

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, 23 August, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

**An Act to amend the Factories, Shops and Industries Act,
1962.**

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, 1977". Short title.

2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act. Commencement.

10 (2) Section 5 shall, in its application to a provision of Schedules 1-7, commence on the day on which that provision commences.

15 (3) The several provisions of Schedules 1-7 shall commence on such day or days 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 referred to in this Act as the Principal Act. Principal Act.

4. This Act contains the following Schedules :— Schedules.

20 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PRESSURE TESTING.

25 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY MEASURES IN CERTAIN EMPLOYMENT.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY IN FACTORIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTORS.

5 SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HAIRDRESSERS.

SCHEDULE 7.—AMENDMENT TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in Schedules 1-7.

Amend-
ment of
Act No. 43,
1962.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES.

(1) Section 11 (3A), (3B)—

15 After section 11 (3), insert :—

(3A) The Under Secretary shall refuse an application for registration of a factory unless—

20 (a) he is satisfied that the means of escape from the factory in case of fire for persons employed in the factory are sufficient and efficient; or

(b) subsection (3B) is complied with in relation to the factory.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

5 (3B) This subsection is complied with in relation
to a factory if—

(a) the Board of Fire Commissioners of New
South Wales has approved in writing of the
sufficiency and efficiency of the means of
escape from the factory in case of fire for
10 persons employed in the factory; or

(b) the premises comply with the requirements
of the ordinances made under the Local
Government Act, 1919, or the council of
the area in which the premises are situated
15 certifies in writing that any non-compliance
with those ordinances is such as need not
be rectified.

(2) (a) Section 45 (2) (a)—

20 Omit “in which persons are employed on any
floor above or below the ground floor”.

(b) Section 45 (2) (a)—

25 Omit “not be deemed to be sufficient unless the
means of escape and their efficiency have been
approved in writing by the Board of Fire
Commissioners of New South Wales”, insert
instead “be deemed to be sufficient if section 11
(3B) has been complied with in relation to the
factory”.

(c) Section 45 (4A)—

30 Omit the subsection.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(d) Section 45 (5)—

- 5 Omit “an inspector acting under the regulations
may direct”, insert instead “are prescribed”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING.

10 (1) Section 2, matter relating to Part III, Division 11—

Omit “*and Refrigerated Compartments—s. 65*”,
insert instead “, *Refrigerated Compartments and
Pressure Testing—ss. 65, 65A*”.

(2) Part III, Division 11, short heading—

- 15 Omit “*and Refrigerated Compartments*”, insert instead
“, *Refrigerated Compartments and Pressure Testing*”.

(3) Section 65A—

After section 65, insert—

- 20 65A. (1) In this section “rigid container” means ^{Pressure} testing.
a tank, pipe or other vessel manufactured from metal
or other rigid material.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING—*continued.*

5 (2) A regulation referred to in subsection
(3) does not apply to or in respect of anything done
in or about a mine within the meaning of the Mines
Inspection Act, 1901, or the Coal Mines Regulation
Act, 1912, but applies to and in respect of the doing
10 of any other thing whether in or about a factory or
elsewhere.

(3) The Governor may make regulations,
not inconsistent with this Act, for or with respect
to—

15 (a) the testing for leaks, or for its ability to
withstand pressure, of any rigid container
or any seam, joint, fitting or other part of,
or anything attached to, a rigid container;
or

20 (b) the removal of any dents, kinks or other
irregularities from a rigid container,

by the application to the inside thereof of pressure
by means of air or any other gas or gases or by means
of a liquid other than a liquid that would not be
25 harmful to persons in the vicinity of the rigid
container if it escaped.

Factories, Shops and Industries (Amendment).

SCHEDULE 3.

Sec. 3.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SAFETY MEASURES IN CERTAIN EMPLOYMENT.

- (1) Section 2, matter relating to Part III, Division 12—
5 After “*Rural*”, insert “*and Local Government*”.
- (2) (a) Section 9 (1), definition of “*Industry*”—
 After “*rural*”, insert “*or local government*”.
- (b) Section 9 (1), definition of “*Local government industry*”—
10 After the definition of “*Industry*”, insert :—
 “*Local government industry*” means
 industry in which persons are
 engaged—
- 15 (a) in a park, garden, nursery,
 recreation area, sports
 ground or reserve under the
 control or management of,
 or vested in, a municipal,
 shire or county council;
- 20 (b) in road, water supply, sew-
 erage or drainage works for
 such a council or for a con-
 tractor to such a council;
- 25 (c) in clearing, fencing, trench-
 ing, draining, reclaiming or
 developing land for such a
 council or for a contractor
 to such a council;

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
MEASURES IN CERTAIN EMPLOYMENT—*continued.*

5 (d) in lopping or tending trees
for such a council or for a
contractor to such a council;

10 (e) in the collection or disposal
of garbage or other waste
for such a council or for a
contractor to such a council,

15 not being employment in building
work, excavation work or com-
pressed air work within the meaning
of the Scaffolding and Lifts Act,
1912, or employment in or about a
mine within the meaning of the
Mines Inspection Act, 1901, or the
Coal Mines Regulation Act, 1912.

20 (c) Section 9 (1), definition of "Rural industries"—
From paragraph (a), omit "farm produce", insert
instead "crop or farm produce whether grown
for food or not".

(3) Part III, Division 12, short heading—

After "Rural", insert "and Local Government".

25 (4) Section 66—

After "rural" wherever occurring, insert "or local
government".

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES.

(1) (a) Section 28 (1) (b) (ii)—

5 Omit “interrupted.”, insert instead “interrupted;”.

(b) Section 28 (1) (b) (iii), (iv)—

After section 28 (1) (b) (ii), insert :—

10 (iii) the restoration of the power supplied to a
specified machine after the supply of that
power has been interrupted;

(iv) preventing the inadvertent starting of a
machine, or machinery, specified in the
notice.

(2) Section 42 (1), definition of “confined space”—

15 After “chamber”, insert “(other than a refrigerated
chamber)”.

(3) Section 44A—

After section 44, insert :—

20 44A. (1) The occupier of a factory shall ensure ^{Electrical}
that the electrical installation, equipment and ^{hazards.}
apparatus in the factory is so designed, constructed,
protected and maintained as to eliminate as far as
practicable the risk of any accidental electric shock or
any electrical fire.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES—*continued.*

- 5 (2) Where a regulation deals with the design,
construction, protection or maintenance of the elec-
trical installation, equipment or apparatus in a factory
and the occupier of the factory complies with the
regulation he shall, in relation to the matter dealt with
10 by the regulation, be deemed to have complied with
subsection (1).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS.

- (1) Section 4 (1), definition of "Deputy Chief Inspector"—
15 After the definition of "Contravention", insert—
"Deputy Chief Inspector" means the person who
for the time being holds the office of Deputy
Chief Inspector of Factories, Shops and
20 Industries or the inspector for the time being
acting in the place of that person.
- (2) (a) Section 7 (1A), (1B), (1C)—
After section 7 (1), insert :—
(1A) An inspector appointed under subsection
25 (1) may be appointed Deputy Chief Inspector
of Factories, Shops and Industries.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTORS—*continued.*

5 (1B) The Deputy Chief Inspector shall have and, subject to the direction and control of the Chief Inspector, may exercise and perform, the same powers, authorities, duties and functions as the Chief Inspector.

10 (1C) In relation to a person affected by a decision of the Deputy Chief Inspector, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(b) Section 7 (5)—

15 Omit “or obstructs”, insert instead “, obstructs, resists or assaults, or uses threatening, abusive or insulting language to, ”.

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HAIRDRESSERS.

20

(1) (a) Section 78 (1), definition of “Ladies’ hairdressing shop”—

Omit the definition.

25

(b) Section 78 (1), definition of “Men’s hairdressing shop”—

Omit the definition.

SCHEDULE

Factories, Shops and Industries (Amendment)

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

- (2) (a) Section 79 (3) (a)—
5 Omit “men’s hairdressing shops” where firstly
occurring, insert instead “hairdressers’ shops, or
a specified class of hairdressers’ shops.”
- (b) Section 79 (3) (a)—
10 Omit “such employees in any area all men’s
hairdressing shops”, insert instead “employees in
hairdressers’ shops in any area, or for employees
in a specified class of hairdressing shops in any
area, all hairdressers’ shops or, as the case may
be, all hairdressers’ shops of that class”.
- 15 (c) Section 79 (3) (b)—
Omit the paragraph.
- (3) (a) Section 85 (1A)—
Omit “, men’s hairdressing shops”.
- (b) Section 85 (1B)—
20 Omit the subsection.
- (4) Section 108 (4), (5)—
After section 108 (3), insert :—
(4) Subject to this Division, but notwithstanding
subsection (3)—
25 (a) where the date of issue of a license is after
31st December, 1977, the license shall
remain in force until cancelled; and

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

5 (b) where the date on which a renewal of a
license takes effect is after 31st December,
1977, the renewal shall remain in force until
cancelled.

10 (5) The holder of a hairdresser's license shall, when
required so to do by a person prescribed by the
regulations for the purposes of this subsection, or a
person who is within a class of persons so prescribed,
produce his license for inspection by that person.

SCHEDULE 7.

Sec. 5.

15 AMENDMENT TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Section 144 (3)—

Omit the subsection, insert instead :—

20 (3) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation as if this Act had
been passed after the commencement of the Interpreta-
tion (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[16c]

Factor, shop and industry (Amendment)

SCHEDULE 6—continued

AMENDMENTS TO THE PRIMARY ACT RELATING TO
HARVESTERS—continued

(1) Where the date on which a harvest
is made is a day on which a public
holiday is observed, the harvest shall
be deemed to have been made on the
preceding day.

2

(2) The holder of a licence shall not be
entitled to sell or dispose of any
produce so to be by a person licensed by the
regulator for the purpose of the licence
between the time when the produce is
produced and the time when it is
delivered to the holder of the licence.

10

Sec. 2

SCHEDULE 7

AMENDMENT TO THE PRIMARY ACT BY WAY OF

SECTION 111 (3)

12

Section 111 (3)

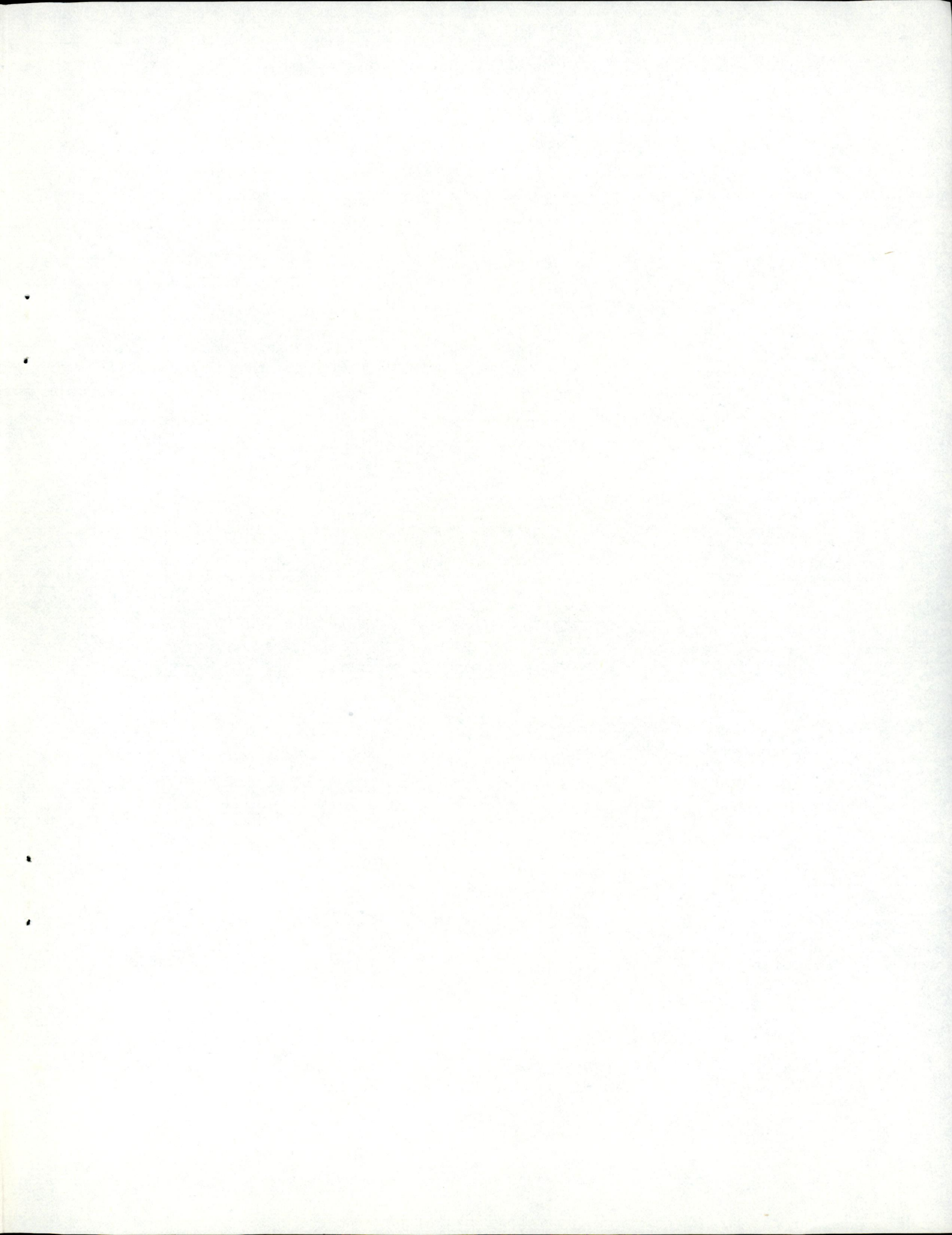
Only the expression "harvest" shall

(3) Section 41 of the Primary Act shall
apply in respect of a regulation as if this Act had
been passed after the commencement of the Inter-
national (Amendment) Act 1969.

20

BY AUTHORITY OF THE GOVERNMENT OF
WESTERN AUSTRALIA

[1969]



**FACTORIES, SHOPS AND INDUSTRIES
(AMENDMENT) BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Factories, Shops and Industries Act,
1962.

[MR HILLS—17 August, 1977.]

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, 1977". Short title.

2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act. Commencement.

- 10 (2) Section 5 shall, in its application to a provision of Schedules 1-7, commence on the day on which that provision commences.

- (3) The several provisions of Schedules 1-7 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

4. This Act contains the following Schedules :— Schedules.

- 20 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

- SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PRESSURE TESTING.

- 25 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY MEASURES IN CERTAIN EMPLOYMENT.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY IN FACTORIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTORS.

5 SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HAIRDRESSERS.

SCHEDULE 7.—AMENDMENT TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in Schedules 1-7.

Amendment of Act No. 43, 1962.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

(1) Section 11 (3A), (3B)—

15 After section 11 (3), insert :—

(3A) The Under Secretary shall refuse an application for registration of a factory unless—

20 (a) he is satisfied that the means of escape from the factory in case of fire for persons employed in the factory are sufficient and efficient; or

(b) subsection (3B) is complied with in relation to the factory.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

5 (3B) This subsection is complied with in relation
to a factory if—

(a) the Board of Fire Commissioners of New
South Wales has approved in writing of the
sufficiency and efficiency of the means of
escape from the factory in case of fire for
10 persons employed in the factory; or

(b) the premises comply with the requirements
of the ordinances made under the Local
Government Act, 1919, or the council of
the area in which the premises are situated
15 certifies in writing that any non-compliance
with those ordinances is such as need not
be rectified.

(2) (a) Section 45 (2) (a)—

20 Omit “in which persons are employed on any
floor above or below the ground floor”.

(b) Section 45 (2) (a)—

25 Omit “not be deemed to be sufficient unless the
means of escape and their efficiency have been
approved in writing by the Board of Fire
Commissioners of New South Wales”, insert
instead “be deemed to be sufficient if section 11
(3B) has been complied with in relation to the
factory”.

(c) Section 45 (4A)—

30 Omit the subsection.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(d) Section 45 (5)—

- 5 Omit “an inspector acting under the regulations
may direct”, insert instead “are prescribed”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING.

10 (1) Section 2, matter relating to Part III, Division 11—

Omit “*and Refrigerated Compartments—s. 65*”,
insert instead “, *Refrigerated Compartments and
Pressure Testing—ss. 65, 65A*”.

(2) Part III, Division 11, short heading—

- 15 Omit “*and Refrigerated Compartments*”, insert instead
“, *Refrigerated Compartments and Pressure Testing*”.

(3) Section 65A—

After section 65, insert—

- 20 65A. (1) In this section “rigid container” means ^{Pressure}
a tank, pipe or other vessel manufactured from metal ^{testing.}
or other rigid material.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING—*continued.*

5 (2) A regulation referred to in subsection
(3) does not apply to or in respect of anything done
in or about a mine within the meaning of the Mines
Inspection Act, 1901, or the Coal Mines Regulation
Act, 1912, but applies to and in respect of the doing
10 of any other thing whether in or about a factory or
elsewhere.

(3) The Governor may make regulations,
not inconsistent with this Act, for or with respect
to—

15 (a) the testing for leaks, or for its ability to
withstand pressure, of any rigid container
or any seam, joint, fitting or other part of,
or anything attached to, a rigid container;
or

20 (b) the removal of any dents, kinks or other
irregularities from a rigid container,

by the application to the inside thereof of pressure
by means of air or any other gas or gases or by means
of a liquid other than a liquid that would not be
harmful to persons in the vicinity of the rigid
25 container if it escaped.

Factories, Shops and Industries (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SAFETY MEASURES IN CERTAIN EMPLOYMENT.

- (1) Section 2, matter relating to Part III, Division 12—
5 After “*Rural*”, insert “*and Local Government*”.
- (2) (a) Section 9 (1), definition of “*Industry*”—
 After “*rural*”, insert “*or local government*”.
- (b) Section 9 (1), definition of “*Local government
industry*”—
10 After the definition of “*Industry*”, insert :—
 “*Local government industry*” means
 industry in which persons are
 engaged—
- 15 (a) in a park, garden, nursery,
 recreation area, sports
 ground or reserve under the
 control or management of,
 or vested in, a municipal,
 shire or county council;
- 20 (b) in road, water supply, sew-
 erage or drainage works for
 such a council or for a con-
 tractor to such a council;
- 25 (c) in clearing, fencing, trench-
 ing, draining, reclaiming or
 developing land for such a
 council or for a contractor
 to such a council;

Factories, Shops and Industries (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
MEASURES IN CERTAIN EMPLOYMENT—*continued.*

5 (d) in lopping or tending trees
for such a council or for a
contractor to such a council;

10 (e) in the collection or disposal
of garbage or other waste
for such a council or for a
contractor to such a council,

15 not being employment in building
work, excavation work or com-
pressed air work within the meaning
of the Scaffolding and Lifts Act,
1912, or employment in or about a
mine within the meaning of the
Mines Inspection Act, 1901, or the
Coal Mines Regulation Act, 1912.

20 (c) Section 9 (1), definition of "Rural industries"—
From paragraph (a), omit "farm produce", insert
instead "crop or farm produce whether grown
for food or not".

(3) Part III, Division 12, short heading—
After "*Rural*", insert "*and Local Government*".

25 (4) Section 66—
After "rural" wherever occurring, insert "or local
government".

Factories, Shops and Industries (Amendment).

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES.

(1) (a) Section 28 (1) (b) (ii)—

5 Omit “interrupted.”, insert instead “interrupted;”.

(b) Section 28 (1) (b) (iii), (iv)—

After section 28 (1) (b) (ii), insert :—

10 (iii) the restoration of the power supplied to a
specified machine after the supply of that
power has been interrupted;

(iv) preventing the inadvertent starting of a
machine, or machinery, specified in the
notice.

(2) Section 42 (1), definition of “confined space”—

15 After “chamber”, insert “(other than a refrigerated
chamber)”.

(3) Section 44A—

After section 44, insert :—

20 44A. (1) The occupier of a factory shall ensure that the electrical installation, equipment and apparatus in the factory is so designed, constructed, protected and maintained as to eliminate as far as practicable the risk of any accidental electric shock or any electrical fire. ^{Electrical hazards.}

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES—*continued.*

- 5 (2) Where a regulation deals with the design,
construction, protection or maintenance of the elec-
trical installation, equipment or apparatus in a factory
and the occupier of the factory complies with the
regulation he shall, in relation to the matter dealt with
10 by the regulation, be deemed to have complied with
subsection (1).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS.

- (1) Section 4 (1), definition of "Deputy Chief Inspector"—
15 After the definition of "Contravention", insert—
"Deputy Chief Inspector" means the person who
for the time being holds the office of Deputy
Chief Inspector of Factories, Shops and
20 Industries or the inspector for the time being
acting in the place of that person.
- (2) (a) Section 7 (1A), (1B), (1C)—
After section 7 (1), insert :—
(1A) An inspector appointed under subsection
25 (1) may be appointed Deputy Chief Inspector
of Factories, Shops and Industries.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS—*continued.*

5 (1B) The Deputy Chief Inspector shall have
and, subject to the direction and control of the
Chief Inspector, may exercise and perform, the
same powers, authorities, duties and functions
as the Chief Inspector.

10 (1C) In relation to a person affected by a
decision of the Deputy Chief Inspector, that
decision shall be deemed to be a decision of the
Chief Inspector whether or not it complies with
any directions given by the Chief Inspector.

(b) Section 7 (5)—

15 Omit “or obstructs”, insert instead “, obstructs,
resists or assaults, or uses threatening, abusive
or insulting language to, ”.

SCHEDULE 6.

Sec. 5.

20 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS.

(1) (a) Section 78 (1), definition of “Ladies’ hairdressing
shop”—

Omit the definition.

5 (b) Section 78 (1), definition of “Men’s hairdressing
shop”—

Omit the definition.

SCHEDULE

Factories, Shops and Industries (Amendment)

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

(2) (a) Section 79 (3) (a)—

5 Omit “men’s hairdressing shops” where firstly occurring, insert instead “hairdressers’ shops, or a specified class of hairdressers’ shops,”.

(b) Section 79 (3) (a)—

10 Omit “such employees in any area all men’s hairdressing shops”, insert instead “employees in hairdressers’ shops in any area, or for employees in a specified class of hairdressing shops in any area, all hairdressers’ shops or, as the case may be, all hairdressers’ shops of that class”.

15 (c) Section 79 (3) (b)—

Omit the paragraph.

(3) (a) Section 85 (1A)—

Omit “, men’s hairdressing shops”.

(b) Section 85 (1B)—

20 Omit the subsection.

(4) Section 108 (4), (5)—

After section 108 (3), insert :—

(4) Subject to this Division, but notwithstanding subsection (3)—

25 (a) where the date of issue of a license is after 31st December, 1977, the license shall remain in force until cancelled; and

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

5 (b) where the date on which a renewal of a
license takes effect is after 31st December,
1977, the renewal shall remain in force until
cancelled.

10 (5) The holder of a hairdresser's license shall, when
required so to do by a person prescribed by the
regulations for the purposes of this subsection, or a
person who is within a class of persons so prescribed,
produce his license for inspection by that person.

SCHEDULE 7.

Sec. 5.

15 AMENDMENT TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

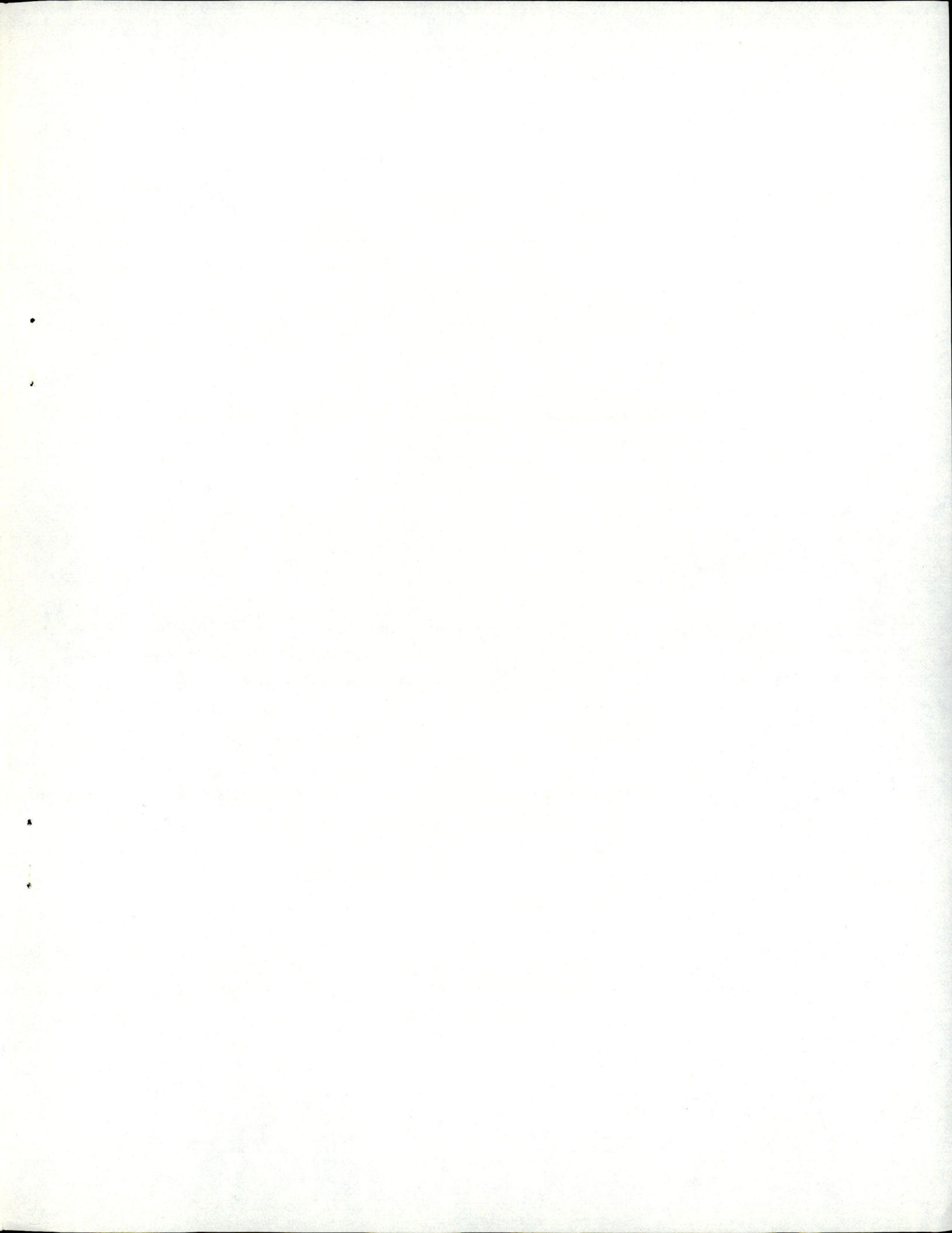
Section 144 (3)—

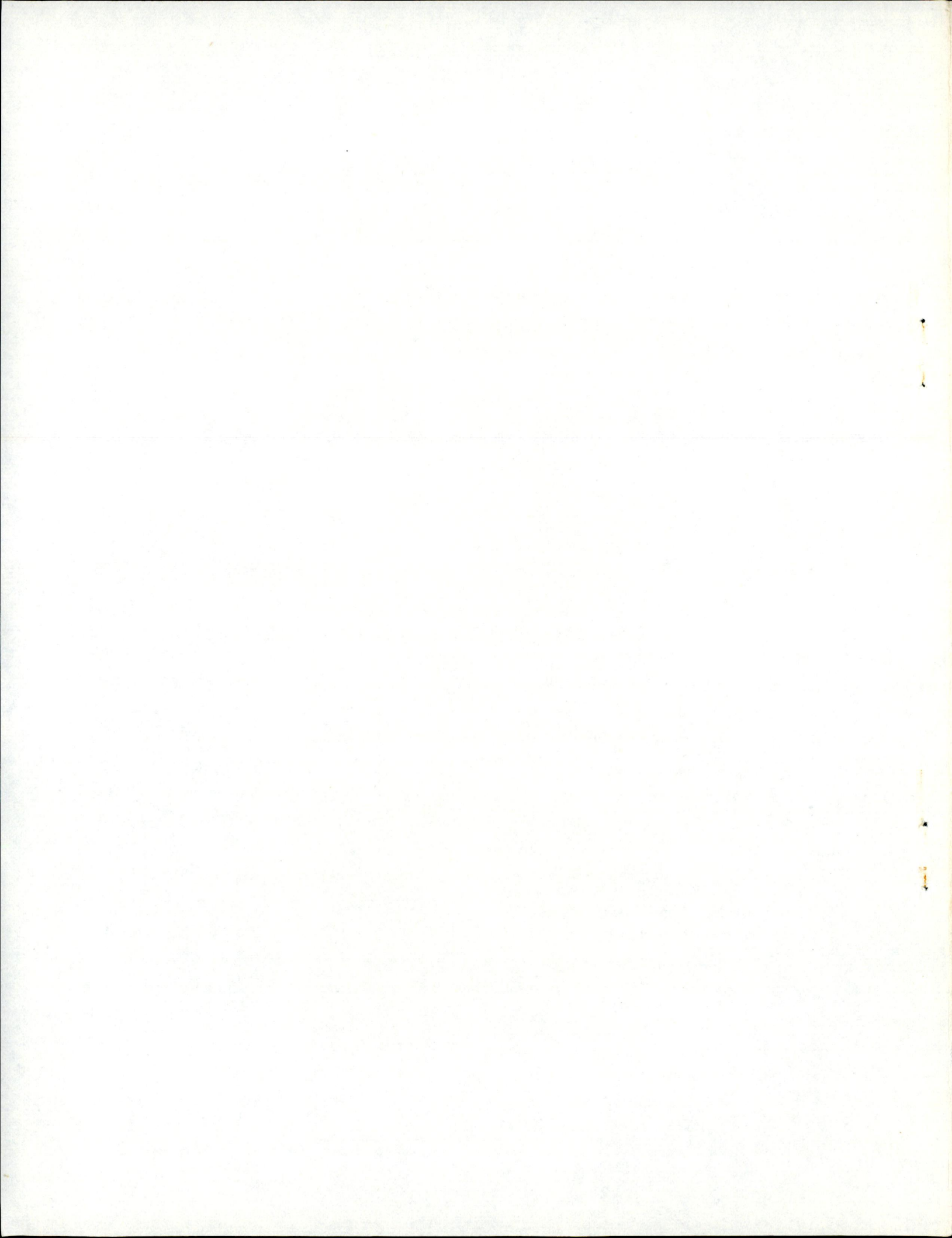
Omit the subsection, insert instead :—

20 (3) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation as if this Act had
been passed after the commencement of the Interpreta-
tion (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[16c]





**FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT)
BILL, 1977**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to require the refusal of an application for registration of premises as a factory unless the premises are provided with sufficient and efficient means of escape in case of fire (Schedule 1);
 - (b) to authorise the making of regulations with respect to the application of internal gaseous or liquid pressure in order to test a rigid tank, pipe or other vessel for leaks or for its ability to withstand internal pressure or in order to remove dents or other imperfections (Schedule 2);
 - (c) to authorise the making of regulations, similar to those made in respect of rural industries, to ensure the safety of council workers engaged in particular classes of employment such as work in parks or gardens or in clearing land (Schedule 3);
 - (d) to make additional provision for safety in a factory in relation to power supply and electrical installations (Schedule 4);
 - (e) to provide for the appointment of a Deputy Chief Inspector of Factories, Shops and Industries (Schedule 5 (1));
 - (f) to make further provision with respect to an offence against an inspector in the execution of his duty (Schedule 5 (2));
 - (g) to make further provision with respect to the fixing of the opening and closing hours of hairdressers' shops (Schedule 6);
 - (h) to continue a hairdresser's license in force until it is cancelled instead of requiring annual renewal and to oblige the holder of such a license to produce it in response to a demand made by a prescribed person; and
 - (i) to make provisions consequential upon or ancillary to the foregoing.
-

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
BUREAU OF AMERICAN ETHNOLOGY
SMITHSONIAN INSTITUTION

EXPLANATION

This explanation is intended to be read in connection with the following list of names.

- (1) The names of the individuals who were members of the expedition are given in this list.
- (2) The names of the individuals who were not members of the expedition but who were associated with it in some way are given in this list.
- (3) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (4) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (5) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (6) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (7) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (8) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (9) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.
- (10) The names of the individuals who were not members of the expedition and who were not associated with it in any way are given in this list.

**FACTORIES, SHOPS AND INDUSTRIES
(AMENDMENT) BILL, 1977**

PROOF

No. , 1977.

A BILL FOR

An Act to amend the Factories, Shops and Industries Act,
1962.

[MR HILLS—17 August, 1977.]

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, 1977". Short title.

2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act. Commencement.

10 (2) Section 5 shall, in its application to a provision of Schedules 1-7, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1-7 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

4. This Act contains the following Schedules :— Schedules.

20 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PRESSURE TESTING.

25 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY MEASURES IN CERTAIN EMPLOYMENT.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO SAFETY IN FACTORIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO INSPECTORS.

5 SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO HAIRDRESSERS.

SCHEDULE 7.—AMENDMENT TO THE PRINCIPAL
ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth
10 in Schedules 1-7.

Amend-
ment of
Act No. 43,
1962.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES.

(1) Section 11 (3A), (3B)—

15 After section 11 (3), insert :—

(3A) The Under Secretary shall refuse an
application for registration of a factory unless—

20 (a) he is satisfied that the means of escape from
the factory in case of fire for persons
employed in the factory are sufficient and
efficient; or

(b) subsection (3B) is complied with in
relation to the factory.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

5 (3B) This subsection is complied with in relation
to a factory if—

(a) the Board of Fire Commissioners of New
South Wales has approved in writing of the
sufficiency and efficiency of the means of
escape from the factory in case of fire for
10 persons employed in the factory; or

(b) the premises comply with the requirements
of the ordinances made under the Local
Government Act, 1919, or the council of
the area in which the premises are situated
certifies in writing that any non-compliance
15 with those ordinances is such as need not
be rectified.

(2) (a) Section 45 (2) (a)—

20 Omit “in which persons are employed on any
floor above or below the ground floor”.

(b) Section 45 (2) (a)—

Omit “not be deemed to be sufficient unless the
means of escape and their efficiency have been
approved in writing by the Board of Fire
Commissioners of New South Wales”, insert
25 instead “be deemed to be sufficient if section 11
(3B) has been complied with in relation to the
factory”.

(c) Section 45 (4A)—

30 Omit the subsection.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

- (d) Section 45 (5)—
- 5 Omit “an inspector acting under the regulations may direct”, insert instead “are prescribed”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING.

- 10 (1) Section 2, matter relating to Part III, Division 11—
- Omit “*and Refrigerated Compartments—s. 65*”, insert instead “, *Refrigerated Compartments and Pressure Testing—ss. 65, 65A*”.
- (2) Part III, Division 11, short heading—
- 15 Omit “*and Refrigerated Compartments*”, insert instead “, *Refrigerated Compartments and Pressure Testing*”.
- (3) Section 65A—
- After section 65, insert—
- 20 65A. (1) In this section “rigid container” means Pressure testing.
a tank, pipe or other vessel manufactured from metal
or other rigid material.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING—*continued.*

5 (2) A regulation referred to in subsection
(3) does not apply to or in respect of anything done
in or about a mine within the meaning of the Mines
Inspection Act, 1901, or the Coal Mines Regulation
Act, 1912, but applies to and in respect of the doing
10 of any other thing whether in or about a factory or
elsewhere.

(3) The Governor may make regulations,
not inconsistent with this Act, for or with respect
to—

15 (a) the testing for leaks, or for its ability to
withstand pressure, of any rigid container
or any seam, joint, fitting or other part of,
or anything attached to, a rigid container;
or

20 (b) the removal of any dents, kinks or other
irregularities from a rigid container,

by the application to the inside thereof of pressure
by means of air or any other gas or gases or by means
of a liquid other than a liquid that would not be
harmful to persons in the vicinity of the rigid
25 container if it escaped.

Factories, Shops and Industries (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SAFETY MEASURES IN CERTAIN EMPLOYMENT.

- (1) Section 2, matter relating to Part III, Division 12—
5 After “*Rural*”, insert “*and Local Government*”.
- (2) (a) Section 9 (1), definition of “*Industry*”—
 After “*rural*”, insert “*or local government*”.
- (b) Section 9 (1), definition of “*Local government
industry*”—
10 After the definition of “*Industry*”, insert :—
 “*Local government industry*” means
 industry in which persons are
 engaged—
- 15 (a) in a park, garden, nursery,
 recreation area, sports
 ground or reserve under the
 control or management of,
 or vested in, a municipal,
 shire or county council;
- 20 (b) in road, water supply, sew-
 erage or drainage works for
 such a council or for a con-
 tractor to such a council;
- 25 (c) in clearing, fencing, trench-
 ing, draining, reclaiming or
 developing land for such a
 council or for a contractor
 to such a council;

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
MEASURES IN CERTAIN EMPLOYMENT—*continued.*

5 (d) in lopping or tending trees
for such a council or for a
contractor to such a council;

(e) in the collection or disposal
of garbage or other waste
10 for such a council or for a
contractor to such a council,

not being employment in building
work, excavation work or com-
pressed air work within the meaning
of the Scaffolding and Lifts Act,
15 1912, or employment in or about a
mine within the meaning of the
Mines Inspection Act, 1901, or the
Coal Mines Regulation Act, 1912.

(c) Section 9 (1), definition of "Rural industries"—
20 From paragraph (a), omit "farm produce", insert
instead "crop or farm produce whether grown
for food or not".

(3) Part III, Division 12, short heading—

After "*Rural*", insert "*and Local Government*".

25 (4) Section 66—

After "rural" wherever occurring, insert "or local
government".

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES.

(1) (a) Section 28 (1) (b) (ii)—

5 Omit “interrupted.”, insert instead “interrupted;”.

(b) Section 28 (1) (b) (iii), (iv)—

After section 28 (1) (b) (ii), insert :—

10 (iii) the restoration of the power supplied to a
specified machine after the supply of that
power has been interrupted;

(iv) preventing the inadvertent starting of a
machine, or machinery, specified in the
notice.

(2) Section 42 (1), definition of “confined space”—

15 After “chamber”, insert “(other than a refrigerated
chamber)”.

(3) Section 44A—

After section 44, insert :—

20 44A. (1) The occupier of a factory shall ensure
that the electrical installation, equipment and ^{Electrical} hazards.
apparatus in the factory is so designed, constructed,
protected and maintained as to eliminate as far as
practicable the risk of any accidental electric shock or
any electrical fire.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES—*continued.*

- 5 (2) Where a regulation deals with the design,
construction, protection or maintenance of the elec-
trical installation, equipment or apparatus in a factory
and the occupier of the factory complies with the
regulation he shall, in relation to the matter dealt with
10 by the regulation, be deemed to have complied with
subsection (1).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS.

- (1) Section 4 (1), definition of "Deputy Chief Inspector"—
15 After the definition of "Contravention", insert—
 "Deputy Chief Inspector" means the person who
 for the time being holds the office of Deputy
 Chief Inspector of Factories, Shops and
20 Industries or the inspector for the time being
 acting in the place of that person.
- (2) (a) Section 7 (1A), (1B), (1C)—
 After section 7 (1), insert :—
 (1A) An inspector appointed under subsection
25 (1) may be appointed Deputy Chief Inspector
 of Factories, Shops and Industries.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS—*continued.*

5 (1B) The Deputy Chief Inspector shall have
and, subject to the direction and control of the
Chief Inspector, may exercise and perform, the
same powers, authorities, duties and functions
as the Chief Inspector.

10 (1C) In relation to a person affected by a
decision of the Deputy Chief Inspector, that
decision shall be deemed to be a decision of the
Chief Inspector whether or not it complies with
any directions given by the Chief Inspector.

(b) Section 7 (5)—

15 Omit “or obstructs”, insert instead “, obstructs,
resists or assaults, or uses threatening, abusive
or insulting language to,”.

SCHEDULE 6.

Sec. 5.

20 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS.

(1) (a) Section 78 (1), definition of “Ladies’ hairdressing
shop”—

Omit the definition.

25 (b) Section 78 (1), definition of “Men’s hairdressing
shop”—

Omit the definition.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

- (2) (a) Section 79 (3) (a)—
5 Omit “men’s hairdressing shops” where firstly
occurring, insert instead “hairdressers’ shops, or
a specified class of hairdressers’ shops.”
- (b) Section 79 (3) (a)—
10 Omit “such employees in any area all men’s
hairdressing shops”, insert instead “employees in
hairdressers’ shops in any area, or for employees
in a specified class of hairdressing shops in any
area, all hairdressers’ shops or, as the case may
be, all hairdressers’ shops of that class”.
- 15 (c) Section 79 (3) (b)—
Omit the paragraph.
- (3) (a) Section 85 (1A)—
Omit “, men’s hairdressing shops”.
- (b) Section 85 (1B)—
20 Omit the subsection.
- (4) Section 108 (4), (5)—
After section 108 (3), insert :—
(4) Subject to this Division, but notwithstanding
subsection (3)—
25 (a) where the date of issue of a license is after
31st December, 1977, the license shall
remain in force until cancelled; and

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

5 (b) where the date on which a renewal of a
license takes effect is after 31st December,
1977, the renewal shall remain in force until
cancelled.

10 (5) The holder of a hairdresser's license shall, when
required so to do by a person prescribed by the
regulations for the purposes of this subsection, or a
person who is within a class of persons so prescribed,
produce his license for inspection by that person.

SCHEDULE 7.

Sec. 5.

15 AMENDMENT TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Section 144 (3)—

Omit the subsection, insert instead :—

20 (3) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation as if this Act had
been passed after the commencement of the Interpreta-
tion (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

Factories, Shops and Industries (Management)

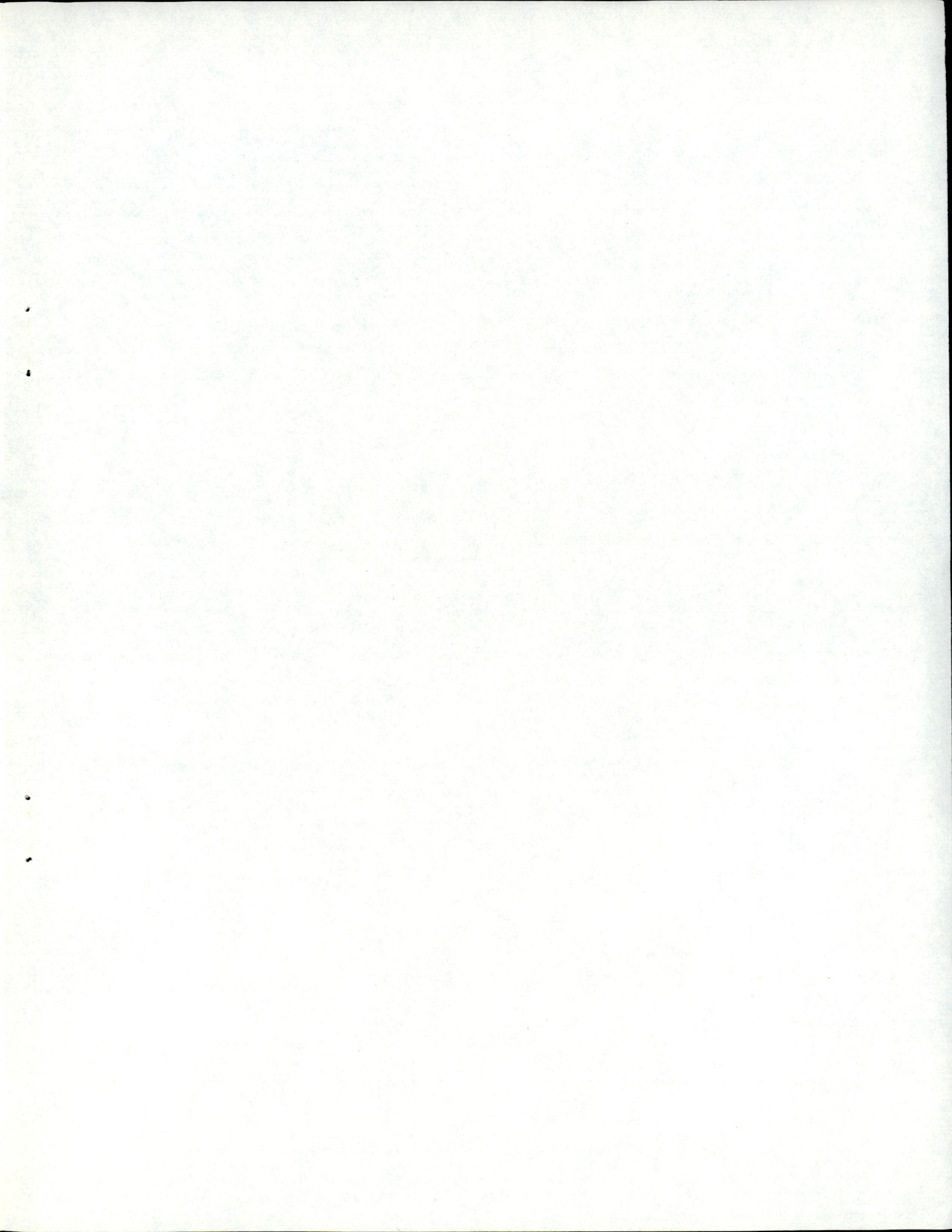
SCHEDULE 6—continued

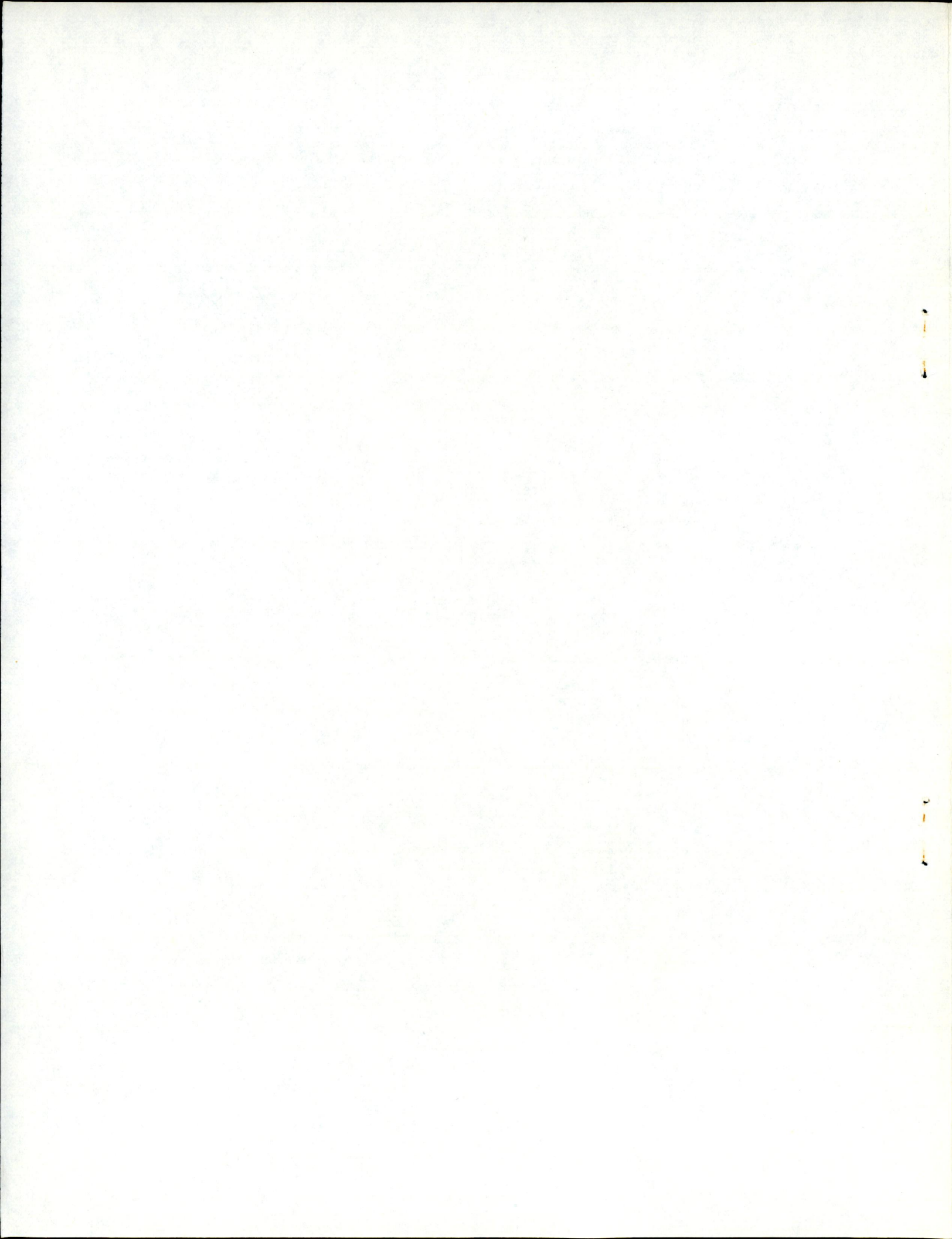
APPENDICES TO THE PRINCIPAL ACT

- 2 (a) where a person is engaged in the occupation of a factory, shop or industry, the person shall be deemed to be engaged in that occupation if he is engaged in any of the following activities, namely—
- 10 (b) The holder of a patent or a licence to sell or to use an invention or to do by a person described by the regulations for the purpose of the invention or a person who is within a class of persons so prescribed, produces the invention for sale or for use in the

APPENDIX TO THE PRINCIPAL ACT

- 12 (a) where a person is engaged in the occupation of a factory, shop or industry, the person shall be deemed to be engaged in that occupation if he is engaged in any of the following activities, namely—
- 20 (b) The holder of a patent or a licence to sell or to use an invention or to do by a person described by the regulations for the purpose of the invention or a person who is within a class of persons so prescribed, produces the invention for sale or for use in the





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, 21 September, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 74, 1977.

An Act to amend the Factories, Shops and Industries Act,
1962. [Assented to, 10th October, 1977.]

BE

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

T. J. CAHILL,
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, 1977".

Commence-
ment.

2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1-7, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1-7 shall commence on such day or days 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 referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO FACTORY FIRE ESCAPES.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO PRESSURE TESTING.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO SAFETY MEASURES IN CERTAIN
EMPLOYMENT.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY IN FACTORIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTORS.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HAIRDRESSERS.

SCHEDULE 7.—AMENDMENT TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in Schedules 1-7. Amendment of Act No. 43, 1962.

SCHEDULE 1. Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

(1) Section 11 (3A), (3B)—

After section 11 (3), insert :—

(3A) The Under Secretary shall refuse an application for registration of a factory unless—

- (a) he is satisfied that the means of escape from the factory in case of fire for persons employed in the factory are sufficient and efficient; or
- (b) subsection (3B) is complied with in relation to the factory.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(3B) This subsection is complied with in relation to a factory if—

- (a) the Board of Fire Commissioners of New South Wales has approved in writing of the sufficiency and efficiency of the means of escape from the factory in case of fire for persons employed in the factory; or
- (b) the premises comply with the requirements of the ordinances made under the Local Government Act, 1919, or the council of the area in which the premises are situated certifies in writing that any non-compliance with those ordinances is such as need not be rectified.

(2) (a) Section 45 (2) (a)—

Omit “in which persons are employed on any floor above or below the ground floor”.

(b) Section 45 (2) (a)—

Omit “not be deemed to be sufficient unless the means of escape and their efficiency have been approved in writing by the Board of Fire Commissioners of New South Wales”, insert instead “be deemed to be sufficient if section 11 (3B) has been complied with in relation to the factory”.

(c) Section 45 (4A)—

Omit the subsection.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(d) Section 45 (5)—

Omit “an inspector acting under the regulations
may direct”, insert instead “are prescribed”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING.

(1) Section 2, matter relating to Part III, Division 11—

Omit “*and Refrigerated Compartments—s. 65*”,
insert instead “, *Refrigerated Compartments and
Pressure Testing—ss. 65, 65A*”.

(2) Part III, Division 11, short heading—

Omit “*and Refrigerated Compartments*”, insert instead
“, *Refrigerated Compartments and Pressure Testing*”.

(3) Section 65A—

After section 65, insert—

65A. (1) In this section “rigid container” means ^{Pressure} a tank, pipe or other vessel manufactured from metal ^{testing.}
or other rigid material.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING—*continued.*

(2) A regulation referred to in subsection (3) does not apply to or in respect of anything done in or about a mine within the meaning of the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, but applies to and in respect of the doing of any other thing whether in or about a factory or elsewhere.

(3) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

(a) the testing for leaks, or for its ability to withstand pressure, of any rigid container or any seam, joint, fitting or other part of, or anything attached to, a rigid container;
or

(b) the removal of any dents, kinks or other irregularities from a rigid container,

by the application to the inside thereof of pressure by means of air or any other gas or gases or by means of a liquid other than a liquid that would not be harmful to persons in the vicinity of the rigid container if it escaped.

Factories, Shops and Industries (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SAFETY MEASURES IN CERTAIN EMPLOYMENT.

(1) Section 2, matter relating to Part III, Division 12—
After “*Rural*”, insert “*and Local Government*”.

(2) (a) Section 9 (1), definition of “*Industry*”—
After “*rural*”, insert “*or local government*”.

(b) Section 9 (1), definition of “*Local government industry*”—

After the definition of “*Industry*”, insert :—

“*Local government industry*” means
industry in which persons are
engaged—

- (a) in a park, garden, nursery,
recreation area, sports
ground or reserve under the
control or management of,
or vested in, a municipal,
shire or county council;
- (b) in road, water supply, sew-
erage or drainage works for
such a council or for a con-
tractor to such a council;
- (c) in clearing, fencing, trench-
ing, draining, reclaiming or
developing land for such a
council or for a contractor
to such a council;

Factories, Shops and Industries (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
MEASURES IN CERTAIN EMPLOYMENT—*continued.*

(d) in lopping or tending trees for such a council or for a contractor to such a council;

(e) in the collection or disposal of garbage or other waste for such a council or for a contractor to such a council,

not being employment in building work, excavation work or compressed air work within the meaning of the Scaffolding and Lifts Act, 1912, or employment in or about a mine within the meaning of the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912.

(c) Section 9 (1), definition of "Rural industries"—

From paragraph (a), omit "farm produce", insert instead "crop or farm produce whether grown for food or not".

(3) Part III, Division 12, short heading—

After "Rural", insert "*and Local Government*".

(4) Section 66—

After "rural" wherever occurring, insert "or local government".

Factories, Shops and Industries (Amendment).

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES.

(1) (a) Section 28 (1) (b) (ii)—

Omit "interrupted.", insert instead "interrupted;".

(b) Section 28 (1) (b) (iii), (iv)—

After section 28 (1) (b) (ii), insert :—

(iii) the restoration of the power supplied to a specified machine after the supply of that power has been interrupted;

(iv) preventing the inadvertent starting of a machine, or machinery, specified in the notice.

(2) Section 42 (1), definition of "confined space"—

After "chamber", insert "(other than a refrigerated chamber)".

(3) Section 44A—

After section 44, insert :—

44A. (1) The occupier of a factory shall ensure that the electrical installation, equipment and apparatus in the factory is so designed, constructed, protected and maintained as to eliminate as far as practicable the risk of any accidental electric shock or any electrical fire. ^{Electrical hazards.}

Factories, Shops and Industries (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES—*continued.*

(2) Where a regulation deals with the design, construction, protection or maintenance of the electrical installation, equipment or apparatus in a factory and the occupier of the factory complies with the regulation he shall, in relation to the matter dealt with by the regulation, be deemed to have complied with subsection (1).

Sec. 5.

SCHEDULE 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS.

(1) Section 4 (1), definition of "Deputy Chief Inspector"—

After the definition of "Contravention", insert—

"Deputy Chief Inspector" means the person who for the time being holds the office of Deputy Chief Inspector of Factories, Shops and Industries or the inspector for the time being acting in the place of that person.

(2) (a) Section 7 (1A), (1B), (1C)—

After section 7 (1), insert :—

(1A) An inspector appointed under subsection (1) may be appointed Deputy Chief Inspector of Factories, Shops and Industries.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS—*continued.*

(1B) The Deputy Chief Inspector shall have and, subject to the direction and control of the Chief Inspector, may exercise and perform, the same powers, authorities, duties and functions as the Chief Inspector.

(1C) In relation to a person affected by a decision of the Deputy Chief Inspector, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(b) Section 7 (5)—

Omit “or obstructs”, insert instead “, obstructs, resists or assaults, or uses threatening, abusive or insulting language to,”.

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS.

(1) (a) Section 78 (1), definition of “Ladies’ hairdressing shop”—

Omit the definition.

(b) Section 78 (1), definition of “Men’s hairdressing shop”—

Omit the definition.

SCHEDULE

Factories, Shops and Industries (Amendment)

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

(2) (a) Section 79 (3) (a)—

Omit “men’s hairdressing shops” where firstly occurring, insert instead “hairdressers’ shops, or a specified class of hairdressers’ shops”.

(b) Section 79 (3) (a)—

Omit “such employees in any area all men’s hairdressing shops”, insert instead “employees in hairdressers’ shops in any area, or for employees in a specified class of hairdressing shops in any area, all hairdressers’ shops or, as the case may be, all hairdressers’ shops of that class”.

(c) Section 79 (3) (b)—

Omit the paragraph.

(3) (a) Section 85 (1A)—

Omit “, men’s hairdressing shops”.

(b) Section 85 (1B)—

Omit the subsection.

(4) Section 108 (4), (5)—

After section 108 (3), insert :—

(4) Subject to this Division, but notwithstanding subsection (3)—

(a) where the date of issue of a license is after 31st December, 1977, the license shall remain in force until cancelled; and

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

(b) where the date on which a renewal of a license takes effect is after 31st December, 1977, the renewal shall remain in force until cancelled.

(5) The holder of a hairdresser's license shall, when required so to do by a person prescribed by the regulations for the purposes of this subsection, or a person who is within a class of persons so prescribed, produce his license for inspection by that person.

SCHEDULE 7.

Sec. 5.

AMENDMENT TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Section 144 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 10th October, 1977.*

Functioned as a ...

SECTION 1

AMENDMENTS TO THE ...

(a) ...

(b) ...

200

AMENDMENTS TO THE ...

(c) ...

... (Amendment) ...

... in the ...

...

