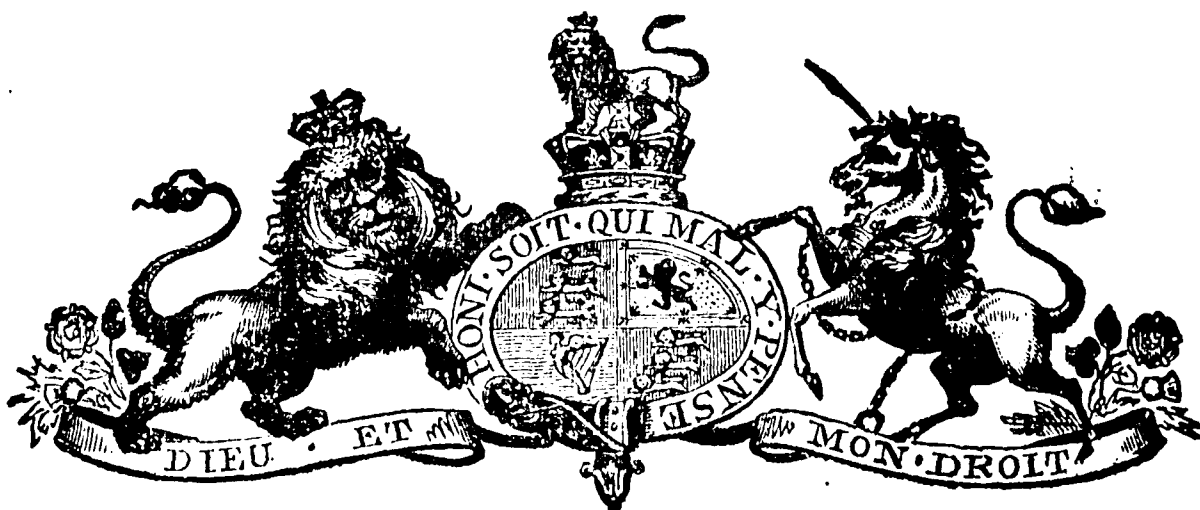


VICTORIA.



ANNO QUINTO

GEORGII QUINTI REGIS.

No. 2558.

An Act to further amend the *Factories and Shops Act 1912*.

[2nd November, 1914.]

BE 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. (1) This Act may be cited as the *Factories and Shops Acts Amendment Act 1914* and shall be read and construed as one with the *Factories and Shops Act 1912* (hereinafter called the Principal Act) and the Act amending the same which Acts and this Act may be cited together as the *Factories and Shops Acts*.

Short title
construction and
citation.
Nos. 2386, 2447.

(2) This Act shall come into operation on the first day of Commencement. January One thousand nine hundred and fifteen.

Application of Factories and Shops Acts.

2. (1) For section six of the Principal Act there shall be substituted the following section:—

Amendment of
No. 2386 s. 6.

“6. (1) Except where otherwise expressly provided the provisions of the *Factories and Shops Acts* shall apply to factories and shops wherever situate in Victoria.

Application of Act
to all factories
and shops in
Victoria.

(2) The

Power to extend provisions as to carting and delivery of goods.
No. 2386 s. 127.

(2) The provisions of section one hundred and twenty-seven of this Act as amended by the *Factories and Shops Acts Amendment Act 1914* shall apply to all cities and towns and may from time to time be extended by the Governor in Council to any borough or to any part or parts of a shire within ten miles of any such city town or borough.

Application of Act and determinations where municipal district bounded by lake or sea-shore.

(3) Where any city town borough or shire is bounded whether in whole or in part by any lake or by the sea-shore all provisions of the *Factories and Shops Acts* and determinations of Special Boards which are in operation in such city town borough or shire shall within a distance of three miles from such boundary be operative also in all parts of such lake or the sea."

Verbal correction in heading to No. 2386, Part V., Division 2.

(2) In section two and in the heading to Division 2 of Part V. of the Principal Act the words "Shops in all cities towns and boroughs and in all shires and parts of shires to which the shops provisions of this Act have been extended" are hereby repealed.

Saturday Half-holiday &c.

Closing of all shops in Victoria on Saturday afternoons.

3. (1) All shops in Victoria (except shops for the sale of fresh uncooked meat hairdressers' shops and shops of the classes or kinds mentioned in the Fourth Schedule to the Principal Act as amended by this Act) shall in every week be closed from the hour of Ten o'clock on Friday evenings and from the hour of One o'clock on Saturday afternoons.

Power of exemption.

Provided that the Governor in Council may if he thinks fit from time to time and at any time make regulations—

(a) For exempting from the provisions of this section and fixing the hours of closing during the whole of each year or during any part of each year in any municipal district or specified locality outside the Metropolitan District all shops or all shops of any class or kind ;

(b) For substituting in any such municipal district an earlier hour of closing than the said hour of Ten o'clock on Friday evenings.

Petitions.

(2) No such regulations shall be made unless a petition therefor has previously been addressed to the Governor in Council and forwarded to the Minister.

Signatures to petitions.

(3) Such petition shall be signed by a majority of all the shopkeepers (exclusive of hawkers and pedlers) keeping shops within the municipal district or specified locality to be affected of the classes or class of shops to be affected.

Municipal clerk to certify.

(4) It shall be the duty of the municipal clerk of each municipal district to which any petition relates on such petition being referred to him by the Minister to certify how many of the persons signing such petition are shopkeepers keeping shops within such municipal district

or

or specified locality of the classes or class of shops to be affected by the regulations desired by such petition and also to state and certify the total number of shopkeepers keeping such classes or class of shops within such municipal district or specified locality.

4. The Principal Act is hereby amended as follows :—

(a) In section seventy-nine the words “and to cooked meat (other than tinned meat) shops” are hereby repealed.

(b) In section eighty the words “or cooked meat shops” are hereby repealed.

(c) In section eighty-one—

In sub-section (1) of the said section for the words beginning with “On Monday and Tuesday” and ending with “on the preceding Wednesday was One o’clock” there shall be substituted the words—

“On Monday Tuesday Wednesday and Thursday from the hour of Five o’clock.
On Friday from the hour of Eight o’clock.
On Saturday from the hour of One o’clock.”

Sub-section (2) of the said section is hereby repealed.

(d) In section eighty-two—

In sub-section (1) of the said section for the words beginning with “On Monday and Tuesday” and ending with “from the hour of Ten o’clock if the closing time on the preceding Wednesday was One o’clock” there shall be substituted the words—

“On Monday Tuesday Wednesday and Thursday from the hour of Six o’clock.”

Sub-section (2) of the said section is hereby repealed.

(e) For section eighty-three there shall be substituted the following section :—

“83. (1) Bicycle shops and flower shops situated within the Metropolitan District shall be closed in every week as follows, namely :—

On Monday Tuesday Wednesday and Thursday from the hour of Eight o’clock,

but may be kept open till Ten o’clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday.

(2) Hairdressers’ shops situated within the Metropolitan District shall be closed in every week as follows, namely :—

On Monday Tuesday and Thursday from the hour of Eight o’clock ;

On

Amendments of the Principal Act consequential on closing all shops on Saturday afternoons.

No. 2386 s. 79.

Ib. s. 80.

Butchers’ shops.

Ib. s. 81.

Bakers’ shops.

Bird and dog dealers’ shops.

Ib. s. 82.

Amendment of No. 2386 s. 83.

Bicycle and flower shops.

No. 2008 s. 24 (2).

Hairdressers’ shops.

Ib. s. 23.

No. 2241 s. 22.

On Friday from the hour of Eight o'clock except when such shops are to be closed at One o'clock on Saturday when they shall be closed from the hour of Ten o'clock on Friday ;

On Wednesday from the hour of One o'clock or Eight o'clock whichever of these times is chosen by the shopkeeper in pursuance of this Act ; and

On Saturday—

(a) from the hour of One o'clock when the closing time on the preceding Wednesday was Eight o'clock ; or

(b) from the hour of Ten o'clock when the closing time on the preceding Wednesday was One o'clock,

but may be kept open until Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday.

Choice of Wednesday or Saturday holiday by shopkeeper.

(3) The choice of a keeper of a hairdresser's shop as to the closing time on Wednesday may be made in respect of any such shop or shops occupied by him by sending through the post by registered letter to the Chief Inspector a notice in the form prescribed. Until he so makes such choice a hairdresser shall be deemed to have chosen One o'clock as the closing time for his shop on Wednesday.

Shopkeeper having several shops.

(4) A hairdresser who has two or more different shops all of which are situated within one mile of each other in the Metropolitan District shall close all such shops either at One o'clock on Wednesday or at One o'clock on Saturday and may make his choice accordingly.

(5) When a hairdresser has made a choice as aforesaid he shall not make another choice until after the expiration of three months thereafter."

Repeal of No. 2386 ss. 84, 85, 86, 87.

Shops in Fifth Schedule.

Regulations.

Holiday.

Amendment of No. 2386 s. 96.

Hours for closing shops outside Metropolitan District.

(f) Section eighty-four is hereby repealed.

(g) Sections eighty-five and eighty-six are hereby repealed.

(h) Section eighty-seven is hereby repealed.

(i) For section ninety-six there shall be substituted the following section:—

" 96. (1) (a) All shops outside the Metropolitan District (other than shops for the sale of fresh uncooked meat hairdressers' shops and shops of the classes or kinds specified in the Fourth Schedule)

Schedule) shall be closed on Monday Tuesday Wednesday and Thursday from the hour of Seven o'clock but may be permitted to remain open later on Monday Tuesday Wednesday or Thursday under any by-law made or to be made under the authority of the Factories and Shops Acts.

(b) Shops outside the Metropolitan District for the sale of fresh uncooked meat shall be closed at the hours named in section one hundred but may be permitted to remain open later on any Monday Tuesday Wednesday or Thursday under any by-law made or to be made under the authority of the Factories and Shops Acts.

(c) Hairdressers' shops outside the Metropolitan District shall be closed as provided under section one hundred and one but may be permitted to remain open later on any day of the week under any by-law made or to be made under the authority of the Factories and Shops Acts.

(2) But any of the shops to be closed as aforesaid may be kept open until Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday."

(j) Paragraph (4) of section ninety-eight is hereby repealed and for the number (5) prefixed to paragraph (5) there shall be substituted the number (4).

Repeal of power to make by-laws for closing shops on half-holiday.

(k) For section one hundred there shall be substituted the following section :—

No. 2386 s. 98.

Amendment of No. 2386 s. 100.

"100. All shops outside the Metropolitan District for the sale of fresh uncooked meat shall be closed in every week—

Butchers' shops outside the Metropolitan District.

On Monday Tuesday Wednesday and Thursday from the hour of Seven o'clock ;

On Friday from the hour of Ten o'clock ;

On Saturday from the hour of One o'clock,

but may be kept open until Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday.

Provided that in any municipal district or specified locality where regulations have been made exempting from the provisions of section three of the *Factories and Shops Acts Amendment Act 1914* and fixing the hours of closing all shops or all shops

shops of any class or kind, regulations may be similarly made exempting from the provisions of this section shops situated in the same municipal district or specified locality for the sale of fresh uncooked meat, and fixing their hours of closing, on petition signed by a majority of keepers of such shops in such municipal district or specified locality and certified as required in the said section three."

Amendment of No.
2386 s. 101.

Hairdressers' shops
outside the
Metropolitan
District.

(l) For section one hundred and one there shall be substituted the following section :—

" 101. Hairdressers' shops situated outside the Metropolitan District shall be closed in every week as follows, namely :—

On Monday Tuesday and Thursday from the hour of Seven o'clock ;

On Friday from the hour of Seven o'clock except when such shops are to be closed at One o'clock on Saturday when they shall be closed from the hour of Ten o'clock on Friday ;

On Wednesday from the hour of One o'clock or Seven o'clock whichever of these times is chosen by the shopkeeper in pursuance of this Act ; and

On Saturday—

(a) from the hour of One o'clock when the closing time on the preceding Wednesday was Seven o'clock ; or

(b) from the hour of Ten o'clock when the closing time on the preceding Wednesday was One o'clock,

but may be kept open until Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday."

Certain shops
formerly excluded
to be counted in
petitions.

No. 2386 s. 102.

Carting and delivery
of goods &c.

Ib. s. 127.

Addition to
Fourth Schedule to
Act No. 2386,

(m) Sub-section (7) of section one hundred and two is hereby repealed and for the number (8) prefixed to sub-section (8) of the said section there shall be substituted the number (7).

(n) In section one hundred and twenty-seven the proviso to paragraph (a) of sub-section (1) of the said section is hereby repealed.

(o) At the end of the Fourth Schedule to the Principal Act there shall be inserted the words "Cooked meat (other than tinned meat) shops."

Inspectors.

Inspectors.

5. At the end of sub-section (1) of section ten of the Principal Act there shall be inserted the words—

Amendment of No.
2386 s. 10.

“Provided that notwithstanding the provisions of the Public Service Acts any member of the Police Force may be appointed by the Minister of Labour by writing under his hand to act as an inspector of factories in the district in which he is stationed.”

Appointment of
police as inspectors.

Records.

6. At the end of section twelve of the Principal Act there shall be inserted the words—

Amendment of No.
2386 s. 12.

“Provided that for the purpose of tracing persons who have evaded naval or military training the Minister may once in every year authorize any officer of the Department of Defence of the Commonwealth of Australia to inspect such records.”

Power of Minister
to authorize
inspection of
records for special
purpose.

Regulations.

7. The Principal Act is hereby amended as follows :—

(a) Sub-sections (3) and (4) of section fifteen are hereby repealed.

Repeal of definition
of “prescribed” in
No. 2386 s. 15 (3)

(b) In section twenty-four—

In paragraph (b) of sub-section (2) of the said section the words “by any regulations made by the Board of Public Health which the said Board is hereby authorized to make” are hereby repealed.

Repeal of certain
exemption of
factories in shires.
No. 2386 s. 15 (4).

In sub-section (3) of the said section the words “by regulations of the Board of Public Health and the said Board is hereby authorized to make such regulations” are hereby repealed.

Regulations
to be made by
Governor in
Council instead of
Board of Public
Health.

Ib. ss. 15 (3), 24.

(c) In sub-section (1) of section twenty-six the words “of the Board of Public Health” are hereby repealed.

Ib. s. 26.

(d) In section sixty-two the words “on the recommendation of the Board of Public Health” and also the words “and the said Board is hereby authorized to make such regulations” are hereby repealed.

Ib. s. 62.

(e) In section one hundred and eleven—

For the word “owner” wherever occurring there shall be substituted the word “occupier.”

Conveniences for
employés to be
provided by
occupiers of
shops &c. as
prescribed.

In sub-section (1) of the said section for the words beginning with the words “if so required” and ending with the words “separated for the sexes” there shall be substituted the words “as may be prescribed construct privies and urinals for the use of such persons and where they are of different sexes separate privies for the use of each sex with approaches thereto properly separated for the sexes.”

Ib. s. 111.

(f) Sub-section

"Prescribed."
No. 2386 s. 112.

(f) Sub-section (3) of section one hundred and twelve is hereby repealed and for the number (4) prefixed to sub-section (4) of the said section there shall be substituted the number (3).

Occupier to provide
ventilation as
prescribed.

Ib. s. 113.

(g) In section one hundred and thirteen the words "owner or" and all the words beginning with the words "by any regulations" to the end of the section are hereby repealed.

Power to make
regulations for
fire escape and
prevention
ventilation
cleanliness &c.

Ib. s. 242.

(h) In section two hundred and forty-two after the words "kind of furniture" there shall be inserted the words—

"for prescribing the means method and amount in factories and shops of fire-escape fire-prevention ventilation air-space cleanliness sanitary provisions and arrangements for securing the health safety and convenience of employes."

Working Hours.

Amendment of
No. 2386 s. 37.

8. (1) For section thirty-seven of the Principal Act there shall be substituted the following section :—

Working hours for
females and boys.

"37. (1) No person shall employ in a factory any male under sixteen years of age or female of any age—

- (i.) for more than forty-eight hours in any week, or
- (ii.) for more than ten hours on any day, or
- (iii.) later than Nine o'clock in the evening.

Provision for
unforeseen press of
work.

Provided that in order to meet an unforeseen press of work such employment may be extended to fifty-seven hours in any week but in not more than eight weeks in any one year subject to the following conditions :—

Conditions.

- (a) Payment for overtime shall be made for the time so worked at the rate of time and a half on wages rates or Threepence an hour extra on piece-work prices (as the case may be) and in addition each worker shall receive One shilling for tea-money for each day so worked ;
- (b) No such person shall be employed more than forty-eight hours in any one week without his or her consent ;
- (c) No such person shall be employed for more than ten hours on any day or later than Nine o'clock in the evening ;
- (d) A book containing a detailed list showing the date upon which the overtime was worked the overtime worked the name of worker and the hours of overtime shall be kept in a convenient place in the factory where any employé may at

at any time inspect it; and a notice in the form of the Third Schedule accompanied by a fee of Two shillings and sixpence for registration and a full statement of the reasons for working such overtime signed by the occupier shall be posted or delivered to the Chief Inspector of Factories within forty-eight hours after each week in which overtime is worked.

Third Schedule to
Act No. 2386.

(2) If the Minister is not satisfied that such working was *bonâ fide* for the purpose of meeting an unforeseen press of work he shall give notice in writing of such dissatisfaction to such occupier, and unless the occupier of such factory within one month from such notice proves to the satisfaction of the Minister that such working was *bonâ fide* for such purpose the Minister shall direct the Chief Inspector to make a record that such working was not *bonâ fide* for such purpose; and if the Minister directs such record to be made in regard to any occupier of a factory three times within any period of twelve months such occupier shall not thereafter at any time be entitled to avail himself of the provisions of this section.

Effect of
non-compliance
with conditions.

(3) On any day all males under sixteen years of age and all females employed in any capacity in a factory shall (meal times excepted) be deemed to be employed in a factory from the time when they enter the same until the time when they leave.

Calculation of time.

(4) If any person offends against the provisions of this section he shall for each and every contravention of this section be liable to a penalty for the first offence of not more than Five pounds and for any subsequent offence of not less than Two pounds or more than Twenty pounds.

Penalties.

(5) Nothing in this section shall affect or modify the provisions of section forty-three of the Principal Act."

(2) For the Third Schedule to the Principal Act there shall be substituted the First Schedule to this Act which Schedule may be cited as the Third Schedule to the Principal Act.

First Schedule.

9. At the end of section thirty-eight of the Principal Act there shall be added the following sub-section:—

Amendment of
No. 2386 s. 38.

"(6) For the purposes of this section 'work' shall be deemed and taken to include performing any of the operations usually carried on in the factory."

Meaning of "work"
in factory where
Chinese employed
or furniture made.

Persons in Charge of Suction Gas-engines Steam Boilers &c.

10. In sub-section (1) of section fifty-five of the Principal Act the words "which is not under supervision by virtue of some Act other than this Act" are hereby repealed; and after the word "steam-boiler" wherever occurring in the said sub-section there shall be inserted the words "or steam-engine"; and sub-section (2) of section fifty-five of the Principal Act is hereby repealed and the number (1) prefixed to the said section is hereby repealed.

Amendment and
part repeal of
No. 2386 s. 55.

11. At

Amendment of
No. 2386 s. 56.
Exemptions.

11. At the end of sub-section (1) of section fifty-six of the Principal Act there shall be added the words "or for the exclusive purpose of providing a supply of water for private use."

Guarding Machinery or Structures.

Amendment of
No. 2386 s. 59.
Occupier to guard
dangerous
machinery
appliances and
parts of factory.

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

"59. Every occupier of a factory shall provide guards for—

- (a) all dangerous parts of the machinery of the factory ;
- (b) all dangerous appliances used in or in connexion with the factory ; and
- (c) all dangerous parts of the factory,

so as to prevent as far as possible loss of life or bodily injury, and shall keep all guards constantly maintained in an efficient state and properly adjusted."

Consequential
amendments of
No. 2386 s. 231.

13. (1) In sub-section (1) of section two hundred and thirty-one of the Principal Act for the words beginning with "having neglected to fence" where first occurring and ending with "maintain such fencing" where last occurring there shall be substituted the following words:—

"(a) having neglected to provide guards required by or in pursuance of this Act to be provided for—

- (i.) any dangerous part of the machinery of the factory, or
 - (ii.) any dangerous appliance used in or in connexion with the factory, or
 - (iii.) any dangerous part of the factory ; or
- (b) having neglected to keep any such guard constantly maintained in an efficient state and properly adjusted."

(2) In sub-section (2) of the said section two hundred and thirty-one for the words "for not fencing the part of the machinery or the vat pan or other structure by which" there shall be substituted the words "for not providing guards for any part of the machinery or for any appliance by which or for any part of the factory in which."

Amendment of
No. 2386 s. 60.

14. For section sixty of the Principal Act there shall be substituted the following section:—

Power of Minister.

"60. (1) For the prevention of accidents the Minister may from time to time by order under his hand—

- (a) Direct the occupier of any factory or the occupiers of all factories to take such steps as the Minister deems necessary to prevent the occurrence of accidents ; or
- (b) Direct that any specified machine or appliance shall not be used in or in connexion with a specified factory.

(2) If

(2) If such steps are not taken accordingly within such time as the Minister directs, or if such machine or appliance is used contrary to the order, the factory shall be deemed not to be kept in conformity with this Act."

15. For section sixty-one of the Principal Act there shall be substituted the following section:—

Substitution of new section for No. 2386 s. 61.

"61. If any person operates machinery without the guard required by or in pursuance of this Act to be provided for the same or when the guard is removed or not properly adjusted such person and the occupier of the factory shall be severally guilty of an offence against this Act."

Penalty for operating machine without guard.

16. Sections sixty-three and sixty-eight of the Principal Act are hereby repealed.

Repeal of No. 2386 ss. 63, 68.

17. In the construction of section fifty-nine and section sixty-one of the Principal Act as re-enacted by this Act and of section two hundred and thirty-one of the Principal Act as amended by this Act the word "guard" shall be deemed to extend to and include fence.

Repeal of sections as to grind-stones and prevention of accidents.

"Guard" to include fence. No. 2386 ss. 59, 61, and 231 as amended.

Restrictions as to Young Persons and Women.

18. For sub-sections (1) and (2) respectively of section sixty-four of the Principal Act there shall be substituted the following sub-sections:—

Amendment of No. 2386 s. 64.

"64. (1) No female unless her hair is cut short or securely fixed and confined close to her head by net or otherwise and no male wearing any apron or loose garment shall be allowed to work among or near moving machinery.

Restriction on cleaning of machinery while in motion and on working between parts of self-acting machinery.

(2) No male under eighteen years of age and no female of any age shall be allowed to clean mill gearing while the same is in motion or to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam water or other power."

Hours of Closing Shops.

Repeal of No. 2386 s. 99.

19. Section ninety-nine of the Principal Act is hereby repealed.

Certain by-laws or regulations authorizing keeping shops open.

20. Notwithstanding anything in this or any other Act the sale from any shop after the hour when such shop should be closed of petrol benzine or other motor spirit to travellers for the purpose of enabling them to continue any journey shall not be regarded as an offence.

Sale of petrol &c. to travellers after closing hour not an offence.

Limitation of Hours of Work in Shops.

21. In sub-section (2) of section one hundred and fourteen of the Principal Act for the words "with the written consent of the Chief Inspector" there shall be substituted the words "if notice in writing has previously been sent to the Chief Inspector."

Power to extend hours on notice to Chief Inspector. No. 2386 s. 114.

Registration

Registration of Shops.

Amendment of
No. 2386 s. 125.

22. (1) For section one hundred and twenty-five of the Principal Act there shall be substituted the following section :—

Notice of occupation
of shops.

“ 125. (1) Every person or body of persons—

in occupation of any shop on the first day of March One thousand nine hundred and fifteen shall within fourteen days after the said day ; or

going into occupation of any shop after the said day shall within fourteen days of such going into occupation ; or

in occupation of any building or place which becomes for the first time or after a period of disuse again becomes a shop shall within fourteen days of such building or place becoming or again becoming a shop,

serve on the Chief Inspector at his office a written notice in the prescribed form.

Contents of notice.

(2) Such notice shall specify—

particulars of the names of such person or body of persons and a description of the shop ;

the place where such shop is situate ;

the classes or kinds to which such shop belongs ;

the name of the person or body of persons under which the business of the shop is carried on ; and

such other particulars as are prescribed.

Registration.

(3) If it is shown that all the requirements of the Factories and Shops Acts have been fulfilled the Chief Inspector shall register such shop and issue a certificate of such registration on payment of the registration fees as hereinafter provided.

No fee for small
shops.

(4) No fee shall be payable for shops registered under section ninety.

“ Year ” for which
shops registered.

(5) The year for which shops are registered shall begin on the first day of March and end on the last day of February next following, and the annual fee shall be payable on the first day of March in each year ; but when any shop is first occupied after the thirty-first day of August in any year the fees to be paid on registration for the current year shall be one-half of the annual fees.

Penalty for non-
registration.

(6) Any person or body of persons in occupation of any shop not registered as required by the Factories and Shops Acts shall be liable to a penalty not exceeding Ten pounds.

(7) The

(7) The following shall be the scale of fees :—

Scale of fees.

Every shop in which more than sixty persons are employed Three pounds and three shillings per annum.

Every shop in which more than thirty and not more than sixty persons are employed Two pounds and two shillings per annum.

Every shop in which more than ten and not more than thirty persons are employed One pound and one shilling per annum.

Every shop in which more than six and not more than ten persons are employed Ten shillings per annum.

Every other shop Two shillings and sixpence per annum.

(8) Nothing in this section shall apply to hawkers or pedlers." Hawkers and pedlers exempted.

(2) In paragraph (e) of section two hundred and twenty-two of the Principal Act after the word "factories" there shall be inserted the words "or shops"; and after the word "factory" there shall be inserted the words "or shop." Consequential amendment of No. 2386 s. 222.
Burden of proof.

Carting and Delivery.

23. For paragraph (b) of sub-section (1) of section one hundred and twenty-seven of the Principal Act there shall be substituted the following paragraph :— Amendment of No. 2386 s. 127.

"(b) The restrictions contained in this sub-section shall not apply to— Exemptions from restrictions of hours of carting and delivering of goods.

Cab drivers ;

Persons driving tramway cars or motor omnibuses for conveying passengers ;

Persons carting or delivering perishable articles of human food ;

Persons delivering parcels of laundry-work ;

Persons carting flowers to market ;

Persons carting newspapers ;

Persons carting materials for the repair of tramways ;

Persons carting materials for repairing purposes in case of a breakdown in connexion with water-works sewerage works electric light works gasworks or any other public utility or of any plant in a factory which would otherwise have to be closed either forthwith or during the next working day for repairs ;

Persons

Persons carting bones and meat refuse from butchers' shops ;

Persons removing dead animals ; or

(From the first day of November in any year to the fifteenth day of April next following) persons delivering aerated waters cordials or ice."

Amendment of
No. 2386 s. 130.
Time-book for
carters and
stablemen.

24. In section one hundred and thirty of the Principal Act—

(a) After the word "carter" where first occurring there shall be inserted the words "or stableman."

(b) After the word "carter's" there shall be inserted the words "or stableman's."

(c) For the word "carter" where secondly occurring there shall be substituted the word "person."

(d) At the end of the said section there shall be inserted the following words :—

"Where the number of carters or stablemen so employed exceeds six, cards containing the same particulars as the time-book may be kept. It shall be the duty of the employer to cause the particulars on the cards to be transcribed into a time-book and to preserve the cards for the purposes of verification.

Every such book or card shall be in the form prescribed."

Special Boards.

Amendment of
No. 2386 s. 135.

25. In sub-section (1) of section one hundred and thirty-five of the Principal Act—

the words "articles or" and the word "articles" are hereby repealed ;

the word "or" wherever it occurs immediately before the word "business" is hereby repealed ;

for the word "are" there shall be substituted the word "is" ;

for the word "those" there shall be substituted the word "that" ;

after the word "business" wherever it occurs there shall be inserted the words "or occupation."

Power to extend
scope of Special
Board.

Amendment of
No. 2386 s. 136.

26. (1) In section one hundred and thirty-six of the Principal Act there shall be inserted after sub-section (2) the following sub-sections :—

"(3) All the representatives of employers and employes respectively nominated for any Special Board shall reside in the area or locality to which the Determination of the Special Board

Members of Boards
to reside in
locality.

is

is to be applied ; and if any such representative ceases to reside as aforesaid he shall thereupon cease to be qualified as and shall cease to be a member of the Board.

(4) In any case where one-fifth of the employers or employes in any process trade business or occupation carry on or are engaged in such process trade business or occupation outside the Metropolitan District as defined in this Act one at least of the persons so nominated as representatives of employers and one at least of the persons so nominated as representatives of employes shall be a person who resides and who carries on or is engaged in or has carried on or been engaged in (as the case may be) such process trade business or occupation outside the said Metropolitan District.

Country representative.

No. 1975 s. 77.

No. 2305 s. 8.

No. 2386 s. 137 (2).

(5) In any case where after the lapse of three months from the date of the Order in Council for the appointment of any Special Board the Minister is satisfied that a sufficient number of qualified employers or employes cannot be found to act as members of the Board the Governor in Council on the advice of the Minister may appoint any persons who have been engaged in the trade concerned to be representatives of the employers or the employes on such Board."

Appointment of members of Special Boards if not sufficient qualified persons willing to act.

(2) For the number (3) prefixed to sub-section (3) of section one hundred and thirty-six of the Principal Act there shall be substituted the number (6).

27. Sub-section (2) of section one hundred and thirty-seven of the Principal Act is hereby repealed and for the numbers (3) (4) (5) and (6) prefixed to sub-sections (3) (4) (5) and (6) of that section there shall be substituted the numbers (2) (3) (4) and (5) respectively.

Repeal of No. 2386 s. 137 (2).

28. Section one hundred and forty-one of the Principal Act is hereby amended as follows :—

Overtime.

(1) Paragraph (c) of the said section is hereby repealed ; and at the end of the said section there shall be inserted the following new sub-sections :—

Repeal of No. 2386 s. 141 (c).

"(2) Every Special Board shall fix higher wages rates to be paid for overtime ; and for that purpose it shall exercise the powers set out in any one but not more than one of the paragraphs in this sub-section numbered (a) (b) (c) or (d) :—

Special Boards to fix overtime rates.

(a) It may fix an overtime rate for any hour or fraction of an hour worked in any week in excess of the number of hours determined for a week's work ; or

Weekly overtime rates.

(b) I

Overtime rates where daily hours of beginning or ending work are fixed.

(b) It may fix the hour of beginning and the hour of ending work on each day ; and in that case shall—

Fix higher wages rates to be paid for any hour or fraction of an hour worked in any week—

(i.) outside the hours so fixed ;

(ii.) within the hours so fixed in excess of the number of hours determined for a week's work ; or

Overtime rates where shifts are fixed.

(c) It may fix the hour of beginning and the hour of ending each shift ; and in that case shall—

Fix the rate to be paid for work done on each shift ; and

Fix a higher rate to be paid for each hour or fraction of an hour worked by any employé before or after his shift ; or

Overtime rates for work outside ordinary hours.

(d) It may fix a higher rate to be paid for any hour or fraction of an hour worked on any day in a factory before or after the ordinary working hours of the factory.

Special rates for Sundays and holidays.

(3) In addition to the powers conferred by this section every Special Board may exercise either or both of the following powers namely :—

(a) It may fix special rates for work to be done on a Sunday or public holiday ; or

For time occupied in travelling to and from work.

(b) It may fix special rates to be paid to any employé who works away from his employer's place of business for time occupied in travelling between the employer's place of business and work or between the employé's residence and work."

Consequential corrections in No. 2386 s. 141.

(2) Before the words "Every Special Board in accordance" there shall be inserted the number (1) ; for the letter (d) prefixed to paragraph (d) there shall be substituted the letter (c) ; and for the letter (e) prefixed to paragraph (e) there shall be substituted the letter (d).

Meaning of "casual work" and "casual labour."

29. "Casual work" and "casual labour" shall mean work or labour during any week for not more than one-half the maximum number of hours fixed by the Special Board in respect of any particular process trade business or occupation and the Determination of any Special Board with respect to casual work shall always be subject to this provision.

30. (1) In

30. (1) In addition to the powers it already possesses the Special Board heretofore appointed and called the Coal Miners Board may if it thinks fit as part of its Determination make rules regulating the cavilling for places which are worked at piece-work prices on any coal mine.

Provision for
cavilling for
places in coal
mines.

(2) Such cavilling shall be carried out by the employés affected.

(3) Any person guilty of any contravention of any such rules or of any failure to carry out the decision or requirements of any such cavil shall on information laid by any person aggrieved be liable on conviction by any court of petty sessions consisting of a police magistrate with or without justices to a penalty of not more than Fifty pounds.

31. For paragraph (b) of sub-section (3) of section one hundred and eighty-eight of the Principal Act there shall be substituted the following paragraph :—

Amendment of
No. 2386 s. 188.

“(b) order the defendant to enter into a recognisance within fourteen days in any sum of not more than Fifty pounds with such sureties as the Court thinks fit of not more than Fifty pounds each to carry out the terms covenants and conditions of the indentures; and may further order that in default of entering into the recognisance as aforesaid the person or persons in default be imprisoned for a term of not more than one month unless such recognisance be sooner entered into and for a second or subsequent contravention impose a penalty on the defendant of not more than Twenty-five pounds and in addition may estreat the recognisance (if any).”

Power of Court to
order recognisance
in certain cases.

32. (1) The employer of any improver in any process trade business or occupation subject to the Determination of a Special Board shall at the termination of the employment give him a certificate in the form of the Eighth Schedule to the Principal Act correctly showing the duration and nature of such employment.

Certificate of
employment for
improvers.

Eighth Schedule to
Act No. 2386.

(2) When any improver seeks employment from any employer he shall produce to that employer all certificates previously given to him as aforesaid.

(3) At the end of the Seventh Schedule to the Principal Act there shall be inserted the Second Schedule to this Act which shall be read and construed and may be referred to as the Eighth Schedule to the Principal Act.

Eighth Schedule to
Act No. 2386.
Second Schedule.

33. For

Amendment of
No. 2386 s. 203.

Bread bakers' and
pastrycooks' yearly
holiday in
Metropolitan
and Geelong
Districts.

Amendment of
No. 2386 s. 204.

Bread carters'
monthly holidays.

Provision as to the
closing of fruit
shops in the
Metropolitan
District.
No. 2447 s. 6.

Amendment of No.
2386 s. 219.

Police Magistrate
to adjudicate
under this Act.

Amendment of No.
2386 s. 220 (1).

Certain signatures
to be judicially
noticed.

Amendment of No.
2386 s. 222.

Offences and
penalties.

Offences under No
2386 ss. 191, 192.

33. For section two hundred and three of the Principal Act there shall be substituted the following section:—

"203. The third Tuesday in January in each year shall in the Metropolitan and Geelong Districts be a factory holiday for bread bakers and pastry-cooks. No bread or pastry shall be made or baked for trade or sale in the Metropolitan and Geelong Districts on that day."

34. (1) In sub-section (1) of section two hundred and four of the Principal Act the words "or third" shall be inserted after the word "first" in the second and third places where that word occurs.

(2) In sub-section (2) of the said section before the words "The Governor in Council" there shall be inserted the words "The provisions of this section shall apply to all cities towns and boroughs and."

35. Notwithstanding anything contained in section six of Act No. 2447 no regulation in regard to the closing of fruit shops in the Metropolitan District shall operate to close such shops during the months of January and February.

Offences Penalties and Legal Proceedings.

36. In section two hundred and nineteen of the Principal Act for the words "consisting of two or more justices" there shall be substituted the words "consisting of a Police Magistrate sitting either with or without justices"; and in the same section for the words "done by any two or more justices" there shall be substituted the words "done by a Police Magistrate either with or without any other justice or justices."

37. In sub-section (1) of section two hundred and twenty of the Principal Act after the word "offender" there shall be inserted the words "and all courts shall take judicial notice of the signature of every person who is or shall be or shall have been Minister Chief Inspector of Factories and Shops or Assistant Chief Inspector of Factories and Shops to every document required to be signed for the purposes of the Factories and Shops Acts."

38. (1) In paragraph (a) of section two hundred and twenty-two of the Principal Act—

After the word "furniture" there shall be inserted the words
"or the unlawful paying or receiving any sum of money
in connexion with the employment of an apprentice or
improver";

The following words are hereby repealed:—"if for any offence under section one hundred and ninety-one or section one hundred and ninety-two of this Act shall be laid within six months after the commission of the offence."

(2) In

(2) In paragraph (g) of section two hundred and twenty-two of the Principal Act—

Burden of proof as to employment of apprentices in excess of numbers allowed.

(a) The words “within any factory” and the words “within such factory” are hereby repealed;

(b) For the word “improvers” wherever occurring there shall be substituted the words “apprentices or improvers.”

(3) In paragraph (l) of section two hundred and twenty-two of the Principal Act after the words “in such shop” there shall be inserted the words “whether by a hairdresser or barber or any employé or any person whomsoever and whether for hire or reward or otherwise.”

39. In section two hundred and twenty-five of the Principal Act after the word “person” where it last occurs there shall be inserted the following words:—“if he has made demand in writing on such employer within two months after such money became due”; and after the word “balance” there shall be inserted the following words:—“of such sum so demanded.”

Amendment of No. 2386 s. 225.

Recovery of rate determined by Special Board.

40. (1) The proviso to sub-section (1) of section two hundred and twenty-six of the Principal Act is hereby repealed.

Penalty for breach of Determination.

Proviso to No. 2386 s. 226 (1) repealed.

(2) At the end of sub-section (1) of section two hundred and twenty-six of the Principal Act as amended by this Act there shall be inserted the following words:—

Amendment of No. 2386 s. 226 (1).

“Provided that the Minister may permit any student of the University of Melbourne or any student taking full day courses of technological study at any working men’s college or any school of mines or any other technical college or technical school in Victoria to enter and work in any factory shop or place during the time he is a student at any such institution for the purpose only of acquiring practical knowledge and skill in the trade carried on in such factory shop or place: notwithstanding that he is not paid the rates provided by any determination in force in the trade concerned.”

Permission for certain students to acquire practical knowledge in factories &c.

41. For sub-section (1) of section two hundred and twenty-seven of the Principal Act there shall be substituted the following sub-section:—

Amendment of No. 2386 s. 227.

“(1) Any person or body of persons in occupation of any factory or shop may be prosecuted for any offence in the true ostensible or reputed name of such person or body of persons and a conviction may be had and enforced by distress in that name against the actual occupier.”

Power to prosecute firms &c.

42. Section one hundred and fifty-seven of the Principal Act is hereby repealed.

Repeal of No. 2386 s. 157.

43. In

Woodworkers Board.

Amendment of
No. 2386 s. 170.

43. In section one hundred and seventy of the Principal Act after the word "kind" there shall be inserted the words "or board and lodging"; and after the word "goods" where it last occurs in the said section there shall be inserted the words "or board and lodging."

Amendment of
No. 2386 s. 208.
Butchers' holiday.

44. In section two hundred and eight of the Principal Act for the words "Metropolitan District" there shall be substituted the words "Metropolitan and Geelong Districts."

Amendment of
No. 2386 s. 209.
Slaughtermen's
holiday.

45. In section two hundred and nine of the Principal Act after the words "in each year" there shall be inserted the words "and all persons employed in abattoirs or private slaughter-houses in the Geelong District shall be given a whole holiday on the third Wednesday in January in each year."

Amendment of
No. 2386 s. 199.
Fortnightly
payment of wages.

46. In section one hundred and ninety-nine of the Principal Act for the words "in a factory or shop" there shall be substituted the words "subject to any determination of a Special Board."

Amendment of Sixth
Schedule to No.
2386.

47. In the Sixth Schedule to the Principal Act the words "Boot Repairers' Shops" are hereby repealed.

Boot Repairers'
Shops.

Amendment of
No. 2386 s. 118.

Hours of
employment in
certain shops &c.

48. For section one hundred and eighteen of the Principal Act there shall be substituted the following section:—

"118. (1) Except as hereinafter provided no female shall be employed for more than fifty-six hours and no male for more than fifty-eight hours excluding meal times in any one week—

(a) in any—

chemist's shop,
coffee-house,
coffee palace,
confectioner's shop,
eating-house,
fish or oyster shop,
fruit and vegetable shop,
restaurant,
tobacconist's shop,
bookseller's and news agent's shop,
cooked meat (other than tinned meat) shop,
hotel,
premises for which an Australian wine licence or a
billiard table licence is in force,
premises which are occupied as a club,

(All of which are for the purposes of this section hereinafter referred to as 'shops'); or

(b) in the trade or business of a caterer.

(2) Any

(2) Any person employed in any such shop or trade or business may with the written consent of the Chief Inspector be employed overtime for any time not exceeding ten hours in any one week:

Provided that—

- (a) the number of weeks in any year in which any person is so employed overtime shall not exceed six ;
 - (b) an overtime rate of time and a half shall be paid ;
 - (c) Sixpence shall be paid for tea-money on each day overtime is worked.
- (3) (a) In cases where any of such shops (except chemists' shops) are usually kept open or such trade or business is usually carried on on all the seven days of the week the person having the management thereof shall cause and permit each person employed therein to have and take in each week a whole holiday of twenty-four hours commencing at the usual hour of beginning work on such day in each week as the manager in the case of each such person thinks fit:

Provided that between the first day of December in each year and the last day of February next following in all parts of Victoria situate more than ten miles from the Metropolitan District a half-holiday only as provided in this section need be given.

- (b) In chemists' shops and in all other cases the manager shall cause and permit each such person to take a half-holiday from the hour of Two o'clock in the afternoon of Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday in each week."

49. Sections one hundred and nineteen one hundred and twenty and one hundred and twenty-one of the Principal Act are hereby repealed.

Repeal of No. 2386 ss. 119, 120, 121.

50. At the end of sub-section (2) of section seventy-nine of the Principal Act there shall be inserted the following paragraph:—

Amendment of No. 2386 s. 79.

- "(c) On one or more stated days in each week from any hours fixed by such regulations and permitting such closed shops to re-open on such stated day or days from such other hour or hours as may be fixed by such regulation."

51. For sub-sections (2) and (3) of section one hundred and seventy-four of the Principal Act there shall be substituted the following sub-sections:—

Amendment of No. 2386 s. 174 (2), (3).

- "(2) Such Court shall consist of a President and two other persons.
- (3) A Court of Industrial Appeals consisting of the President and of two other persons as aforesaid shall be constituted from time to time as occasion requires by Order in Council published in the *Government Gazette*.

Constitution of the Court.
Court constituted by Order in Council.

(4) (a) The

President to sit in
all Courts of
Industrial Appeals.

(4) (a) The President—

- (i.) shall be such one of the Judges of the Supreme Court as the Governor in Council appoints;
- (ii.) shall be entitled to hold office as President for such period as the Governor in Council thinks fit; and
- (iii.) shall sit in every Court of Industrial Appeals constituted from time to time.

Two other persons
appointed as
occasion requires.

- (b) The two other persons constituting a Court of Industrial Appeals shall be such persons as are appointed by the Governor in Council upon nomination as hereinafter provided; but they shall act only in the Court of Industrial Appeals for which they are appointed.

Nomination of
persons to
represent
employers and
employés on
Court.

(5) (a) When a Determination of a Special Board is appealed against in accordance with the provisions of this Act or is referred by the Minister for the consideration of the Court of Industrial Appeals then within twenty-one days from the date of the appeal or the reference (as the case may be)—

the representatives of the employers on such Special Board shall nominate one person to represent the employers, and

the representatives of the employés shall nominate one person to represent the employés.

- (b) Nominations shall be made in writing and shall be forwarded to the Minister.

- (c) Only persons who are *bonâ fide* and actually engaged in the trade concerned or have been so engaged for at least six months during the three years immediately preceding such nomination shall be eligible for nomination.

Default of
nomination.
Vacancies.

(6) If default is made in nominating an eligible person to represent the employers or the employés (as the case may be) or if any vacancy in a Court occurs by reason of death resignation incapacity refusal to act or otherwise the Minister may nominate some similarly qualified person to represent the employers or the employés (as the case may require) on such Court.

President and two
other persons to
hear appeals and
references.

(7) The President and the two other persons constituting a Court of Industrial Appeals shall hear and determine every appeal and reference to such Court; and subject to this Act a majority shall decide.

Remuneration of
persons
representing
employers and
employés on
Court.

(8) Every person appointed to represent the employers or the employés on a Court of Industrial Appeals shall be paid a fee of Two pounds for every full day of attendance at such Court.

(9) (a) Subject

(9) (a) Subject to the Public Service Acts the Governor in Council may appoint a Registrar of the Court of Industrial Appeals who shall be an officer of the Factories Branch of the Department of the Chief Secretary.

Comp. No. 2386
s. 177 (4) and
No. 1165 s. 186.

(b) The Registrar shall attend the sittings of the Court of Industrial Appeals.

Registrar.
See No. 2386 s. 174
(3).

(10) The Governor in Council may make general rules to carry into effect the provisions of this Act with respect to the Court of Industrial Appeals and in particular with respect to the summoning of and procedure before any such Court and the publication of such rules. Subject to such rules (if any) the Court may regulate its own procedure.

Rules of practice.
Comp. No. 1165
s. 182.

(11) In the construction of the Factories and Shops Acts any reference to the Court of Industrial Appeals shall (unless inconsistent with the context or subject-matter) be deemed to include a Court of Industrial Appeals constituted from time to time as aforesaid."

52. In section one hundred and seventy-eight of the Principal Act for the word "appointment" there shall be substituted the word "constitution."

Consequential
amendment of
No. 2386 s. 178.

53. For section one hundred and seventy-nine of the Principal Act there shall be substituted the following section:—

Re-enactment of
No. 2386 s. 179.

"179. A Determination of the Court of Industrial Appeals may be dealt with by the Governor in Council in the same way in every respect as if it were a Determination of a Special Board."

Power of
Governor in Council
with respect to
Determination of
Court of Industrial
Appeals.

54. In section one hundred and eighty-one of the Principal Act for the words "The Court of Industrial Appeals shall have all the powers of the Supreme Court and shall" there shall be substituted the words "In addition to the powers otherwise conferred upon the Court of Industrial Appeals the said Court shall have all the powers of the Supreme Court which last-mentioned powers shall be exercised only by the President; and the Court of Industrial Appeals shall."

Amendment of
No. 2386 s. 181.
Powers of President
of Court.

55. Notwithstanding anything in the Factories and Shops Acts any Determination made before the commencement of this Act by the Court of Industrial Appeals as heretofore constituted and whether such Determination is in force or suspended shall for all purposes—

Existing
Determinations
of Court of
Industrial Appeals.

(i.) be deemed and taken to be, and

(ii.) have the like force and effect and validity as if it were

a Determination (in force or suspended as the case may be) of a Court of Industrial Appeals as constituted under this Act.

Provided

Provided that the Minister if satisfied upon affidavit that a *prima facie* case exists for the review of any such Determination may advise the Governor in Council to constitute a Court of Industrial Appeals as hereinbefore provided and may refer the application for review for the consideration of the said Court which application the said Court is (in addition to all of the powers vested in the said Court by the Factories and Shops Acts) hereby authorized to consider and to hear and determine.

Repeal of No. 2386
. 177.
Assessors.

56. Section one hundred and seventy-seven of the Principal Act is hereby repealed.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 8.

(Substituted for and may be cited as the Third Schedule to the *Factories and Shops Act* 1912.)

Overtime Worked by Males under Sixteen and Females (of any age).

Date when Overtime Worked.	Number of Employés.		Number of Hours Worked by.	
	Females.	Boys under Sixteen.	Females.	Boys under Sixteen.

To the Chief Inspector of Factories, Melbourne.

Reasons for Overtime :—

Signature of Occupier.

Date.

To the Chief Inspector of Factories, Melbourne.

SECOND SCHEDULE.

Section 32.

(May be cited as the Eighth Schedule to the *Factories and Shops Act* 1912.)

Certificate of Employment as an Improver in the

Trade

Form of certificate
of employment as
improver.

Name of Employé

Class of Work Employed at.	Period.		Length of Service.			We hereby certify the particulars placed opposite our signatures are correct.	
	From.	To.	Years.	Months.	Weeks.	Employer's Signature.	Employé's Signature.

This Certificate must be produced by the Improver when seeking new employment.

MELBOURNE:

By Authority: ALBERT J. MULLETT, Government Printer.