

FACTORIES AND SHOPS.

10° AND 11° GEO. VI., No. XLVII.

No. 47 of 1946.**AN ACT to amend section one hundred and one of the
Factories and Shops Act, 1920-1937.**

[Assented to 24th January, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.
cf. Act No.
54 of 1937,
s. 54.

1. This Act may be cited as the *Factories and Shops Act Amendment Act (No. 2), 1946*, and shall be read as one with the Factories and Shops Act, 1920-1937 (Act No. 44 of 1920 as reprinted with amendments up to and including Act No. 54 of 1937, pursuant to the Amendments Incorporation Act, 1938, in Volume 1 of the Reprinted Acts of the Parliament of Western Australia, and as amended by Act No. 26 of 1939), hereinafter referred to as the principal Act.

Amendment of
s. 101.
cf. 26 of 1939,
s. 2.

2. Section one hundred and one of the principal Act is amended by deleting all the words from and including the words "such shops shall be closed" in line eight of subsection (1) down to the end of the subsection; and by inserting in lieu thereof the provisions following:—

(a) Each and every such shop shall be closed and kept closed, except between the hours hereinafter specified, namely:—

(i) On one week day, being the day upon which such shop is required by subsection (2) of section one hundred of this Act to close at one o'clock in the afternoon—between the hours of

seven o'clock in the morning and one o'clock in the afternoon, except where such day is observed as a public holiday;

- (ii) on the other five week days—between the hours of seven o'clock in the morning and six o'clock in the evening, except on any day which is observed as a public holiday.
- (b) On Sundays and days observed as public holidays such shops shall be closed and kept closed; provided that when and as often as a public holiday, other than Christmas Day or Anzac Day, is observed as a public holiday on a Monday, such shops may be opened and kept open between the hours of seven o'clock and ten o'clock in the morning of such Monday. In the event of Christmas Day falling on a Monday, shops may open between the hours of seven o'clock and ten o'clock in the morning on Boxing Day.
- (c) The public holidays referred to in this section shall be such days as may from time to time be specified as holidays in an award or industrial agreement in force under the Industrial Arbitration Act, 1912-1941, relating to the hours of employment in motor service stations. Provided that nothing in this subsection shall render unlawful the opening of a shop for the purpose only of the sale of petrol, benzine, motor spirit, motor oil, or other accessories, to a person who satisfies the shopkeeper or person acting, or apparently acting, in the management of the shop, that such sale is necessary to enable him to continue a journey which commenced not less than twenty miles from such shop, or to commence a journey of not less than ten miles from his home or other starting point.