boiler or class or type of boiler and the cancellation and suspension of such certificates;
- (iii) providing for the establishment of an examination board for engine drivers and boiler attendants and for the payment of fees to its members;
- (iv) relating to the powers, authorities, duties and functions of the examination board for engine drivers and boiler attendants;
- (v) prescribing the fees to be paid for examination for certificates of competency and the issue of certificates of service;
- (vi) prescribing the fees to be paid for the issue of statements of the particulars contained in certificates of competency and service;
- (vii) authorising the Chief Inspector by certificate in writing under his hand to exempt the driver of any engine or the attendant of any boiler from any or all of the provisions of the regulations where he is satisfied that such provisions cannot reasonably be applied to the driver of such engine or class

or

Factories and Shops (Amendment).

or type of engine or to the attendant of such boiler or class or type of boiler, as the case may be. Any such exemption may be absolute or may be made subject to such conditions as the Chief Inspector may impose;

- (viii) prohibiting any person from being employed as or acting in the capacity of an engine driver of any class or type of engine unless he is the holder of a certificate of competency or of service appropriate to that class or type of engine;
- (ix) prohibiting any person from being employed as or acting in the capacity of a boiler attendant of any class or type of boiler unless he is the holder of a certificate of competency or of service appropriate to that class or type of boiler;
- (x) authorising the Chief Inspector by notice in writing under his hand to restrict or prohibit the performance by the driver of any engine or engines of such work, additional to the driving of that engine or those engines, as may be specified in the notice, and requiring persons to comply with the terms of any such notice;
- (xi) prescribing a penalty not exceeding fifty pounds for any breach of the regulations made in relation to the matters referred to in this subsection.

Factories and Shops (Amendment).

4. The Principal Act is further amended—

Further
amendment
of Act No.
39, 1912.

- (a) by omitting from subsection one of section ninety-nine the words “not at the date of such proclamation” and by inserting in lieu thereof the words “which is not a shopping district”; Sec. 99.
(Power to constitute new shopping districts.)
- (b) by inserting next after paragraph (a) of subsection one of section one hundred and two the following new paragraphs:— Sec. 102.
(Registration of shops.)

(a1) Every person who, at the commencement of the Factories and Shops (Amendment) Act, 1956, is the shopkeeper of a shop—

(i) situated in a shopping district which has been constituted a shopping district after the commencement of the Factories and Shops (Amendment) Act, 1936; and

(ii) in respect of which there is no certificate of registration or renewal of registration operative;

shall, within one month after the commencement of the Factories and Shops (Amendment) Act, 1956, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

(a2) Every person who is the shopkeeper of a shop which is not situated within a shopping district shall, within one month after the area in which such shop is situated being constituted a shopping district, make application to the Under Secretary in the prescribed form for a certificate of registration of the shop.

(c)

Factories and Shops (Amendment).

Subst.
sec. 103.

- (c) by omitting section one hundred and three and by inserting in lieu thereof the following section:—

Penalty.

103. (1) Where no certificate of registration or of renewal of registration is for the time being operative in respect of a shop situated in a shopping district, or in respect of a shop for the sale of motor spirit, motor oil or motor accessories not situated within a shopping district, the shopkeeper of the shop shall, unless he proves that—

(a) he had applied within the prescribed time for such a certificate of registration or of renewal of registration, as the case may be; and

(b) he had complied with the provisions of this Act in respect of such application; and

(c) such application had not been refused, be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

(2) If any shopkeeper fails to give any notice required to be given by him under paragraph (a2) of subsection six of section one hundred and two of this Act or to pay the amount required by that paragraph to be paid by him he shall be guilty of an offence against this Part of this Act and be liable upon summary conviction to a penalty not exceeding twenty pounds.

(3) Any person who in any application for the registration under this Part of this Act of any shop or in any notice required to be given by him under such Part, wilfully makes or signs

any

Factories and Shops (Amendment).

any false statement shall be guilty of an offence against this Part of this Act and shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

(4) Any fee payable by a shopkeeper in respect of the registration or renewal of the registration of a shop may be sued for and recovered as a debt by and in the name of the Minister by any person authorised by him.

In any proceedings the production of an authority purporting to be signed by the Minister shall, without proof of the signature, be evidence of the appointment of the person named therein to sue and that his authority to sue remains in force.

- (d) by omitting subsections (4B) and (4C) of section Sec. 105. one hundred and five and by inserting in lieu (Closing times for shops, etc.) thereof the following subsections:—

(4B) (a) Where immediately before the commencement of the Factories and Shops (Amendment) Act, 1956, the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in a shopping district other than the shopping district of Tweed Heads is later than half past twelve o'clock in the afternoon, then, as on and from such commencement—

- (i) the closing time on Saturday for such class of shops shall be half past twelve o'clock in the afternoon;
- (ii) the closing time on Wednesday for such class of shops shall be half past five o'clock in the afternoon;

(iii)

Factories and Shops (Amendment).

- (iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall except in its application to the shopping district of Tweed Heads be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops on Saturday and on Wednesday the times referred to in subparagraph (i) and subparagraph (ii), respectively, of this paragraph.

(b) As soon as practicable after the commencement of the Factories and Shops (Amendment) Act, 1956, the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.

(c) In this subsection—

“the shopping district of Tweed Heads” means the country shopping district of Tweed Heads which was constituted by proclamation published under the provisions of section four of the Early Closing (Amendment) Act, 1900, in the Government Gazette of the twenty-ninth day of May, one thousand nine hundred and seven.

(4c)

Factories and Shops (Amendment).

(4c) (a) In this subsection—

“appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette, such day being subsequent to the date of commencement of the Factories and Shops (Amendment) Act, 1956.

(b) Where immediately before the appointed day the closing time on Saturday fixed by or under this Act for any class of shops (other than shops of any of the classes specified in Schedule Eight to this Act) in the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of this section) is later than half past twelve o'clock in the afternoon, then, as on and from the appointed day—

- (i) the closing time on Saturday for such class of shops in such shopping district shall be half past twelve o'clock in the afternoon;
- (ii) the closing time on Wednesday for such class of shops in such shopping district shall be half past five o'clock in the afternoon;
- (iii) the terms of the Shop Assistants and Office Assistants (Country) Award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall be deemed to be varied by substituting for the times fixed by that award for the cessation of the ordinary hours of work by employees in such class of shops in such shopping district on Saturday and on Wednesday the times referred to in subparagraph (i) and subparagraph (ii), respectively, of this paragraph;

(iv)

Factories and Shops (Amendment).

(iv) section one hundred and seven of this Act is amended—

(a) by omitting therefrom the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

(b) by omitting therefrom the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday,”.

(c) As soon as practicable after the appointed day the Industrial Registrar shall, subject to appeal to the Industrial Commission of New South Wales, vary the terms of the Shop Assistants and Office Assistants (Country) Award to the extent necessary to give effect to the provisions of this subsection. The Industrial Registrar may refer any matter arising under this subsection to the Industrial Commission of New South Wales for directions.

Sec. 107.
(Matters
to be dealt
with in
awards.)

(e) (i) by inserting in section one hundred and seven after the words “shopping district” where lastly occurring the words “, other than the shopping district of Tweed Heads (as defined in paragraph (c) of subsection (4B) of section one hundred and five of this Act)”;

(ii) by omitting from the same section the words “or on the day notified in accordance with the provisions of paragraph (i) of subsection (4c) of section one hundred and five of this Act as the day on which the weekly half-holiday is to be observed” and by inserting in lieu thereof the words “or in the shopping district of Tweed Heads, as so defined, on Wednesday”;

(f)

Factories and Shops (Amendment).

- (f) by inserting at the end of subsection two of section one hundred and eleven the words "An authority to make such application purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister's signature."; Sec. 111.
(Power to order earlier closing time.)
- (g) by omitting from the definition of "Under Secretary" in section 117A the words "and Social Welfare"; Sec. 117A.
(Definition.)
- (h) by inserting next after paragraph (d) of subsection one of section one hundred and twenty-eight the following new paragraph:— Sec. 128.
(Regulations.)
 - (d1) requiring certificates of registration and of renewal of registration of shops to be exhibited and regulating the manner of exhibition.

5. The Principal Act is further amended—

Further amendment of Act No. 39, 1912.

- (a) (i) by omitting subsection four of section six and by inserting in lieu thereof the following subsections:— Sec. 6.
(Registration of factories.)
 - (4) Subject to the provisions of this section a certificate of registration of a factory—
 - (a) which is issued on or after the commencement of the Factories and Shops (Amendment) Act, 1956, shall be in force from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
 - (b) which was in force immediately before such commencement shall be in force until the thirty-first day of December, one thousand nine hundred and fifty-six;
 - (c)

Factories and Shops (Amendment).

- (c) may, on payment of the prescribed fee, be renewed and on each renewal shall be in force for a further period of one year:

Provided that the Under Secretary may post to any person in whose name a factory referred to in a certificate described in paragraph (b) of this subsection is registered at that person's last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of the certificate of registration of the factory next effected after the date of the notice shall be in force, and such renewal shall upon being so effected be in force for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same factory.

- (4A) (a) The prescribed fee payable in respect of the issue or renewal of a certificate of registration of a factory shall be the appropriate amount specified in Schedule Four to this Act:

Provided that where the renewal of any such certificate is, pursuant to the proviso to paragraph (c) of subsection four of this section, to be in force for a period other than one year, the prescribed fee payable in respect of that renewal shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(b)

Factories and Shops (Amendment).

(b) In any case where during the currency of a certificate of registration of a factory the number of persons employed in the factory is so increased that, if the increased number of persons had been so employed immediately before the last renewal of the certificate, or, if the certificate has not been renewed, the issue of the certificate, a larger fee would have been payable in respect of the renewal or issue of the certificate, as the case may be, the occupier of the factory shall within twenty-one days after the date of the increase give written notice of the increase to the Under Secretary, and pay to him an amount equal to the difference between—

- (i) the prescribed fee paid in respect of the last renewal of the certificate, or if the certificate has not been renewed, in respect of its issue; and
- (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of the last renewal of the certificate, or if the certificate has not been renewed, at the time of its issue, as the case may be:

Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

If the occupier of the factory fails to give notice as required by this paragraph

or

Factories and Shops (Amendment).

or to pay the amount required by this paragraph to be paid by him the factory shall be deemed to be an unregistered factory.

- (ii) by omitting subsection fifteen of the same section;
- (iii) by omitting subsection eighteen of the same section;

Sec. 102.
(Registra-
tion of
shops.)

- (b) (i) by omitting from subsection two of section one hundred and two the words "Schedule Six" and by inserting in lieu thereof the words "Schedule Four";
- (ii) by omitting paragraph (a) of subsection six of the same section and by inserting in lieu thereof the following paragraphs:—

(a) Subject to paragraph (b) of this subsection and of subsection one of section 103b of this Act—

- (i) the registration of a shop made on or after the commencement of the Factories and Shops (Amendment) Act, 1956, and any certificate of registration issued in respect thereof shall be operative from the date of issue of the certificate until the expiration of a period of one year from the last day of the month in which it was issued;
- (ii) the registration of a shop and the certificate of registration issued in respect thereof which were operative immediately before such commencement and the renewal of registration of a shop and the certificate of renewal of registration issued in respect thereof which were so operative shall be operative until the thirtieth day of June, one thousand nine hundred and fifty-seven;
- (iii)

Factories and Shops (Amendment).

- (iii) every registration of a shop and the certificate of registration issued in respect thereof may, on payment of the prescribed fee, be renewed and on each renewal shall be operative for a further period of one year:

Provided that the Under Secretary may post to the shop-keeper by whom any certificate referred to in subparagraph (ii) of this paragraph is held at his last known place of abode or business, a notice in writing specifying a period, being not less than six nor more than eighteen months, for which the renewal of registration of the shop referred to in that certificate next effected after the date of the notice, and the certificate of renewal of registration issued in respect thereof, shall be operative, and such renewal of registration and such certificate shall upon such renewal being effected be operative for the period specified in the notice.

The Under Secretary shall not post more than one such notice in respect of the same shop.

- (a1) The prescribed fee payable in respect of the registration of a shop and the issue of a certificate of registration in respect thereof, or for the renewal of registration of a shop and the issue of a certificate of renewal of registration in

respect

Factories and Shops (Amendment).

respect thereof, shall be the appropriate amount specified in Schedule Four to this Act:

Provided that where a renewal of any such registration and the certificate of renewal of registration issued in respect thereof are, pursuant to the proviso to subparagraph (iii) of paragraph (a) of this subsection, to be operative for a period other than one year, the prescribed fee payable in respect of that renewal and certificate shall be an amount equal to one-twelfth of such appropriate amount multiplied by the number of months comprised in the period, disregarding any fraction of a month.

(a2) In any case where during the currency of any registration or renewal of registration of a shop the number of persons employed in the shop is so increased that, if the increased number of persons had been so employed immediately before the last renewal of registration of the shop and the issue of the certificate of renewal of registration in respect thereof, or, if the first registration of the shop has not been renewed, the first registration of the shop and the issue of the certificate of registration in respect thereof, a larger fee would have been payable in respect of the renewal of such registration and the issue of such certificate of renewal of registration or such registration and issue of such certificate of registration, as the case may be, the person in whose name the shop is registered shall within twenty-one days after the date of the increase give written notice of the increase to the Under Secretary, and pay

to

Factories and Shops (Amendment).

to him an amount equal to the difference between—

- (i) the prescribed fee paid in respect of the last renewal of registration of the shop and the certificate of renewal of registration issued in respect thereof, or if the first registration of the shop has not been renewed, in respect of that registration and the certificate of registration issued in respect thereof; and
- (ii) the prescribed fee which would have been payable if the number of persons so employed, as so increased, had been so employed at the time of such last renewal of registration or if such first registration has not been renewed, at the time of that registration, as the case may be:

Provided that where the number of persons so employed is so increased after the expiration of one half of the period for which the certificate was last renewed, or if it has not been renewed, was issued, the amount to be paid to the Under Secretary under the provisions of this paragraph shall be reduced by one half.

- (iii) by omitting paragraph (c) of the same subsection;

- (c) by omitting Schedule Four and by inserting in lieu thereof the following Schedule:—

Substituted
Schedule
Four.

SCHEDULE FOUR.

The registration fees to be paid in respect of factories and shops shall be:—

	£	s.	d.
For every factory or shop in which—			
no person is employed .. ..	..	5	0
one or two persons are employed ..	..	10	0
			more

Factories and Shops (Amendment).

more than two and not more than four persons are employed	.. ..	1 0 0
more than four and not more than ten persons are employed	.. ..	2 10 0
more than ten and not more than twenty persons are employed	.. ..	5 0 0
more than twenty and not more than thirty persons are employed	.. ..	6 0 0
more than thirty and not more than fifty persons are employed	.. ..	10 0 0
more than fifty and not more than one hundred persons are employed	.. ..	20 0 0

Where more than one hundred persons are employed in a factory or shop the registration fee to be paid in respect of that factory or shop shall be an amount of £20 plus an additional amount of £10 in respect of every additional fifty persons or fraction of fifty persons employed in that factory or shop.

For the purposes of calculating the registration fee payable in respect of—

- (a) any factory, all persons other than the occupier of the factory who are wholly or partly engaged in or in connection with the business of the factory and outdoor workers shall be regarded as persons employed in the factory;
- (b) any shop, all persons other than the shopkeeper of the shop who are wholly or partly engaged in the shop in the retail business thereof shall be regarded as persons employed in the shop.
- (d) by omitting Schedule Six.

Repeal of
Schedule
Six.

Further
amendment
of Act No.
39, 1912.

Part V.
Heading.

Sec. 97.
(Penalty for
publishing
or causing
to be
published
any false
advertis-
ment to
promote the
sale of
goods.)

6. The Principal Act is further amended—

- (a) by inserting in the heading to Part V after the word "FALSE" the words "OR MISLEADING";
- (b) (i) by inserting in paragraph (b) of subsection one of section ninety-seven after the word "false" the words "or misleading";
- (ii) by inserting in subsection three of the same section after the word "false" wherever occurring the words "or misleading";
- (iii)

Factories and Shops (Amendment).

- (iii) by inserting in the same subsection after the word "falsity" the words "or misleading character, as the case may be";
- (iv) by inserting in paragraph (a) of subsection seven of the same section after the word "falsity" the words "or misleading character";
- (c) by inserting in the matter relating to Part V in Sec. 1. section one after the word "FALSE" the words (Short title.) "OR MISLEADING".

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 9th November, 1956.*

(Continued from page 71)

(11) The first of the three items mentioned in the preceding paragraph is the fact that the word "land" is used in the title of the report. This is a significant fact because it indicates that the report is concerned with the land area of the country. The second item is the fact that the report is a preliminary one. This is also a significant fact because it indicates that the report is not a final one and that it is subject to change. The third item is the fact that the report is a summary of the work done by the committee. This is also a significant fact because it indicates that the report is a summary of the work done by the committee and not a report of the committee's findings.

(12) The second of the three items mentioned in the preceding paragraph is the fact that the report is a preliminary one. This is a significant fact because it indicates that the report is not a final one and that it is subject to change. The third item is the fact that the report is a summary of the work done by the committee. This is also a significant fact because it indicates that the report is a summary of the work done by the committee and not a report of the committee's findings.

In the second of the three items mentioned in the preceding paragraph is the fact that the report is a preliminary one. This is a significant fact because it indicates that the report is not a final one and that it is subject to change. The third item is the fact that the report is a summary of the work done by the committee. This is also a significant fact because it indicates that the report is a summary of the work done by the committee and not a report of the committee's findings.