

## FACTORIES AND SHOPS.

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No. 5 of 1975.

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AN ACT to amend the Factories and Shops Act,  
1963-1974.

[Assented to 9th May, 1975.]

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

1. (1) This Act may be cited as the *Factories and Shops Act Amendment Act, 1975*.

Short title  
and  
citation.

(2) In this Act the Factories and Shops Act, 1963-1974 is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
23rd May,  
1969 and  
amended  
by Acts  
Nos. 50 of  
1970, 65 and  
94 of 1972,  
and 51  
of 1974.

(3) The principal Act as amended by this Act may be cited as the Factories and Shops Act, 1963-1975.

Commen-  
cement.

2. (1) Subject to subsection (2) of this section the provisions of this Act shall come into operation on the date on which this Act receives the Royal Assent.

(2) The provisions of sections 4 and 7 of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Section 5  
amended.

3. Section 5 of the principal Act is amended—

(a) by deleting the interpretation “the Secretary for Labour” in subsection (1), and substituting an interpretation as follows—

“the Under Secretary for Labour and Industry” means the permanent head of the department of the Public Service of the State principally responsible for assisting the Minister in the administration of this Act; ;  
and

(b) by adding after subsection (3) a subsection as follows—

(4) A reference, however expressed, in any other Act or in any regulation, notice, proclamation, or statutory instrument of any kind made, published or in force under this or any other Act to the Secretary for Labour shall, unless the context requires otherwise, be read and construed as a reference to the Under Secretary for Labour and Industry as defined in subsection (1) of this section. .

Section 12  
amended.

4. Subsection (1) of section 12 of the principal Act is amended—

(a) by substituting for the words “The Governor may” in line one, the words “There shall be appointed”;

- (b) by deleting the word "appoint" in line three; and
- (c) by substituting for the words "he considers" in line four, the word "are".

5. Section 45 of the principal Act is amended by deleting the words "the person for the time being holding the office of Assistant Secretary for Labour" in lines two, three and four of subsection (5), and substituting the words "an officer of the Department of which he is the permanent head".

Section 45  
amended.

6. The heading to Division III of Part IX of the principal Act is amended by substituting for the words "*and Shop Assistants*" the passage "*, Shop Assistants and Warehouses*".

Heading to  
Div. III of  
Part IX  
amended.

7. Section 98 of the principal Act is amended by repealing subsection (2) and re-enacting that subsection as follows—

Section 98  
amended.

(2) The provisions of section sixty-three apply to and in relation to shops and the provisions of sections sixty-four and sixty-five apply to and in relation to accidents occurring in shops and warehouses and, for those respective purposes,—

- (a) any reference in section sixty-three to a factory shall be construed as including a reference to a shop; and
- (b) any reference in section sixty-four or sixty-five to a factory shall be construed as including a reference to a shop and a warehouse. .

8. Section 121 of the principal Act is amended by substituting for the words "appointed under this Act" in lines three and four of paragraph (d) of subsection (1), the words "referred to in subsection (1) of section twelve".

Section 121  
amended.

Miscel-  
laneous  
amendments.

9. The principal Act is amended by substituting for the words "Secretary for Labour" the words "Under Secretary for Labour and Industry" in each case set out in the Schedule to this Act.

## SCHEDULE.

Provision Amended.	Line Number
Section 11 ....	Line 3.
Section 14 ....	Lines 3 and 4.
Section 16 (1) (h) ....	Lines 1 and 2.
Section 20 (1) ....	Line 2.
Section 20 (2) ....	Line 2.
Section 45 (2) (a) ....	Lines 2 and 3.
Section 46 (4) ....	Line 3.
Section 83 (2) (a) ....	Lines 2 and 3.