# FACTORIES AND SHOPS AND LOCAL GOVERNMENT (AMENDMENT) ACT.

#### Act No. 17, 1960.

An Act to make provision with respect to the sale and Elizabeth II, dumping of refrigerators, ice-chests and ice-boxes; No. 17, 1960, for this and other purposes to amend the Factories and Shops Act, 1912-1958, and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 6th April, 1960.]

BE it enacted by the Queen'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:—

- 1. (1) This Act may be cited as the "Factories and Shops Short title and Local Government (Amendment) Act, 1960".
- (2) The Factories and Shops Act, 1912, as amended by subsequent Acts and by the Governor pursuant to subsection two of section forty-four of the said Act and by this Act, may be cited as the Factories and Shops Act, 1912-1960.
- 2. (1) The Factories and Shops Act, 1912-1958, is Amendment of Act No. 39, 1912.
  - (a) by inserting in section one next after the matter Sec. 1. relating to Part VI the following new matter:— (Short title.)

PART VII.—Refrigerators, ICE-CHESTS AND ICE-Boxes.—ss. 129–132.

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New Part VII.

Definitions.

(b) by inserting next after Part VI the following heading and new Part:—

#### PART VII.

REFRIGERATORS, ICE-CHESTS AND ICE-BOXES.

129. In this Part of this Act—

"Inspector" means an inspector within the meaning of Part II of this Act.

"Sell" includes exhibit, expose or have in possession for sale, or for any purpose of advertisement or trade, and "sold" has a corresponding meaning.

Prohibition on sale of certain refrigerators, ice-chests and iceboxes.

- 130. (1) Where a person sells any of the following articles, that is to say, any refrigerator, ice-chest or ice-box, and the article has in it a compartment of a capacity of one and one-half cubic feet or more, such person shall be guilty of an offence against this Part of this Act unless the compartment is so constructed or equipped that every door or lid of the compartment can be opened easily from the inside of the compartment when any lock or catch that can be operated from the outside of the compartment is fastened.
- (2) In any prosecution for an offence against subsection one of this section it shall be a defence if the defendant proves that the refrigerator, ice-chest or ice-box with respect to which the offence is alleged to have been committed was manufactured in or imported into New South Wales before the day appointed and notified pursuant to subsection two of section two of the Factories and Shops and Local Government (Amendment) Act, 1960; but the defendant shall be liable to pay the costs incurred on behalf of the prosecution unless he has given reasonable notice to the informant that he will rely on such defence.

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131. (1) An inspector may at any reasonable time-

Powers of inspectors.

- (a) enter any place where refrigerators, icechests or ice-boxes are sold or where he has reasonable cause to believe that refrigerators, ice-chests or ice-boxes are sold;
- (b) inspect any refrigerators, ice-chests or iceboxes in such place;
- (c) examine with respect to matters under this Part of this Act any person employed or engaged in such place;
- (d) make such examination and inquiries as he thinks necessary to ascertain whether the requirements of this Part of this Act are being complied with.
- (2) An inspector, on exercising any power conferred on him by this section, shall, if so requested by any person apparently in charge of such place, produce the certificate of his appointment as an inspector.
- (3) No person shall hinder or obstruct, or attempt to hinder or obstruct, any inspector in the exercise by him of the powers conferred by this section.
- 132. A person who commits an offence against Penalty. this Part of this Act shall be liable to a penalty not exceeding fifty pounds.
- (2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 3. The Local Government Act, 1919, as amended by sub-Amendment sequent Acts, is amended by inserting next after section 288A of Act No. 288A of Act No. the following new section:—

288B. (1) Where a person places any of the follow-Discarded ing articles, that is to say, any refrigerator, ice-chest, ice-refrigerators, ice-thest ice-refrigerators, ice-chest, ice-chest, ice-refrigerators, ice-chest, ice-chest, ice-chest, ice-chest, ice-chest, ice-chest, ic box, article of furniture, trunk or prescribed article, upon ice-chests, etc.

any

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any dump, tip, sanitary depot, public reserve, public place or unfenced vacant land and the article has in it a compartment of a capacity of one and one-half cubic feet or more, such person shall be guilty of an offence under this Act unless before so placing the article he has removed from the compartment every door and lid thereof or the locks and hinges thereof or has otherwise rendered every such door and lid incapable of being fastened.

(2) Nothing in subsection one of this section applies to a person placing any article referred to therein upon any public reserve, public place or unfenced vacant land for his own use while he is residing on that public reserve, public place or unfenced vacant land.