

FACTORIES AND SHOPS.

12° GEO. V., No. XXXVIII.

No. 4 of 1922.

AN ACT to amend the Factories and Shops Act, 1920.

[Assented to 31st January, 1922.]

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.

1. This Act may be cited as the *Factories and Shops Act Amendment Act, 1921.*

Amendment of section 26.

2. Section twenty-six of the principal Act is hereby amended, by the excision of the proviso and the insertion in lieu thereof of the words following, that is to say:—"but when any factory is first occupied in any year after the thirtieth day of June, the fee to be paid for that year on registration shall be one-half of the annual fee."

Amendment of section 40.

3. Subsection two of section forty of the principal Act is hereby amended, by the deletion of the word "not," in the third line of the subsection, and of the word "he," in the fifth line.

Amendment of section 42.

4. (1.) The forty-second section of the principal Act is hereby amended, by the insertion of the words "Boxing Day" after the words "Christmas Day," in the fourth and seventh lines, and by striking out the words "Eight Hours Day" and inserting the words "Labour Day" in lieu thereof.

(2.) The said forty-second section is further amended, by the addition of a proviso, as follows:—

Provided that when a boy or woman employed in a factory has been allowed a holiday on full pay on or in respect of Foundation Day (that is, the first day of June) by or under any statute or by virtue of any industrial award or agreement, he or she shall not in the same year be entitled to a holiday on full pay on or in respect of the birthday of His Majesty King George the Fifth, unless he or she is entitled, by virtue of such award or agreement, to a holiday on both Foundation Day and the King's Birthday.

(3.) The said section forty-two is hereby further amended by the addition of a paragraph, as follows:—

When owing to or as a result of the provisions of any industrial award or agreement, it is impracticable for a woman or boy to work on any day, such woman or boy shall be deemed to be granted a holiday on full pay on that day, and shall be entitled to be paid in respect thereof accordingly.

5. Section fifty-three of the principal Act is hereby Amendment of section 53. amended, by the insertion therein of the words "shop or warehouse" after the word "factory."

The said section fifty-three is further amended by the addition of a proviso, as follows:—

Provided that in case any child was at any time heretofore lawfully employed in a factory, shop, or warehouse, and continued to be so employed at or immediately prior to the commencement of this Act or the coming into operation of this proviso, nothing in this section shall prevent the employment of such child in the same factory, shop, or warehouse by the same employer.

6. Section sixty-two of the principal Act is hereby amended Amendment of section 62. by the insertion of the words "shop or warehouse" immediately after the word "factory," wherever that word occurs therein.

7. Section one hundred and one of the principal Act is hereby amended, by the addition to subsection one of the words "and may assign a name to, or change the name of any district," and by the substitution of the word "comprises" for the words "is comprised of," in subsection two. Amendment of section 101.

Amendment of
section 102.

8. Subsection five of section one hundred and two of the principal Act is hereby amended, by—

- (a) the insertion of the words “or section one hundred and six” after the word “section,” in the second line of the subsection;
- (b) the deletion of the words “is comprised of” and the substitution of the word “comprises,” in the fourth line; and
- (c) the addition to paragraph (a) of a proviso, as follows:—

Provided that no shop which is required to close at one o'clock in the afternoon of any particular day shall be opened or kept open after that hour on that day by virtue of anything in this subsection, and that whilst any affirmative resolution under section one hundred and six is in force in any district the day (if any) on which shops may be kept open till nine o'clock in the evening in that district under this subsection shall be Saturday, and that whilst any negative resolution under that section is in force in the district such day shall not be Saturday.

Amendment of
section 103.

9. Section one hundred and three of the principal Act is hereby amended, by the addition to subsection one (1) thereof of a proviso, as follows:—

Provided that in any district or specified locality in which it is lawful for shops to remain open till nine o'clock on one evening in the week, pursuant to subsection five of section one hundred and two, it shall be lawful for registered small shops to remain open till that hour on that evening.

Amendment of
section 104.

10. Section one hundred and four of the principal Act is hereby amended by striking out the word “shop,” in the fifth line of the section, and inserting the word “shopkeeper” in lieu thereof, and by inserting after the word “as,” in the sixth line, the words “the keeper of.”

Amendment of
section 106.

11. (1.) Subsection four of section one hundred and six of the principal Act is hereby amended, by the deletion of the words “notwithstanding anything contained in section one hundred and two,” and the substitution of the words “notwithstanding anything contained in subsections one, two,

three, or four, but subject to subsection five, of section one hundred and two."

(2.) Subsection six of the said section one hundred and six is hereby repealed, and a subsection is substituted therefor, as follows:—

(6.) If the question is answered in the negative by a majority of the electors voting on the question, the resolution shall be rejected and a negative resolution shall be deemed to be carried with the effect that after the publication of the result in the *Gazette* and (notwithstanding anything contained in subsection one, two, three, or four, but subject to subsection five, of section one hundred and two) until the question is again submitted and answered in the affirmative the closing time for all shops (except those mentioned in the Fourth Schedule and except registered small shops) throughout the district shall be one o'clock after noon on Saturdays and six o'clock after noon on all other week-days, and all such shops shall close on those days not later than the hours above-mentioned, and shall continue closed until eight o'clock or such earlier hour as may from time to time be fixed by proclamation (in respect of all shops affected or of any class or classes of such shops) in the morning of the week-day next following, and the day on which registered small shops in the district shall close at one o'clock in the afternoon shall be Saturday.

(3.) Subsection ten of the said section one hundred and six is hereby amended, by the insertion after the words "returning officer," in the second line, of the words "and such deputy returning officers as may be necessary," and by the substitution for the words "a copy" of the words "an abstract."

(4.) Subsection eleven of the said section one hundred and six is hereby repealed, and a subsection is substituted therefor, as follows:—

(11.) The method of taking and conducting the poll and the manner of voting thereat shall be, so far as practicable, in accordance with the provisions of the Electoral Act, 1907, which Act (including the penal provisions) shall, *mutatis mutandis*, apply in respect thereof accordingly; but no elector shall be permitted to vote at any polling place outside the electoral district for which he is enrolled, and in applying such provisions references to

the "Minister" shall be taken to mean the Minister administering this Act, and voting papers shall be marked as prescribed thereon.

**Operation of
amendments to
sections 102 and
106.**

12. The amendments made by this Act in section one hundred and two and in subsections four and six of section one hundred and six of the principal Act shall have effect as from the commencement of the principal Act.

**Amendment of
section 109.**

13. (1.) Section one hundred and nine of the principal Act is hereby amended, by adding the words following:—
"Subject to the second proviso to this section every hairdresser's shop shall remain closed during the whole of any public holiday."

(2.) Section one hundred and nine of the principal Act is hereby further amended, by the addition of subsections, as follows:—

(2.) In any district or specified locality in which the Governor has by proclamation under subsection two of section one hundred and two substituted another day for Saturday, the day so substituted shall by force of the proclamation be also substituted for "Saturday," in paragraph (c) of this section, as regards the district or locality affected.

(3.) In any district or specified locality in which it is lawful for shops to remain open till nine o'clock on one evening in the week, pursuant to subsection five of section one hundred and two, it shall be lawful for hairdressers' shops to remain open till that hour on that evening.

**Amendment of
section 117.**

14. Section one hundred and seventeen of the principal Act is hereby amended, by striking out the words "this Part of," in the fourth line.

**Amendment of
section 125.**

15. Section one hundred and twenty-five of the principal Act is hereby amended, by the deletion of the word "and," in the fifth line of subsection three, and the substitution of the word "to."

**Amendment of
section 129.**

16. Section one hundred and twenty-nine of the principal Act is hereby amended, by the excision of subsection three (3).

17. Section one hundred and thirty-three of the principal Act is hereby amended, by the insertion of the words "Australian Wine License" after the words "Australian Wine and Beer License," in subsection five (5).

Amendment of section 133.

18. Notwithstanding any of the provisions of the principal Act, it shall be lawful for a shopkeeper or his assistant or representative at any time to sell petrol, benzine, or other motor spirit or any part or accessory of a mechanically propelled vehicle to travellers for the purpose of enabling them to continue any journey which they could not otherwise continue.

19. The Fourth Schedule to the principal Act is hereby amended, by the insertion therein of the words "Australian Wine License" after the words "Australian Wine and Beer License."

Amendment of Fourth Schedule.

20. The Seventh Schedule to the principal Act is hereby repealed, and a schedule is substituted therefor, as follows:—

Substitution of new Seventh Schedule.

THE SEVENTH SCHEDULE.

The Factories and Shops Act, 1920.

Voting Paper on Poll concerning Closing Hours of Shops.

.....Shop District. .

Do you vote that shops generally throughout the District shall close at one o'clock p.m. on Wednesdays?

{ . YES.
NO.

Direction to Voters.

If you vote "YES," insert a cross \times in the square opposite the word "YES."

If you vote "NO," insert a cross \times in the square opposite the word "NO."

It will suffice if the point of intersection of the cross is within the square.