

FACTORIES AND SHOPS (AMENDMENT) ACT.

Act No. 34, 1941.

George VI.
No. 34, 1941. An Act to amend the Factories and Shops Act, 1912-1936, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 9th September, 1941.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title,
citation, and
commence-
ment.

1. (1) This Act may be cited as the "Factories and Shops (Amendment) Act, 1941."

(2) The Factories and Shops Act, 1912-1936, as amended by subsequent Acts and by this Act, may be cited as the "Factories and Shops Act, 1912-1941."

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
39, 1912.

2. The Factories and Shops Act, 1912-1936, as amended by subsequent Acts, is amended—

Sec. 98.
(Defini-
tions.)

(a) by inserting in section ninety-eight next after the definition of "Make or bake" the following new definition:—

"Motor spirit" means any liquid or substance used or adapted or intended to be used for the propulsion of motor vehicles.

Sec. 102.
New subsec.
(1A).
(Registra-
tion of
shops for
the sale of
motor
spirit.)

(b) by inserting next after subsection one of section one hundred and two the following new subsection:—

(1A) (a) Every person who at the commencement of the Factories and Shops (Amendment) Act, 1941, is a shopkeeper of a shop for the sale
of

of motor spirit, motor oil or motor accessories No. 34, 1941.
 not situated within a shopping district shall, within one month after such commencement, make application to the Under Secretary in the prescribed form for a certificate of registration of such shop.

(b) Every person who at any time after the commencement of the Factories and Shops (Amendment) Act, 1941, becomes a shopkeeper of a shop for the sale of motor spirit, motor oil or motor accessories not situated within a shopping district shall, within fourteen days of entering into occupation of such shop, make application to the Under Secretary in the prescribed form for a certificate of registration of such shop.

(c) A separate application shall be made in respect of each shop for the sale of motor spirit, motor oil or motor accessories.

(c) by inserting next after section one hundred and five the following new section:— New sec. 105A.

105A. (1) The opening and closing times for shops for the sale of motor spirit, motor oil or motor accessories, shall be as follows:— Closing and opening times of shops for the sale of motor spirit, etc.

(a) On Mondays to Saturdays inclusive, the opening and closing times for such shops shall be seven o'clock in the forenoon and seven o'clock in the evening, respectively:

Provided that where under the Shop Assistants, etc., General (Metropolitan) Award, the Shop Assistants, etc., General (Newcastle) Award, the Shop Assistants and Office Assistants (Country) Award, or the Shop Assistants, etc. (Broken Hill) Award, or any award varying or replacing any such award, made or deemed to have been made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts,

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Acts, provision is made for the observance of any weekly half holiday or late shopping night within any shopping district or area covered by any such award, the closing time for shops for the sale of motor spirit, motor oil or motor accessories within any such shopping district or area shall on the day on which such weekly half holiday is so observed be one o'clock in the afternoon and on the day on which such late shopping night is so observed be nine o'clock in the evening.

- (b) On Sundays the opening and closing times for such shops shall be nine o'clock in the forenoon and twelve noon respectively.
- (c) On public holidays the opening and closing times for such shops shall be seven o'clock in the forenoon and one o'clock in the afternoon respectively: Provided that on the days observed as Christmas Day, Good Friday and Anzac Day such shops shall be kept closed.

For the purposes of this subsection:—

“Public holidays” means the first day of January, the twenty-sixth day of January, Easter Monday, the anniversary of the birthday of His Majesty, and the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, and any day appointed by the Governor pursuant thereto as a public holiday throughout the State, and in any part of the State
or

or in any city, town, or district No. 24, 1941.
therein, in respect of which
the Governor has appointed a
special day to be observed as
a public holiday, the day so
appointed.

(2) Where after the commencement of the Factories and Shops (Amendment) Act, 1941, an award is made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, fixing the commencing and cessation of the ordinary hours of work by employees in shops for the sale of motor spirit, motor oil or motor accessories in any shopping district or area or part thereof, the opening and closing times for such shops in any such shopping district or area or part thereof shall be the times so fixed respectively for the commencing and cessation of the ordinary hours of work by such employees under such award: Provided that nothing in this section contained shall operate so as to permit any shop for the sale of motor spirit, motor oil or motor accessories to be opened earlier than or closed later than the times prescribed by subsection one of this section as the opening and closing times respectively for such shop.

(3) If any shop for the sale of motor spirit, motor oil or motor accessories is opened on any day before the opening time fixed by or under this Act for such day in respect of such shop or is not closed and kept closed for the remainder of such day at and after the closing time fixed by or under this Act for such day in respect of such shop or is opened on any day on which such shop is required by or under this Act to be kept closed, or if in any such shop any motor spirit, motor oil or motor accessories is offered for sale before the said opening time or after the said closing time or on any day on which such shop is required by or under this Act to be kept closed, the shopkeeper and any person acting or apparently acting in the management
of

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of the shop shall be guilty of an offence against this Part of this Act:

Provided that if a sale of motor spirit, motor oil or motor accessories to any driver of a motor vehicle in a case of emergency (which such driver could not reasonably have been expected to foresee) for the purpose of enabling him to make or continue any journey in a motor vehicle takes place from any such shop at any time when such shop should pursuant to this section be closed that sale or the opening of such shop for the purpose only of that sale shall not be deemed to constitute an offence against this Part of this Act if before the sale takes place such driver supplies to the shopkeeper or person acting or apparently acting in the management of the shop the prescribed information and verifies the same by subscribing his name in the book prescribed to be kept by the shopkeeper.

(4) Every shopkeeper of every such shop shall keep a book in the prescribed form in which the information supplied as aforesaid shall be entered and shall retain such book in his possession for a period of three months after such book is completed.

(5) Nothing in this section shall be deemed to render unlawful the opening at any time of any shop at which motor vehicles are garaged for the purpose only of the egress or ingress of motor vehicles from or to such shop.

(6) Any person who wilfully supplies false information under this section to a shopkeeper or person acting or apparently acting in the management of the shop or any person who wilfully makes any false entry in the book required to be kept under this section shall be guilty of an offence against this Part of this Act.

Sec. 107.
(Matters to
be dealt with
in awards.)

(d) (i) by inserting in paragraph (a) of section one hundred and seven after the words "butchers' shops" the words "and shops for the sale of motor spirit, motor oil or motor accessories";

(ii)

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Act.**

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(ii) by inserting at the end of the same section
the following words:—

and

(c) in the case of shops for the sale of
motor spirit, motor oil or motor
accessories the times for the com-
mencement and cessation of the
ordinary hours of work by
employees in such shops whether
within any shopping district or not.
