

VICTORIA.



ANNO PRIMO

GEORGII QUINTI REGIS.

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No. 2305.

An Act to further amend the Factories and Shops Acts.

[4th January, 1911.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Factories and Shops Act 1910* (No. 2) and shall be read and construed as one with the *Factories and Shops Act 1905* (hereinafter called the Principal Act) which Act and any Act amending the same and this Act may be cited together as the *Factories and Shops Acts*.

Short title/  
construction and  
citation.

Nos. 1975, 2008,  
2137, 2177, 2184,  
2241.

*Special Boards.*

2. Notwithstanding anything contained in the *Factories and Shops Acts*—

Power to appoint  
Special Board for  
any trade business  
or occupation.

(1) Where a resolution is passed by both Houses of Parliament declaring that it is expedient to appoint any Special Board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed

No. 1975 s. 75.

employed anywhere in Victoria (whether in a factory or work-room or not) in any process trade business or occupation or any group or groups of processes trades businesses or occupations specified in the resolution the Governor in Council may if he thinks fit from time to time—

- (a) appoint one or more Special Boards for any process trade business or occupation so specified or for any branch or branches thereof or for any group or groups thereof; and
  - (b) define the area or locality (including the whole or any part or parts of Victoria) within which the determination of each of such Special Boards shall be operative; and extend or redefine any such area or locality; and
  - (c) as between any two or more Special Boards, adjust the powers which such Boards or any of them may lawfully exercise, and for that purpose deprive any Special Board of any of its powers and confer them upon any other Special Board.
- (2) When any Special Board is deprived of any of its powers pursuant to this section any determination thereof or of the Court of Industrial Appeals made before such deprivation under any power of which the Special Board is deprived shall continue in operation until superseded by a determination of the Special Board upon which such power is conferred, and upon such determination being made shall cease to have effect.
- (3) The provisions of the Factories and Shops Acts as to the appointment of Special Boards shall extend and apply to the nomination election and appointment of the members of Special Boards under this section.

Provided that in any case where no records are given in the latest Annual Report of the Chief Inspector of Factories with respect to any persons likely to be affected by the determination of any such Special Board the Minister if he is satisfied that there is substantial objection to the persons nominated by him as representatives of employers or employes on such Special Board and notwithstanding that an objection signed by one-fifth of the employers or adult employes respectively engaged in the process trade business or occupation subject to such Special Board has not been lodged may decide that an election shall be held.

(4) All

- (4) All or any of the powers conferred upon the Governor in Council by sub-section (1) of this section may be exercised by him from time to time with regard to any Special Board heretofore appointed or hereafter to be appointed pursuant to a resolution passed by both Houses of Parliament before the commencement of this Act to the like extent as if such resolution had been passed after the commencement of this Act.
- (5) The determination of every Special Board which comes under this section shall be signed by the Chairman thereof and published in the *Government Gazette* and shall apply to the area or locality to which such determination is applicable; and any determination of the Court of Industrial Appeals relating thereto shall also apply to such area or locality.
- (6) Where under this section the area or locality within which the determination of any Special Board is to be operative is extended so as to include any part or parts of Victoria outside the metropolitan district or outside any city town or borough the Governor in Council if in any case he thinks it necessary may appoint a new Special Board to take the place of the Special Board the operation of whose determination is so extended.
- (7) Where any new Special Board is so appointed any determination of the Board whose place it takes or of the Court of Industrial Appeals theretofore made shall within the area or locality for which the determination was made continue in operation until superseded by a determination of the new Special Board and upon such determination being made shall cease to have effect.
- (8) Subject to this section all the provisions of the Factories and Shops Acts relating to Special Boards and to the determinations thereof and to any act matter or thing precedent to consequent on or arising out of any such determination or the suspension of any such determination shall so far as applicable and with such modifications as may be necessary extend and apply with respect to Special Boards appointed under this section and to the determinations thereof and to any act matter or thing precedent to consequent on or arising out of any such determination or the suspension of any such determination.
- (9) (a) Section eight of the Principal Act is hereby repealed so far as it applies to creameries butter and cheese factories and concentrated and condensed milk factories but

but except as aforesaid nothing in this Act (including sub-section (1) hereof) shall affect the operation of the said section.

(b) In sub-section (1) of section sixteen of the *Factories and Shops Act* 1905 (No. 2) the words "if so authorized by a resolution passed by both Houses of Parliament" are hereby repealed.

Amendment of  
No. 2137 s. 10.  
Elections for Special  
Boards.

3. In section ten of the *Factories and Shops Act* 1907 after the figures "1907" there shall be inserted the words "or by any later enactment other than a Board the members of which are to be elected in accordance with regulations."

Penalty for dismissal  
of employé in  
certain cases.

4. Any employer who dismisses from his employment any employé by reason merely of the fact that the employé—

- (a) is a member of a Special Board, or
- (b) has given information with regard to matters under the *Factories and Shops Acts* to an Inspector of Factories, or
- (c) has after having given reasonable notice to his employer of his intention absented himself from work through being engaged in other duties as member of a Special Board

shall be liable to a penalty not exceeding Twenty-five pounds for each employé so dismissed.

Amendment of  
No. 1975 s. 75 (2).  
Matters to be  
considered by  
Special Boards.  
No. 2241 s. 5.

5. (1) For sub-section (2) of section seventy-five of the Principal Act as amended by section five of the *Factories and Shops Act* 1909 (No. 2) there shall be substituted the following sub-section:—

"(2) (a) In fixing such lowest prices or rates the Special Board shall take into consideration the following matters and may (if it thinks fit) fix different prices or rates accordingly—

- (i.) the nature kind and class of the work ;
- (ii.) the mode and manner in which the work is to be done.
- (iii.) the age and the sex of the workers ;
- (iv.) the place or locality where the work is to be done ;
- (v.) the hour of the day or night when the work is to be done ;
- (vi.) whether more than six consecutive days' work is to be done ;
- (vii.) whether the work is casual as defined by the Board ;
- (viii.) any recognised usage or custom in the manner of carrying out the work ; and
- (ix.) any matter whatsoever which may from time to time be prescribed.

(b) The

(b) The Special Board may—

- (i.) fix the times of beginning and ending work upon each day ;
- (ii.) fix a higher price or rate to be paid for any hour or fraction of an hour worked outside the times so fixed ;
- (iii.) fix special prices or rates for work to be done on a Sunday or public holiday."

Further powers of  
Special Boards.

(2) Section five of the *Factories and Shops Act* 1909 (No. 2) is hereby repealed.

Repeal of No. 2241  
s. 5.

6. No Special Board shall sit during ordinary working hours in any trade except by mutual agreement of the representatives of the employers and employes on the Board, or by the direction of the Minister.

Special Board not  
to sit during  
working hours  
except by mutual  
agreement.

7. In sub-section (2) of section seventy-six of the Principal Act as amended by section nine of the *Factories and Shops Act* 1907—

Amendment of  
No. 1975 s. 76

(a) after the word "concerned" omit "and" and insert in place thereof "for at least six months."

(b) and after the word "trade" where last occurring, omit "and" and insert in place thereof "for at least six months."

(c) The words "provided that this restriction shall not apply to appointments made by the Minister" are hereby repealed.

8. In section seventy-seven of the Principal Act after the words "process trade or business" wherever occurring there shall be inserted the words "or occupation."

Amendment of  
No. 1975 s. 77.

9. Notwithstanding anything contained in the *Factories and Shops Acts* any person over twenty-one years of age may with the sanction in writing of the Minister be bound by indentures of apprenticeship.

Apprentices over  
twenty-one years  
of age.

Compare  
No. 1975 s. 5.

10. (1) The power conferred upon the Governor in Council by section one hundred and one of the Principal Act to apply the determination of any Special Board to any borough is hereby extended so as to enable the Governor in Council to apply the determination of any Special Board to any shire or portion of a shire.

Power to extend  
determinations of  
Special Boards to  
shires.

No. 1975 s. 101.

(2) Sub-section (2) and paragraphs (a) and (b) of sub-section (3) of the said section one hundred and one are hereby repealed.

(3) In paragraph (c) of sub-section (3) of the said section one hundred and one after the words "applied to" there shall be inserted the words "any shire or," and after the words "within such" there shall be inserted the words "shire or."

11. (1) In

Amendment of  
No. 1975 s. 126 (1).

11. (1) In sub-section (1) of section one hundred and twenty-six of the Principal Act for the words "to any portion of any shire if such portion is within ten miles of any city or town" there shall be substituted the words "to any shire or portion of a shire."

Repeal of sub-sec.  
(2) of s. 126 of  
No. 1975.

(2) Sub-section (2) of the said section one hundred and twenty-six is hereby repealed.

Amendment of  
No. 1975 s. 126 (3).

(3) In sub-section (3) of the said section one hundred and twenty-six before the word "portion" wherever occurring there shall be inserted the words "shire or."

### *Factories and Shops.*

Power to appoint  
Assistant Chief  
Inspector.

12. (1) Subject to the provisions of the Public Service Acts the Governor in Council may appoint an Assistant Chief Inspector of Factories Work-rooms and Shops, and may remove any person so appointed.

Duties, &c., of  
Assistant Chief  
Inspector.

(2) Such Assistant Chief Inspector—

(a) shall under the control of the Chief Inspector have and may exercise such powers functions or duties (whether statutory or otherwise) of the Chief Inspector as may be assigned to him in writing by the Chief Inspector either generally or in any particular case ; and

(b) shall act in the place of the Chief Inspector in case of the illness absence or temporary incapacity of the Chief Inspector.

(3) All acts matters and things done or performed by such Assistant Chief Inspector pursuant to this section shall for all purposes have the same force and effect as if done or performed by the Chief Inspector.

Amendment of  
No. 2137 s. 2.

References to  
process trade or  
business or  
occupation.

13. Section two of the *Factories and Shops Act* 1907 is hereby amended as follows:—

(a) For the words "The expression 'process trade or business' or 'occupation' or any like expression when used in the Factories and Shops Acts or in the Determination of a Special Board refers to the process trade or business or occupation of the employer as well as the process trade business or occupation in which the employé is employed" there shall be substituted the words "The expression 'process trade or business' or 'occupation' or any like expression when used in the Factories and Shops Acts or in the Determination of a Special Board refers either to the process trade or business or occupation of the employer or to that in which the employé is employed or to both as the case may require."

(b) In

- (b) In the last paragraph thereof for the words "This section and sections seven nineteen twenty-two and forty" there shall be substituted the words "Section forty."

Application of  
No. 2137 s. 40.

14. The lowest prices or rates which may be determined under and pursuant to the Factories and Shops Acts by any Special Board appointed—

- (a) under the provisions of paragraph (c) of sub-section (1) of section six of the *Factories and Shops Act 1909* (No. 2);  
or

- (b) under the provisions of paragraphs (a), (b), (c) and (d) of section fourteen of the *Factories and Shops Act 1909*

Rates fixed by  
Boards for engine-  
drivers, &c.,  
engineering,  
blacksmithing and  
general ironwork  
to supersede rates  
fixed by other  
Boards for same  
classes of  
employés.  
No. 2241 s. 6.  
No. 2184 s. 14.

for any person or persons or classes of persons shall be the lowest prices or rates to be paid to such person or persons or classes of persons wheresoever employed, notwithstanding that any other rates are determined with respect to such person or persons or classes of persons by any other Special Board.

15. (1) Any Special Board appointed under the provisions of paragraph (c) or paragraph (f) of sub-section (1) of section six of the *Factories and Shops Act 1909* (No. 2) is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the occupation of assistant engine-driver greaser or trimmer in connexion with the use of steam engines or steam boilers.

Extension of powers  
of Board for  
engine-drivers.  
No. 2241 s. 6.

(2) Such Special Board may exercise all the powers conferred on Special Boards under the Factories and Shops Acts so far as any person or persons or classes of persons mentioned in this section are concerned.

16. (1) Notwithstanding anything contained in the Factories and Shops Acts, the Carters Board appointed on the first day of December One thousand nine hundred and nine under the provisions of the Factories and Shops Acts is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in or in connexion with any stable (other than a livery stable) in which are stabled the horses used in his business trade or occupation by any person subject to the determination of the said Special Board.

Extension of powers  
of Carters Board.

(2) Such Special Board may exercise all the powers conferred on Special Boards under the Factories and Shops Acts so far as any such person or persons or classes of persons mentioned in this section are concerned.

17. Notwithstanding

Female children  
over fourteen to be  
allowed to work in  
factories in  
certain cases.  
No. 1975 s. 37.

17. Notwithstanding anything contained in section thirty-seven of the Principal Act the Chief Inspector may grant to any female child over the age of fourteen years who is not required to attend school under the Education Acts permission to work in a factory or work-room if he is satisfied that the poverty of the parents or guardians of the child makes it desirable for the child to get employment and that the interests of the child will be best served by commencing work in a factory or work-room without waiting till such child becomes legally eligible so to work.

Amendment of  
No. 1975 s. 28 as  
re-enacted by  
No. 2137 s. 5.  
Sleeping places in  
factories and  
work-rooms.

18. At the end of section twenty-eight of the Principal Act as re-enacted by section five of the *Factories and Shops Act 1907* there shall be inserted the following words:—"The onus of proof that the provisions of this section have not been contravened shall in all cases be on the defendant."

Repeal of No. 1975  
s. 55.

19. For section fifty-five of the Principal Act there shall be substituted the following section:—

Certificates required  
for persons in  
charge of  
engines &c.  
Exemptions.

"55. (1) The provisions of this Division shall not apply to any suction gas engine steam engine or steam boiler used on or for the purposes of any farm vineyard garden or orchard.

(2) Notwithstanding anything contained in the *Factories and Shops Acts* the provisions of this Division shall apply to any steam engine or steam boiler used on or for the purposes of any creamery or butter factory."

Amendment of  
No. 2184 s. 3.

20. For section three of the *Factories and Shops Act 1909* there shall be substituted the following section:—

Pay of engine-  
drivers, &c., for  
work done on  
Sundays.

"3. Every person in charge of any steam engine or steam boiler who is required under the *Factories and Shops Acts* to hold a certificate from the Board of Examiners appointed for Engine Drivers under the *Mines Acts* and every person assisting such engine-driver and every fireman working with such engine-driver and every person assisting such fireman shall if required to work on Sunday be paid at the rate of not less than time and a half."

Limitation of  
amount of rent  
chargeable to  
resident manager  
or assistant of  
shopkeeper.

21. A shopkeeper shall not charge any manager or assistant who is required to reside on the premises in connexion with the shop in which the business of such shopkeeper is carried on a greater sum as rent for such premises than Ten shillings per week.

Girls not to be  
permitted to lift  
heavy weights.

22. No person employing any girl under the age of eighteen years in a factory work-room or shop shall permit such girl while so employed to lift or carry a greater weight than twenty-five pounds.

23. For

23. For paragraph (c) of section fifty-eight of the Principal Act there shall be substituted the following paragraph :—

Fencing of  
machinery, &c.

“(c) All dangerous parts of the machinery and every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory or work-room as it would be if it were securely fenced ; and.”

24. Every factory or shop where steam electrical water or other power driven machinery is running shall be compelled to have a first-aid ambulance-chest upon the premises.

Where machinery  
running first-aid  
appliances to be  
kept.

25. In section eight of the *Factories and Shops Act* 1909 after the word “goods” there shall be inserted the following words :—“or in connexion with the business of a hairdresser or barber.”

Amendment of  
No. 2184 s. 8.  
No premium for  
apprentices, &c.,  
in hairdressing  
business.

26. Where any person carrying on the business of a hairdresser or barber lets any chair or part of his shop to any other person for the purposes of the business of a hairdresser or barber the person to whom the chair or part of the shop is let shall be deemed to be the employé of the person who lets the same and shall be paid as such.

Person to whom a  
chair, &c., in  
barber's shop is let  
for purposes of the  
business to be  
deemed to be an  
employé.

27. (1) No person who is or is deemed to be the occupier of a factory or work-room within the meaning of section twenty-one of the Principal Act shall issue or give out or authorize or permit to be issued or given out any material whatsoever for the purpose of being wholly or partly prepared or manufactured outside a factory or work-room as articles of clothing or wearing apparel for trade or sale except to a person who has been registered as an outside worker under the provisions of section twenty-three of the Principal Act provided that no such outside worker shall employ any other person or persons whatsoever in wholly or partly preparing or manufacturing such articles of clothing or wearing apparel save and except members of such worker's own family.

Material not to be  
given to  
unregistered  
out-workers to be  
made up into  
articles of clothing,  
&c.

No. 1975 ss. 21, 23.

(2) Any person guilty of a contravention of this section shall for every offence be liable on conviction to a penalty not exceeding Five pounds.

Penalty.

### *Hours of Work and Holidays.*

28. (1) At the end of section twenty-two of the *Factories and Shops Act* 1909 (No. 2) there shall be inserted the following words :—“and shall be closed at eight o'clock in the evening on the day preceding a public holiday when such shops are to be closed for the whole of such public holiday.”

Butchers' shops to  
close at 8 p.m. on  
day before public  
holiday.

No. 2241 s. 22.

(2) In sub-section (2) of section twenty-four of the *Factories and Shops Act* 1905 (No. 2) for the words “in this Act” there shall be substituted the words “in the *Factories and Shops Acts*.”

Amendment of  
No. 2008 s. 24.

(29) (1) Section

Repeal of No. 2241  
s. 26.

Closing in Christmas  
week, &c.

Repeal of No. 2137  
s. 29.

Metropolitan  
Saturday half-  
holiday to be  
permanent.

No. 2177 ss. 4, 5.

Rectification of  
No. 2177 s. 6.

Petitions.

Repeal of sub-sec.  
(1) of s. 26 of  
No. 2137.

Certain shops to  
close at 6 p.m. on  
Saturday in the  
week in which a  
public holiday  
occurs.

No. 2177 s. 6.

Permission for  
certain shops to  
keep open on half-  
holiday in week in  
which public  
holiday occurs.

No. 2008 s. 26.

No. 2008 s. 25.

No. 2241 s. 27.

Amendment of  
No. 2008 s. 36.  
Yearly holiday for  
pastrycooks.

Amendment of  
No. 2137 s. 48.  
Slaughtermen's  
holiday.

Bread carters to  
have two holidays  
a month.

No. 1975 s. 141.

29. (1) Section twenty-six of the *Factories and Shops Act* 1909 (No. 2) is hereby repealed.

(2) Section twenty-nine of the *Factories and Shops Act* 1907 is hereby repealed.

30. Sections four and five of the *Metropolitan Saturday Half-holiday Act* 1909 are hereby repealed.

31. In sub-section (2) of section six of the *Metropolitan Saturday Half-holiday Act* 1909 for the word "six" there shall be substituted the word "five."

32. Sub-section (1) of section twenty-six of the *Factories and Shops Act* 1907 is hereby repealed.

33. Notwithstanding anything contained in the *Factories and Shops Acts* a shopkeeper who is required to close his shop at one o'clock in the afternoon on Saturday under a regulation made under section six of the *Metropolitan Saturday Half-holiday Act* 1909 shall, in the week in which a public holiday occurs, if he closes such shop for the whole of such public holiday, close such shop not later than six o'clock in the evening on such Saturday in such week.

34. Notwithstanding anything contained in the *Factories and Shops Acts*, the provisions of section twenty-six of the *Factories and Shops Act* 1905 (No. 2) shall apply to the following shops and no others, namely, the shops mentioned in—

(a) the Fourth Schedule to the Principal Act as amended by sub-section (2) of section twenty-five of the *Factories and Shops Act* 1905 (No. 2); or

(b) the First Schedule to the *Metropolitan Saturday Half-holiday Act* 1909 as amended by section twenty-seven of the *Factories and Shops Act* 1909 (No. 2).

35. In section thirty-six of the *Factories and Shops Act* 1905 (No. 2) after the word "bakers" there shall be inserted the words "and pastrycooks"; and after the words "no bread" there shall be inserted the words "or pastry."

36. In section forty-eight of the *Factories and Shops Act* 1907 for the word "Tuesday" there shall be substituted the word "Saturday."

37. (1) In sub-section (2) of section one hundred and forty-one of the Principal Act for the words "of the third Wednesday" the following

following words are hereby substituted:—"of the first and third Wednesdays" and at the end of sub-section (2) of the said section one hundred and forty-one there shall be inserted the following words:—"Provided that when a public holiday occurs in the same week as the first Wednesday in any month every baker or pastrycook shall permit every person employed by him in delivering bread to have and take a holiday for the whole of such public holiday in lieu of such first Wednesday."

(2) Notwithstanding anything contained in the Factories and Shops Acts, the Governor in Council may from time to time make an Order extending to the whole or any specified part of any shire the provisions of sub-section (2) of section one hundred and forty-one of the Principal Act as amended by this section.

Application  
to shires.  
No. 1975 s. 141.

38. For sub-section (1) of section forty of the *Factories and Shops Act* 1907 as amended by section thirteen of the *Factories and Shops Act* 1909 there shall be substituted the following sub-section:—

Amendment of  
No. 2137 s. 40.  
No. 2184 s. 13.

"(1) (a) No person shall cart or deliver or permit any other person in his employment to cart or deliver any goods wares merchandise or materials whatsoever before half-past seven o'clock in the morning or after half-past seven o'clock in the evening on any Monday Tuesday Wednesday or Thursday or before half-past seven o'clock in the morning nor after nine o'clock in the evening on Friday or before half-past seven o'clock in the morning or after half-past one o'clock in the afternoon on any Saturday.

Restriction of hours  
of carting and  
delivering of goods  
&c.

Provided that in cities and towns and also in all boroughs and parts of shires outside the metropolitan district to which the operation of this section is extended as provided by section two of the *Factories and Shops Act* 1907 such carting or delivering may be continued by any person up till nine o'clock in the evening on Saturday but there shall in such case be no carting or delivery by such person after half-past one o'clock in the afternoon on the day on which the usual weekly half-holiday is observed in such city town borough or part of a shire.

No. 2137 s. 2.

(b) The restrictions contained in this sub-section shall not apply to cab-drivers or persons delivering parcels of laundry work or from the first day of November in any year to the thirty-first day of March next following to persons delivering aerated waters or cordials or ice."

39. At the end of section forty of the *Factories and Shops Act* 1907 there shall be inserted the following sub-section:—

Permission to do  
carting after hours.  
No. 2137 s. 40.

"(4) Any person may if allowed in writing by the Chief Inspector be employed in such carting or delivery either before or after the hours mentioned in this section provided that such person is paid at the rate of Two shillings for each hour for such carting or delivery."

40. In

Amendment of  
No. 2184 s. 12.  
Hours for carting.

**40.** In section twelve of the *Factories and Shops Act* 1909 for the words "wool produce timber merchandise goods or packages" there shall be substituted the words "goods wares merchandise or materials whatsoever."

Repeal of  
No. 2241 s. 25.

**41.** (1) Section twenty-five of the *Factories and Shops Act* 1909 (No. 2) is hereby repealed.

Amendment of  
No. 1975 s. 144.

(2) For paragraph (b) of section one hundred and forty-four of the Principal Act as amended by any later enactment there shall be substituted the following paragraph :—

Weekly half-  
holidays for carters.

"(b) Providing that every person (with such exceptions as may be stated in any such regulation) so employed shall during such hours as may be specified in the regulation have a half-holiday on Saturday in each week in the metropolitan district or on the day on which the usual half-holiday is observed in any such city or town outside the metropolitan district. Any such regulation may also specify the hours during which any person so employed who is so excepted shall have a half-holiday on some day in each week other than a Sunday. This paragraph shall not apply to any person employed in delivering bread."

Time-book for  
carters.

**42.** Any person employing a carter for the purposes of any trade or business subject to a determination of a Special Board shall keep or cause to be kept a time-book in which such carter's hours of commencing and ending work shall be entered from day to day by every carter so employed; and such time-book shall be produced for inspection whenever demanded by an inspector.

Hours during  
which improvers  
in shops may be  
employed in  
carting &c.

**43.** No shopkeeper shall require or permit any improver employed in the business carried on by such shopkeeper to cart or deliver goods for a longer time than twenty-six hours out of the total number of working hours in any week.

Annual holidays in  
certain trades.

**44.** The fourth Saturday in February in every year shall be a factory holiday for persons employed in the following trades :—

Brush-making ;  
Carpentering ;  
Coach-building ;  
Coopering ;  
Furniture ;  
Saw-milling ;

and every employé working in connexion with a factory in which any of such trades is carried on shall be entitled to and be given a holiday on such day.

**45.** (1) The

45. (1) The Governor in Council may make regulations—

(a) limiting the total number of hours in the week during which any person may be employed in the trade or business of a caterer, and fixing (if necessary) different numbers of hours for males and females ; and

(b) providing that every person employed for hire or reward in such trade or business or at any work in connexion with such trade or business shall have a half-holiday on some day in every week (other than a Sunday) from an hour not later than two o'clock in the afternoon to be specified in the regulations.

Power to make regulations as to hours and half holidays for employes of caterers.

Compare No. 1975 s. 145.

(2) In section twenty of the *Factories and Shops Act 1907* as amended by section thirty-seven of the *Factories and Shops Act 1909* (No. 2) after the words "Principal Act" there shall be inserted the words "or under the *Factories and Shops Act 1910* (No. 2)."

Amendment of No. 2137 s. 20.

46. Where any person in any building room or place in any municipal district and at any time when shops in such district are required by the *Factories and Shops Acts* to be closed sells by auction any new goods such as are usually sold in any such shops, such person (notwithstanding that he is an auctioneer licensed under the *Auction Sales Act 1890*) shall be guilty of an offence against the *Factories and Shops Acts*.

Penalty for sale of new goods by auction after hours for closing shops.

No. 1065.

47. In sub-section (2) of section one hundred and forty-six of the Principal Act for the word "forty" there shall be substituted the words "twenty-five."

Amendment of No. 1975 s. 146 (2).

Days on which overtime may be worked.

48. In section twenty-three of the *Factories and Shops Act 1907* for the words "Sixpence for tea money" there shall be substituted the words "One shilling for tea money."

Amendment of No. 2137 s. 23.

Tea money.

49. Notwithstanding anything contained in the *Factories and Shops Acts* any person or persons employed as a watchman shall be granted one holiday in every week when so employed.

Watchmen to have one holiday a week.

50. Every fish or poultry shop in the Metropolitan District shall be closed on the last Monday in February in each year ; and every employe working in or in connexion with such shop shall be entitled to and given a holiday on such day.

Annual holiday, fish and poultry shops.

51. Every employer shall pay or cause to be paid at least once in every fortnight all wages due to every person employed by him in a factory work-room or shop.

Fortnightly payment of wages.

52. In

Annual holiday,  
fruit and vegetable  
shops.

52. In section twenty-nine of the *Factories and Shops Act* 1909 (No. 2) for the words "first Wednesday in February" there shall be substituted the words "third Wednesday in March," and after the words "in each year" there shall be inserted the words "commencing with the year One thousand nine hundred and twelve."

Amendment of No.  
1975, s. 119.

53. At the end of sub-section (2) of section one hundred and nineteen of the Principal Act there shall be added the words:—

"Provided that such person knowingly and wilfully committed each of such offences."

Annual holiday,  
uncooked meat  
shops and small  
goods factory,  
Bendigo and  
Eaglehawk.

54. Every shop in the city of Bendigo or in the borough of Eaglehawk in which fresh uncooked meat is sold and every factory in which small goods are made shall be closed on the whole of the third Wednesday in February in each year and every employé in such shop or factory shall be given a whole holiday on such day and every such shop may be kept open till nine o'clock on the Tuesday preceding the third Wednesday in February in each year.

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MELBOURNE:

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