

FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT) BILL

*Schedule of the Amendments referred to in Legislative Council's
Message of 13 March, 1975.*

No. 1.—Pages 3 and 4, clause 4, line 5 on page 3 to line 33 on page 4, both inclusive. *Omit* all words on these lines.

No. 2.—Page 1, Title. *Omit* “extend the power of industrial tribunals to fix times for cessation of the ordinary hours of work by employees in certain shops; to”.

FACTORYS, SHOPS AND INDUSTRIAL ESTABLISHMENTS, BUREAU

Department of Labor, Bureau of Labor Statistics
Washington, D. C. 20540
Circular No. 1000, 1953
This circular is one of a series of publications
designed to provide information on the
various types of establishments and
industries in the United States.

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1975.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 13 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to extend the power of industrial tribunals to fix times for cessation of the ordinary hours of work by employees in certain shops; to exclude art and handicraft galleries from the operation of the laws relating to the early closing of, and Sunday trading in, shops; to make further provision with respect to the sale of goods in small shops, penalties, and the fees payable for registration of factories and shops; for these and other purposes to amend the Factories, Shops and Industries Act, 1962; and for purposes connected therewith.

BE

Factories, Shops and Industries (Amendment).

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. This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1975". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

10 (2) Section 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Factories, Shops and Industries Act, 1962, is, in this Act, referred to as the Principal Act. Principal Act.

15 4. The Principal Act is amended— Amendment of Act No. 43, 1962.

(a) (i) by omitting paragraph (g) of the definition of "Small shop" in section 76A (1) and by inserting instead the following paragraph:— Sec. 76A. (Small shops.)

20 (g) The only goods sold or offered or exposed for sale in the shop shall be the goods specified in clauses (1) and (2) of Schedule 3A, or some of them.

(ii) by omitting from section 76A (2) the matter "or (3)";

25 (iii) by omitting from section 76A (2) the words "or areas" wherever occurring;

(iv)

Factories, Shops and Industries (Amendment).

- (iv) by omitting from section 76A (2) the words "and an area may be described in such a proclamation by excluding an area from a larger area";
- 5 (b) by omitting the definitions of "Ladies' hairdressing shop", "Men's hairdressing shop" and "The town of Tweed Heads" in section 78; Sec. 78.
(Definitions and application.)
- (c) (i) by omitting section 79 (3) and by inserting instead the following subsections :— Sec. 79.
(Closing and opening times of certain shops on weekdays.)
 - 10 (3) Subject to subsection 3A, the opening and closing times for hairdressers' shops situated in any area, whether or not employees are employed in those shops, shall on each week day be such times as may be fixed by any State award for the time being in force for the commencement and cessation, respectively, of the ordinary hours of work by employees in those shops in that area.
 - 15 (3A) Where a day is, by a State award referred to in subsection (3), appointed to be a holiday for employees in hairdressers' shops in the area to which the award applies, all hairdressers' shops in that area shall, whether or not employees are employed in those shops,
 - 20 be kept closed.
 - 25 (3B) Where a State award fixes times for the commencement and cessation of the ordinary hours of work by employees in a class, as defined by that award, of hairdressers' shops, a reference in subsections (3) and (3A) to hairdressers' shops shall be construed as a reference to that class of shops.
 - 30
 - 35 (ii) by omitting from section 79 (4) the words "area: Provided that" and all words following those words and by inserting instead the word "area.";

(d)

Factories, Shops and Industries (Amendment).

- (d) (i) by omitting section 81A (1) (a1) and by inserting instead the following paragraph :—
- (a1) In this subsection "half-holiday" means, in relation to an area, a week day on which the closing time for shops in that area, other than butchers' shops, scheduled shops and hairdressers' shops, is earlier than two o'clock in the afternoon.
- (ii) by omitting from section 81A (1) (b) the words "the day of the weekly half-holiday" wherever occurring and by inserting instead the words "a half-holiday for the area in which the pharmacy is situated";
- (e) (i) by omitting from section 85 (1) (b) the words "and hairdressers' shops";
- (ii) by inserting before section 85 (1) (c) the following paragraph :—
- (b1) in the case of hairdressers' shops, the times for the commencement and cessation of the ordinary hours of work by employees in such shops, or, where the award affects employees in a class of such shops, the times for such commencement and cessation by employees in that class;
- (iii) by omitting from section 85 (1) (c) the words "reopening, in the case of chemists' shops situate in the town of Tweed Heads, on any week day or, in the case of chemists' shops situate in any other area, on Saturday" and by inserting instead the words "the reopening of such shops on any week day,";
- (iv) by omitting section 85 (1A) and (1B);

Sec 81A.
(Times at which after-hours pharmacies shall be kept closed.)

Sec 85.
(Matters to be dealt with in awards.)

Factories, Shops and Industries (Amendment).

(f) (b) by inserting after section 88 the following Sec. 88A.
section :—

5 88A. Nothing in this Division applies to any art Art and handicraft galleries.
or handicraft gallery, or art and handicraft gallery,
wherein goods that are—

- (a) works of art or of handicraft;
- (b) articles or materials for use in mounting, framing or displaying the works specified in paragraph (a);
- 10 (c) books, catalogues or other publications relating to art or handicraft; or
- (d) other prescribed goods,
but no other goods, are sold or offered or exposed for sale.

15 (g) (c) (i) by omitting from clause (2) of Schedule 3A Schedule 3A.
the words "Potatoes." and "Onions." and by inserting instead the words "Fruit and vegetables.";

(ii) by omitting clause (3) of Schedule 3A.

20 5. The Principal Act is further amended—

(a) by omitting section 11 (8) (a);

Further amendment of Act No. 43, 1962.

Sec. 11. (Registration of factories.)

(b) by omitting section 76 (6) (b);

Sec. 76. (Registration of shops.)

(c) by omitting Schedule Two.

Schedule Two.

Factories, Shops and Industries (Amendment).

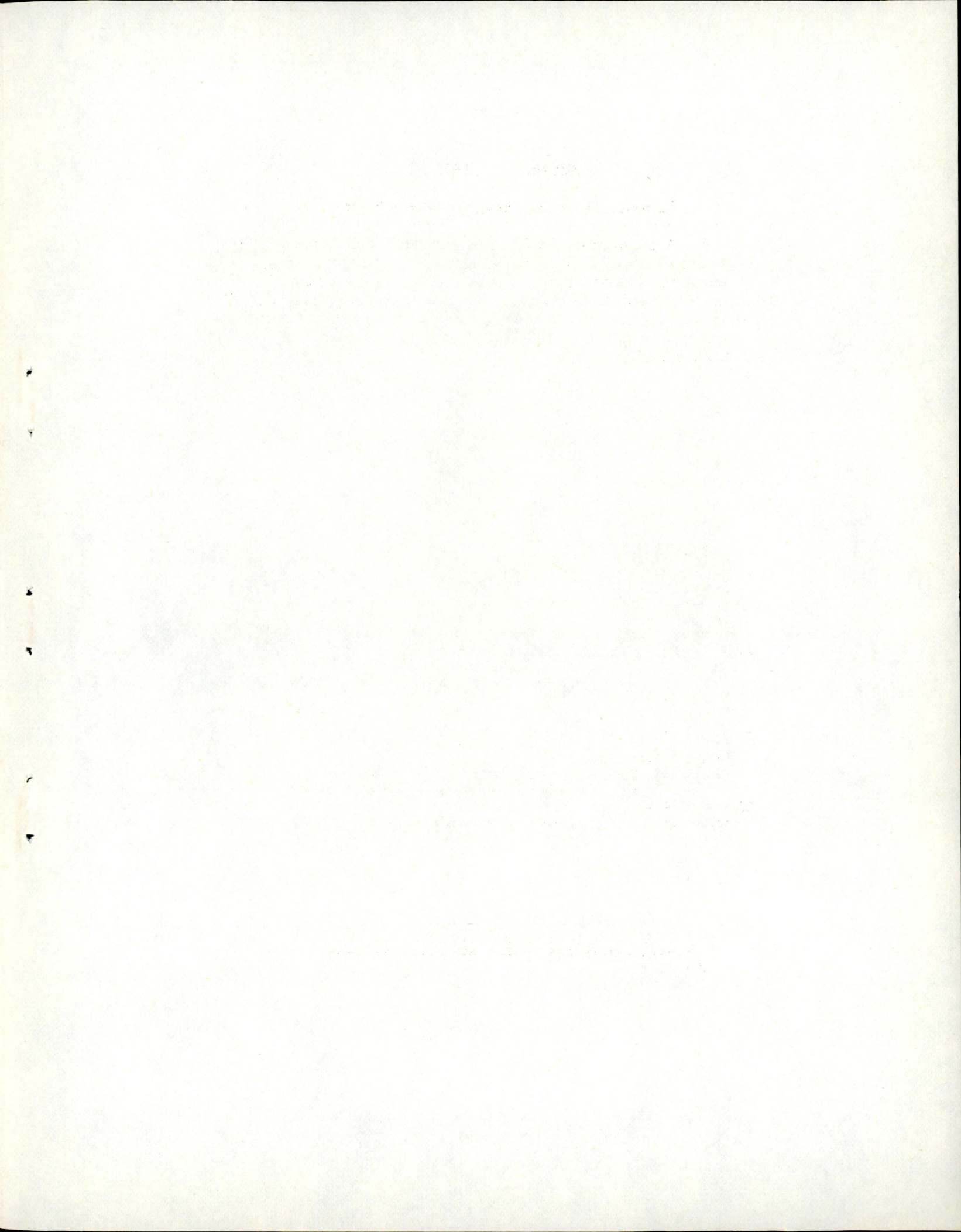
6. A provision of the Principal Act specified in Column 1 of the Schedule is amended by omitting from that provision the words specified opposite that provision in the column headed "Words to be omitted" in Column 2 of the Schedule and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted" in Column 2 of the Schedule.
- Further amendment of Act No. 43, 1962. Penalties for offences.

SCHEDULE

10	Column 1	Column 2	
		Words to be omitted	Matter to be inserted
	Section 11 (13) (c)	one hundred dollars	\$200
15	Section 15 (4)	one hundred dollars	\$200
	Section 16 (2)	one hundred dollars	\$200
	Section 19 (4)	one hundred dollars	\$200
	Section 27 (4)	six hundred dollars	\$1,500
20	Section 45 (2) (b)	two hundred dollars and to a further penalty not exceeding twenty dollars	\$500 and to a further penalty not exceeding \$50
	Section 48 (5) (a)	one hundred dollars	\$500
	Section 63 (3)	one hundred dollars	\$200
25	Section 71	forty dollars	\$100
	Section 72 (2)	one hundred dollars	\$500
	Section 100 (4)	one hundred dollars	\$200
	Section 144 (1) (e)	one hundred dollars	\$500
	Section 147 (1)	two hundred dollars	\$500
30	Section 147 (2)	forty dollars	\$100
	Section 151	two hundred dollars	\$500
	Section 152	one hundred dollars	\$200

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[8c]



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to extend the power of industrial tribunals to fix times for cessation of the ordinary hours of work by employees in certain shops; to exclude art and handi-craft galleries from the operation of the laws relating to the early closing of, and Sunday trading in, shops; to make further provision with respect to the sale of goods in small shops, penalties, and the fees payable for registration of factories and shops; for these and other purposes to amend the Factories, Shops and Industries Act, 1962; and for purposes connected therewith.

BE

Factories, Shops and Industries (Amendment).

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
5 follows :—

1. This Act may be cited as the "Factories, Shops and Short title.
Industries (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-
shall commence on the date of assent to this Act. ment.

10 (2) Section 5 shall commence on such day as may be
appointed by the Governor in respect thereof and as may be
notified by proclamation published in the Gazette.

3. The Factories, Shops and Industries Act, 1962, is, in Principal
this Act, referred to as the Principal Act. Act.

15 4. The Principal Act is amended— Amendment
of Act No.
43, 1962.

(a) (i) by omitting paragraph (g) of the definition Sec. 76A.
of "Small shop" in section 76A (1) and by (Small
inserting instead the following paragraph :— shops.)

20 (g) The only goods sold or offered or
exposed for sale in the shop shall be
the goods specified in clauses (1) and
(2) of Schedule 3A, or some of them.

(ii) by omitting from section 76A (2) the matter
"or (3)";

25 (iii) by omitting from section 76A (2) the words
"or areas" wherever occurring;

(iv)

Factories, Shops and Industries (Amendment).

- (iv) by omitting from section 76A (2) the words "and an area may be described in such a proclamation by excluding an area from a larger area";
- 5 (b) by omitting the definitions of "Ladies' hairdressing shop", "Men's hairdressing shop" and "The town of Tweed Heads" in section 78; Sec. 78. (Definitions and application.)
- (c) (i) by omitting section 79 (3) and by inserting instead the following subsections :— Sec. 79. (Closing and opening times of certain shops on week days.)
- 10 (3) Subject to subsection 3A, the opening and closing times for hairdressers' shops situate in any area, whether or not employees are employed in those shops, shall on each week day be such times as may be fixed by any State award for the time being in force for the commencement and cessation, respectively, of the ordinary hours of work by employees in those shops in that area.
- 15 (3A) Where a day is, by a State award referred to in subsection (3), appointed to be a holiday for employees in hairdressers' shops in the area to which the award applies, all hairdressers' shops in that area shall, whether or not employees are employed in those shops, be kept closed.
- 20 (3B) Where a State award fixes times for the commencement and cessation of the ordinary hours of work by employees in a class, as defined by that award, of hairdressers' shops, a reference in subsections (3) and (3A) to hairdressers' shops shall be construed as a reference to that class of shops.
- 25 (ii) by omitting from section 79 (4) the words "area: Provided that" and all words following those words and by inserting instead the word "area.";
- 30
- 35

(d)

Factories, Shops and Industries (Amendment).

- (d) (i) by omitting section 81A (1) (a1) and by inserting instead the following paragraph :—
- (a1) In this subsection "half-holiday" means, in relation to an area, a week day on which the closing time for shops in that area, other than butchers' shops, scheduled shops and hairdressers' shops, is earlier than two o'clock in the afternoon.
- (ii) by omitting from section 81A (1) (b) the words "the day of the weekly half-holiday" wherever occurring and by inserting instead the words "a half-holiday for the area in which the pharmacy is situate";
- (e) (i) by omitting from section 85 (1) (b) the words "and hairdressers' shops";
- (ii) by inserting before section 85 (1) (c) the following paragraph :—
- (b1) in the case of hairdressers' shops, the times for the commencement and cessation of the ordinary hours of work by employees in such shops, or, where the award affects employees in a class of such shops, the times for such commencement and cessation by employees in that class;
- (iii) by omitting from section 85 (1) (c) the words "reopening, in the case of chemists' shops situate in the town of Tweed Heads, on any week day or, in the case of chemists' shops situate in any other area, on Saturday" and by inserting instead the words "the reopening of such shops on any week day,";
- (iv) by omitting section 85 (1A) and (1B);
- (f)

Sec. 81A.
(Times at which after-hours pharmacies shall be kept closed.)

Sec. 85.
(Matters to be dealt with in awards.)

Factories, Shops and Industries (Amendment).

(f) by inserting after section 88 the following section :—

88A. Nothing in this Division applies to any art or handicraft gallery, or art and handicraft gallery, wherein goods that are—

- 5
- (a) works of art or of handicraft;
- (b) articles or materials for use in mounting, framing or displaying the works specified in paragraph (a);
- 10 (c) books, catalogues or other publications relating to art or handicraft; or
- (d) other prescribed goods,
- but no other goods, are sold or offered or exposed for sale.

15 (g) (i) by omitting from clause (2) of Schedule 3A the words "Potatoes." and "Onions." and by inserting instead the words "Fruit and vegetables.";

(ii) by omitting clause (3) of Schedule 3A.

20 5. The Principal Act is further amended—

(a) by omitting section 11 (8) (a);

Further amendment of Act No. 43, 1962.

Sec. 11. (Registration of factories.)

(b) by omitting section 76 (6) (b);

Sec. 76. (Registration of shops.)

(c) by omitting Schedule Two.

Schedule Two.

Factories, Shops and Industries (Amendment).

6. A provision of the Principal Act specified in Column 1 of the Schedule is amended by omitting from that provision the words specified opposite that provision in the column headed "Words to be omitted" in Column 2 of the Schedule and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted" in Column 2 of the Schedule.

Further amendment of Act No. 43, 1962. Penalties for offences.

SCHEDULE

10	Column 1	Column 2	
		Words to be omitted	Matter to be inserted
	Section 11 (13) (c)	one hundred dollars	\$200
15	Section 15 (4)	one hundred dollars	\$200
	Section 16 (2)	one hundred dollars	\$200
	Section 19 (4)	one hundred dollars	\$200
	Section 27 (4)	six hundred dollars	\$1,500
20	Section 45 (2) (b)	two hundred dollars and to a further penalty not exceeding twenty dollars	\$500 and to a further penalty not exceeding \$50
	Section 48 (5) (a)	one hundred dollars	\$500
	Section 63 (3)	one hundred dollars	\$200
25	Section 71	forty dollars	\$100
	Section 72 (2)	one hundred dollars	\$500
	Section 100 (4)	one hundred dollars	\$200
	Section 144 (1) (e)	one hundred dollars	\$500
	Section 147 (1)	two hundred dollars	\$500
30	Section 147 (2)	forty dollars	\$100
	Section 151	two hundred dollars	\$500
	Section 152	one hundred dollars	\$200

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[8c]

No. , 1975.

A BILL

To extend the power of industrial tribunals to fix times for cessation of the ordinary hours of work by employees in certain shops; to exclude art and handicraft galleries from the operation of the laws relating to the early closing of, and Sunday trading in, shops; to make further provision with respect to the sale of goods in small shops, penalties, and the fees payable for registration of factories and shops; for these and other purposes to amend the Factories, Shops and Industries Act, 1962; and for purposes connected therewith.

[MR MORRIS—26 February, 1975.]

BE

Factories, Shops and Industries (Amendment).

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
5 follows :—

1. This Act may be cited as the "Factories, Shops and Short title.
Industries (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-
shall commence on the date of assent to this Act. ment.

10 (2) Section 5 shall commence on such day as may be
appointed by the Governor in respect thereof and as may be
notified by proclamation published in the Gazette.

3. The Factories, Shops and Industries Act, 1962, is, in Principal
this Act, referred to as the Principal Act. Act.

15 4. The Principal Act is amended— Amendment
of Act No.
43, 1962.

(a) (i) by omitting paragraph (g) of the definition Sec. 76A.
of "Small shop" in section 76A (1) and by (Small
inserting instead the following paragraph :— shops.)

20 (g) The only goods sold or offered or
exposed for sale in the shop shall be
the goods specified in clauses (1) and
(2) of Schedule 3A, or some of them.

(ii) by omitting from section 76A (2) the matter
"or (3)";

25 (iii) by omitting from section 76A (2) the words
"or areas" wherever occurring;

(iv)

Factories, Shops and Industries (Amendment).

- (iv) by omitting from section 76A (2) the words
 “and an area may be described in such a
 proclamation by excluding an area from a
 larger area”;
- 5 (b) by omitting the definitions of “Ladies’ hairdressing shop”, “Men’s hairdressing shop” and “The town of Tweed Heads” in section 78; Sec. 78.
(Definitions and appli-
cation.)
- (c) (i) by omitting section 79 (3) and by inserting Sec. 79.
(Closing and
opening
times of
certain
shops on
week days.)
 instead the following subsections :—
- 10 (3) Subject to subsection 3A, the opening
 and closing times for hairdressers’ shops situate
 in any area, whether or not employees are
 employed in those shops, shall on each week
 15 day be such times as may be fixed by any
 State award for the time being in force for
 the commencement and cessation, respectively,
 of the ordinary hours of work by employees in
 those shops in that area.
- (3A) Where a day is, by a State award
 20 referred to in subsection (3), appointed to be
 a holiday for employees in hairdressers’ shops
 in the area to which the award applies, all
 hairdressers’ shops in that area shall, whether
 or not employees are employed in those shops,
 25 be kept closed.
- (3B) Where a State award fixes times for
 the commencement and cessation of the
 ordinary hours of work by employees in a
 class, as defined by that award, of hairdressers’
 30 shops, a reference in subsections (3) and (3A)
 to hairdressers’ shops shall be construed as a
 reference to that class of shops.
- (ii) by omitting from section 79 (4) the words
 35 “area: Provided that” and all words following
 those words and by inserting instead the word
 “area.”;
- (d)

Factories, Shops and Industries (Amendment).

(d) (i) by omitting section 81A (1) (a1) and by inserting instead the following paragraph :—

Sec. 81A.
(Times at which after-hours pharmacies shall be kept closed.)

5

(a1) In this subsection "half-holiday" means, in relation to an area, a week day on which the closing time for shops in that area, other than butchers' shops, scheduled shops and hairdressers' shops, is earlier than two o'clock in the afternoon.

10

(ii) by omitting from section 81A (1) (b) the words "the day of the weekly half-holiday" wherever occurring and by inserting instead the words "a half-holiday for the area in which the pharmacy is situate";

15

(e) (i) by omitting from section 85 (1) (b) the words "and hairdressers' shops";

Sec. 85.
(Matters to be dealt with in awards.)

(ii) by inserting before section 85 (1) (c) the following paragraph :—

20

(b1) in the case of hairdressers' shops, the times for the commencement and cessation of the ordinary hours of work by employees in such shops, or, where the award affects employees in a class of such shops, the times for such commencement and cessation by employees in that class;

25

(iii) by omitting from section 85 (1) (c) the words "reopening, in the case of chemists' shops situate in the town of Tweed Heads, on any week day or, in the case of chemists' shops situate in any other area, on Saturday" and by inserting instead the words "the reopening of such shops on any week day,";

30

(iv) by omitting section 85 (1A) and (1B);

(f)

Factories, Shops and Industries (Amendment).

(f) by inserting after section 88 the following section :—

88A. Nothing in this Division applies to any art or handicraft gallery, or art and handicraft gallery, wherein goods that are—

- (a) works of art or of handicraft;
- (b) articles or materials for use in mounting, framing or displaying the works specified in paragraph (a);
- (c) books, catalogues or other publications relating to art or handicraft; or
- (d) other prescribed goods,

but no other goods, are sold or offered or exposed for sale.

(g) (i) by omitting from clause (2) of Schedule 3A the words "Potatoes." and "Onions." and by inserting instead the words "Fruit and vegetables.";

(ii) by omitting clause (3) of Schedule 3A.

5. The Principal Act is further amended—

(a) by omitting section 11 (8) (a);

(b) by omitting section 76 (6) (b);

(c) by omitting Schedule Two.

Further amendment of Act No. 43, 1962.

Sec. 11.
(Registration of factories.)

Sec. 76.
(Registration of shops.)

Schedule Two.

Factories, Shops and Industries (Amendment).

6. A provision of the Principal Act specified in Column 1 of the Schedule is amended by omitting from that provision the words specified opposite that provision in the column headed "Words to be omitted" in Column 2 of the Schedule and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted" in Column 2 of the Schedule.
- Further amendment of Act No. 43, 1962.
Penalties for offences.

SCHEDULE

10	Column 1	Column 2	
		Words to be omitted	Matter to be inserted
	Section 11 (13) (c)	one hundred dollars	\$200
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

**FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT)
BILL, 1975**

EXPLANATORY NOTE

1. Clause 1 specifies the short title of the Bill.
2. Clause 2 is a commencement provision.
3. Clause 3 is an interpretation provision.
4. Clause 4 amends the Principal Act—
 - (a) in the definition of "small shop" in section 76A, by amending the reference to the Schedule which specifies the categories of goods that may be sold in a small shop;
 - (b) by omitting certain definitions, made unnecessary by the amendments contained in this Bill, from section 78;
 - (c) (i) by omitting from section 79 provisions that relate to the opening and closing times for men's and ladies' hairdressers' shops and by inserting instead provisions which permit opening and closing times for all hairdressers' shops to be fixed by a State award but to enable different awards to be made in respect of different classes of hairdressers' shops;
 - (ii) by omitting from section 79 certain provisions which relate to the opening and closing times of butchers' shops where the time for cessation of work by employees in those shops is fixed under a Commonwealth Act;
 - (d) by amending the provision in section 81A relating to the opening and reopening times of after-hours pharmacies on the day of the weekly half-holiday;
 - (e) (i) by amending section 85 in so far as it requires an industrial tribunal to deal with certain matters in a State award to enable a tribunal to fix in an award times for the commencement and cessation of work by employees in hairdressers' shops, and the time for cessation of work by employees in chemists' shops and, where provision is made in the award for the reopening of chemists' shops, times for the commencement and cessation of work by employees in those shops for the purposes of the reopening;
 - (ii) by removing from section 85 the specification of the time, or latest time, for the cessation of work that may be specified in an award in respect of employees in certain shops;

- (f) by inserting section 88A, which exempts art and handicraft galleries from the early closing and Sunday trading provisions; and
- (g) by amending Schedule 3A to remove the restriction on the sale of fruit and vegetables in small shops in the County of Cumberland, the City of Newcastle and the City of Greater Wollongong.

5. Clause 5 repeals Schedule 2, which specifies fees for registration of factories and shops, and certain provisions that refer to that Schedule, enabling those fees to be fixed by a regulation.

6. Clause 6 increases penalties for offences against the Principal manner specified in the clause

PROOF

No. , 1975.

A BILL

To extend the power of industrial tribunals to fix times for cessation of the ordinary hours of work by employees in certain shops; to exclude art and handicraft galleries from the operation of the laws relating to the early closing of, and Sunday trading in, shops; to make further provision with respect to the sale of goods in small shops, penalties, and the fees payable for registration of factories and shops; for these and other purposes to amend the Factories, Shops and Industries Act, 1962; and for purposes connected therewith.

[MR MORRIS—26 February, 1975.]

BE

Factories, Shops and Industries (Amendment).

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1. This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1975". Short title.

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10 (2) Section 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Factories, Shops and Industries Act, 1962, is, in this Act, referred to as the Principal Act. Principal Act.

15 4. The Principal Act is amended—

Amendment of Act No. 43, 1962.

(a) (i) by omitting paragraph (g) of the definition of "Small shop" in section 76A (1) and by inserting instead the following paragraph :— Sec. 76A. (Small shops.)

20 (g) The only goods sold or offered or exposed for sale in the shop shall be the goods specified in clauses (1) and (2) of Schedule 3A, or some of them.

(ii) by omitting from section 76A (2) the matter "or (3)";

25 (iii) by omitting from section 76A (2) the words "or areas" wherever occurring;

(iv)

Factories, Shops and Industries (Amendment).

- (iv) by omitting from section 76A (2) the words
“and an area may be described in such a
proclamation by excluding an area from a
larger area”;
- 5 (b) by omitting the definitions of “Ladies’ hairdressing shop”, “Men’s hairdressing shop” and “The town
of Tweed Heads” in section 78; Sec. 78.
(Definitions
and appli-
cation.)
- (c) (i) by omitting section 79 (3) and by inserting
instead the following subsections :— Sec. 79.
(Closing
and
opening
times of
certain
shops on
week days.)
- 10 (3) Subject to subsection 3A, the opening
and closing times for hairdressers’ shops situate
in any area, whether or not employees are
employed in those shops, shall on each week
day be such times as may be fixed by any
15 State award for the time being in force for
the commencement and cessation, respectively,
of the ordinary hours of work by employees in
those shops in that area.
- (3A) Where a day is, by a State award
20 referred to in subsection (3), appointed to be
a holiday for employees in hairdressers’ shops
in the area to which the award applies, all
hairdressers’ shops in that area shall, whether
or not employees are employed in those shops,
25 be kept closed.
- (3B) Where a State award fixes times for
the commencement and cessation of the
ordinary hours of work by employees in a
class, as defined by that award, of hairdressers’
30 shops, a reference in subsections (3) and (3A)
to hairdressers’ shops shall be construed as a
reference to that class of shops.
- (ii) by omitting from section 79 (4) the words
35 “area: Provided that” and all words following
those words and by inserting instead the word
“area.”;

(d)

Factories, Shops and Industries (Amendment).

- (d) (i) by omitting section 81A (1) (a1) and by inserting instead the following paragraph :—
- 5 (a1) In this subsection “half-holiday” means, in relation to an area, a week day on which the closing time for shops in that area, other than butchers’ shops, scheduled shops and hairdressers’ shops, is earlier than two o’clock in the afternoon.
- 10 (ii) by omitting from section 81A (1) (b) the words “the day of the weekly half-holiday” wherever occurring and by inserting instead the words “a half-holiday for the area in which the pharmacy is situate”;
- 15 (e) (i) by omitting from section 85 (1) (b) the words “and hairdressers’ shops”;
- 20 (ii) by inserting before section 85 (1) (c) the following paragraph :—
- 25 (b1) in the case of hairdressers’ shops, the times for the commencement and cessation of the ordinary hours of work by employees in such shops, or, where the award affects employees in a class of such shops, the times for such commencement and cessation by employees in that class;
- 30 (iii) by omitting from section 85 (1) (c) the words “reopening, in the case of chemists’ shops situate in the town of Tweed Heads, on any week day or, in the case of chemists’ shops situate in any other area, on Saturday” and by inserting instead the words “the reopening of such shops on any week day,”;
- (iv) by omitting section 85 (1A) and (1B);
- (f)

Sec. 81A.
(Times at which after-hours pharmacies shall be kept closed.)

Sec. 85.
(Matters to be dealt with in awards.)

Factories, Shops and Industries (Amendment).

(f) by inserting after section 88 the following section :—

88A. Nothing in this Division applies to any art or handicraft gallery, or art and handicraft gallery, wherein goods that are—

5

- (a) works of art or of handicraft;
- (b) articles or materials for use in mounting, framing or displaying the works specified in paragraph (a);
- (c) books, catalogues or other publications relating to art or handicraft; or
- (d) other prescribed goods,

10

but no other goods, are sold or offered or exposed for sale.

15 (g) (i) by omitting from clause (2) of Schedule 3A the words "Potatoes." and "Onions." and by inserting instead the words "Fruit and vegetables.";

(ii) by omitting clause (3) of Schedule 3A.

20 5. The Principal Act is further amended—

Further amendment of Act No. 43, 1962.

(a) by omitting section 11 (8) (a);

Sec. 11.
(Registration of factories.)

(b) by omitting section 76 (6) (b);

Sec. 76.
(Registration of shops.)

(c) by omitting Schedule Two.

Schedule Two.

Factories, Shops and Industries (Amendment).

6. A provision of the Principal Act specified in Column 1 of the Schedule is amended by omitting from that provision the words specified opposite that provision in the column headed "Words to be omitted" in Column 2 of the Schedule and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted" in Column 2 of the Schedule.

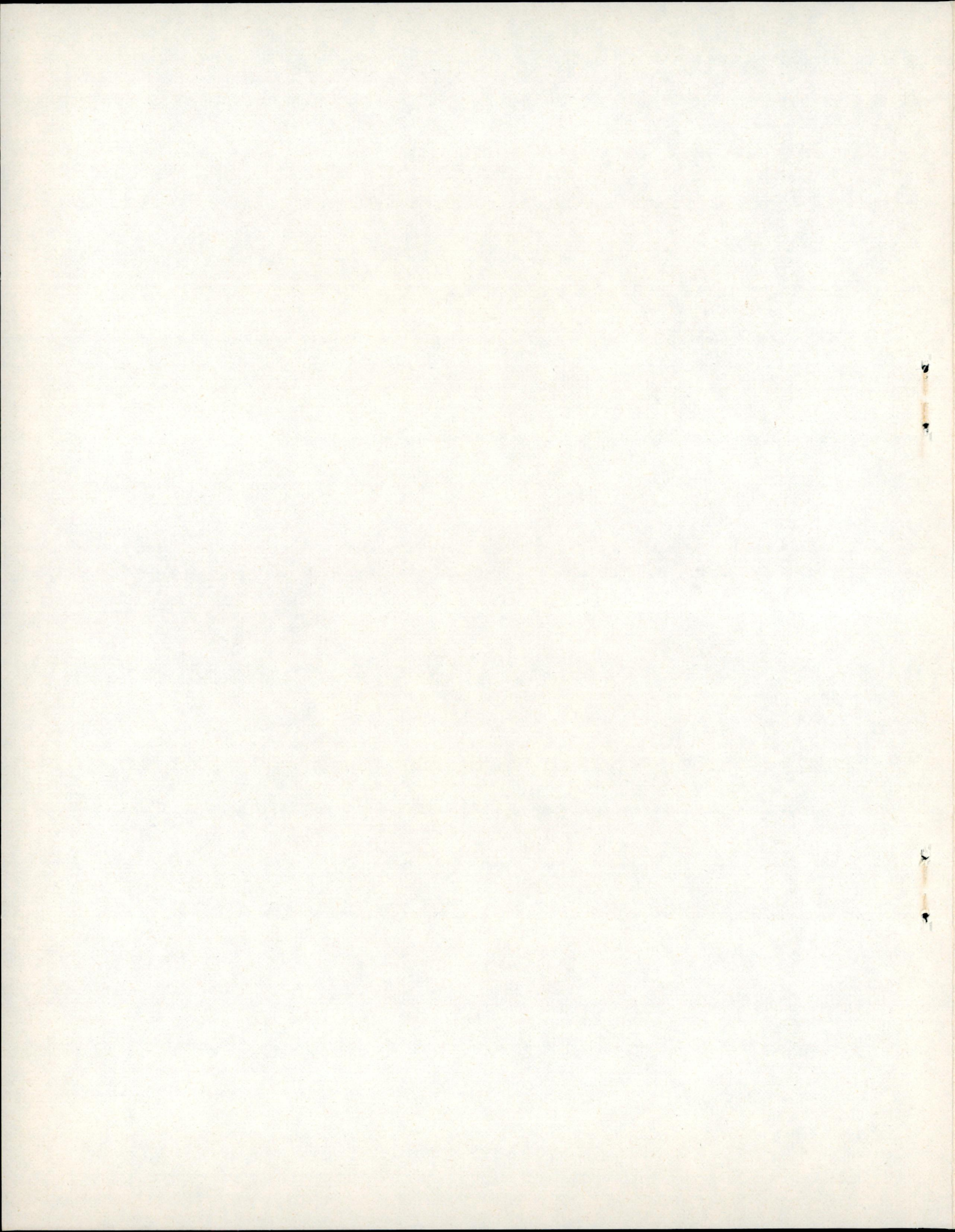
Further amendment of Act No. 43, 1962.
Penalties for offences.

SCHEDULE

10	Column 1	Column 2	
		Words to be omitted	Matter to be inserted
	Section 11 (13) (c)	one hundred dollars	\$200
15	Section 15 (4)	one hundred dollars	\$200
	Section 16 (2)	one hundred dollars	\$200
	Section 19 (4)	one hundred dollars	\$200
	Section 27 (4)	six hundred dollars	\$1,500
20	Section 45 (2) (b)	two hundred dollars and to a further penalty not exceeding twenty dollars	\$500 and to a further penalty not exceeding \$50
	Section 48 (5) (a)	one hundred dollars	\$500
	Section 63 (3)	one hundred dollars	\$200
25	Section 71	forty dollars	\$100
	Section 72 (2)	one hundred dollars	\$500
	Section 100 (4)	one hundred dollars	\$200
	Section 144 (1) (e)	one hundred dollars	\$500
	Section 147 (1)	two hundred dollars	\$500
30	Section 147 (2)	forty dollars	\$100
	Section 151	two hundred dollars	\$500
	Section 152	one hundred dollars	\$200

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 20, 1975.

An Act to exclude art and handicraft galleries from the operation of the laws relating to the early closing of, and Sunday trading in, shops; to make further provision with respect to the sale of goods in small shops, penalties, and the fees payable for registration of factories and shops; for these and other purposes to amend the Factories, Shops and Industries Act, 1962; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

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

H. G. COATES,
Acting Chairman of Committees of the Legislative Assembly.

Factories, Shops and Industries (Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1975".

Commence-ment. **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act. **3.** The Factories, Shops and Industries Act, 1962, is, in this Act, referred to as the Principal Act.

Amendment of Act No. 43, 1962. **4.** The Principal Act is amended—

Sec. 76A. (Small shops.) (a) (i) by omitting paragraph (g) of the definition of "Small shop" in section 76A (1) and by inserting instead the following paragraph :—

(g) The only goods sold or offered or exposed for sale in the shop shall be the goods specified in clauses (1) and (2) of Schedule 3A, or some of them.

(ii) by omitting from section 76A (2) the matter "or (3)";

(iii) by omitting from section 76A (2) the words "or areas" wherever occurring;

(iv)

Factories, Shops and Industries (Amendment).

- (iv) by omitting from section 76A (2) the words "and an area may be described in such a proclamation by excluding an area from a larger area";
- (b) by inserting after section 88 the following section:— Sec. 88A.
- 88A. Nothing in this Division applies to any art or handicraft gallery, or art and handicraft gallery, wherein goods that are—
- (a) works of art or of handicraft;
- (b) articles or materials for use in mounting, framing or displaying the works specified in paragraph (a);
- (c) books, catalogues or other publications relating to art or handicraft; or
- (d) other prescribed goods,
- but no other goods, are sold or offered or exposed for sale.
- (c) (i) by omitting from clause (2) of Schedule 3A the words "Potatoes." and "Onions." and by inserting instead the words "Fruit and vegetables.";
- (ii) by omitting clause (3) of Schedule 3A.

5. The Principal Act is further amended—

- (a) by omitting section 11 (8) (a);
- (b) by omitting section 76 (6) (b);
- (c) by omitting Schedule Two.

Further
amendment
of Act No.
43, 1962.

Sec. 11.
(Registra-
tion of
factories.)

Sec. 76.
(Registra-
tion of
shops.)

Schedule
Two.

Factories, Shops and Industries (Amendment).

Further amendment
of Act No.
43, 1962.
Penalties
for
offences.

6. A provision of the Principal Act specified in Column 1 of the Schedule is amended by omitting from that provision the words specified opposite that provision in the column headed "Words to be omitted" in Column 2 of the Schedule and by inserting instead the matter specified opposite that provision in the column headed "Matter to be inserted" in Column 2 of the Schedule.

SCHEDULE

Column 1	Column 2	
	Words to be omitted	Matter to be inserted
Section 11 (13) (c)	one hundred dollars	\$200
Section 15 (4)	one hundred dollars	\$200
Section 16 (2)	one hundred dollars	\$200
Section 19 (4)	one hundred dollars	\$200
Section 27 (4)	six hundred dollars	\$1,500
Section 45 (2) (b)	two hundred dollars and to a further penalty not exceeding twenty dollars	\$500 and to a further penalty not exceeding \$50
Section 48 (5) (a)	one hundred dollars	\$500
Section 63 (3)	one hundred dollars	\$200
Section 71	forty dollars	\$100
Section 72 (2)	one hundred dollars	\$500
Section 100 (4)	one hundred dollars	\$200
Section 144 (1) (e)	one hundred dollars	\$500
Section 147 (1)	two hundred dollars	\$500
Section 147 (2)	forty dollars	\$100
Section 151	two hundred dollars	\$500
Section 152	one hundred dollars	\$200

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

L. W. STREET,
Lieutenant-Governor.

Government House,
Sydney, 14th April, 1975.