

**FACTORIES, SHOPS AND INDUSTRIES
(AMENDMENT) ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 74, 1977.

An Act to amend the Factories, Shops and Industries Act,
1962. [Assented to, 10th October, 1977.]

BE

Factories, Shops and Industries (Amendment).

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:—

- Short title.** 1. This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1977".
- Commencement.** 2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.
- (2) Section 5 shall, in its application to a provision of Schedules 1–7, commence on the day on which that provision commences.
- (3) The several provisions of Schedules 1–7 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- Principal Act.** 3. The Factories, Shops and Industries Act, 1962, is referred to in this Act as the Principal Act.
- Schedules.** 4. This Act contains the following Schedules :—
- SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.
- SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PRESSURE TESTING.
- SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY MEASURES IN CERTAIN EMPLOYMENT.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY IN FACTORIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSPECTORS.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HAIRDRESSERS.

SCHEDULE 7.—AMENDMENT TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in Schedules 1–7. Amendment of Act No. 43, 1962.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO FACTORY FIRE ESCAPES.

(1) Section 11 (3A), (3B)—

After section 11 (3), insert :—

(3A) The Under Secretary shall refuse an application for registration of a factory unless—

(a) he is satisfied that the means of escape from the factory in case of fire for persons employed in the factory are sufficient and efficient; or

(b) subsection (3B) is complied with in relation to the factory.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(3B) This subsection is complied with in relation to a factory if—

- (a) the Board of Fire Commissioners of New South Wales has approved in writing of the sufficiency and efficiency of the means of escape from the factory in case of fire for persons employed in the factory; or
- (b) the premises comply with the requirements of the ordinances made under the Local Government Act, 1919, or the council of the area in which the premises are situated certifies in writing that any non-compliance with those ordinances is such as need not be rectified.

(2) (a) Section 45 (2) (a)—

Omit “in which persons are employed on any floor above or below the ground floor”.

(b) Section 45 (2) (a)—

Omit “not be deemed to be sufficient unless the means of escape and their efficiency have been approved in writing by the Board of Fire Commissioners of New South Wales”, insert instead “be deemed to be sufficient if section 11 (3B) has been complied with in relation to the factory”.

(c) Section 45 (4A)—

Omit the subsection.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
FACTORY FIRE ESCAPES—*continued.*

(d) Section 45 (5)—

Omit “an inspector acting under the regulations may direct”, insert instead “are prescribed”.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING.

(1) Section 2, matter relating to Part III, Division 11—

Omit “*and Refrigerated Compartments—s. 65*”, insert instead “, *Refrigerated Compartments and Pressure Testing—ss. 65, 65A*”.

(2) Part III, Division 11, short heading—

Omit “*and Refrigerated Compartments*”, insert instead “, *Refrigerated Compartments and Pressure Testing*”.

(3) Section 65A—

After section 65, insert—

65A. (1) In this section “rigid container” means ^{Pressure} a tank, pipe or other vessel manufactured from metal ^{testing.} or other rigid material.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PRESSURE TESTING—*continued.*

(2) A regulation referred to in subsection (3) does not apply to or in respect of anything done in or about a mine within the meaning of the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, but applies to and in respect of the doing of any other thing whether in or about a factory or elsewhere.

(3) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

(a) the testing for leaks, or for its ability to withstand pressure, of any rigid container or any seam, joint, fitting or other part of, or anything attached to, a rigid container; or

(b) the removal of any dents, kinks or other irregularities from a rigid container,

by the application to the inside thereof of pressure by means of air or any other gas or gases or by means of a liquid other than a liquid that would not be harmful to persons in the vicinity of the rigid container if it escaped.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
SAFETY MEASURES IN CERTAIN EMPLOYMENT.

(1) Section 2, matter relating to Part III, Division 12—
After “Rural”, insert “and Local Government”.

(2) (a) Section 9 (1), definition of “Industry”—
After “rural”, insert “or local government”.

(b) Section 9 (1), definition of “Local government
industry”—

After the definition of “Industry”, insert :—

“Local government industry” means
industry in which persons are
engaged—

- (a) in a park, garden, nursery,
recreation area, sports
ground or reserve under the
control or management of,
or vested in, a municipal,
shire or county council;
- (b) in road, water supply, sew-
erage or drainage works for
such a council or for a con-
tractor to such a council;
- (c) in clearing, fencing, trench-
ing, draining, reclaiming or
developing land for such a
council or for a contractor
to such a council;

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
MEASURES IN CERTAIN EMPLOYMENT—*continued.*

(d) in lopping or tending trees
for such a council or for a
contractor to such a council;

(e) in the collection or disposal
of garbage or other waste
for such a council or for a
contractor to such a council,

not being employment in building
work, excavation work or com-
pressed air work within the meaning
of the Scaffolding and Lifts Act,
1912, or employment in or about a
mine within the meaning of the
Mines Inspection Act, 1901, or the
Coal Mines Regulation Act, 1912.

(c) Section 9 (1), definition of "Rural industries"—

From paragraph (a), omit "farm produce", insert
instead "crop or farm produce whether grown
for food or not".

(3) Part III, Division 12, short heading—

After "*Rural*", insert "*and Local Government*".

(4) Section 66—

After "rural" wherever occurring, insert "or local
government".

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES.

(1) (a) Section 28 (1) (b) (ii)—

Omit “interrupted.”, insert instead “interrupted;”.

(b) Section 28 (1) (b) (iii), (iv)—

After section 28 (1) (b) (ii), insert :—

(iii) the restoration of the power supplied to a specified machine after the supply of that power has been interrupted;

(iv) preventing the inadvertent starting of a machine, or machinery, specified in the notice.

(2) Section 42 (1), definition of “confined space”—

After “chamber”, insert “(other than a refrigerated chamber)”.

(3) Section 44A—

After section 44, insert :—

44A. (1) The occupier of a factory shall ensure that the electrical installation, equipment and apparatus in the factory is so designed, constructed, protected and maintained as to eliminate as far as practicable the risk of any accidental electric shock or any electrical fire. ^{Electrical hazards.}

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY
IN FACTORIES—*continued.*

(2) Where a regulation deals with the design, construction, protection or maintenance of the electrical installation, equipment or apparatus in a factory and the occupier of the factory complies with the regulation he shall, in relation to the matter dealt with by the regulation, be deemed to have complied with subsection (1).

Sec. 5

SCHEDULE 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS.

(1) Section 4 (1), definition of “Deputy Chief Inspector”—

After the definition of “Contravention”, insert—

“Deputy Chief Inspector” means the person who for the time being holds the office of Deputy Chief Inspector of Factories, Shops and Industries or the inspector for the time being acting in the place of that person.

(2) (a) Section 7 (1A), (1B), (1C)—

After section 7 (1), insert :—

(1A) An inspector appointed under subsection (1) may be appointed Deputy Chief Inspector of Factories, Shops and Industries.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INSPECTORS—*continued.*

(1B) The Deputy Chief Inspector shall have and, subject to the direction and control of the Chief Inspector, may exercise and perform, the same powers, authorities, duties and functions as the Chief Inspector.

(1C) In relation to a person affected by a decision of the Deputy Chief Inspector, that decision shall be deemed to be a decision of the Chief Inspector whether or not it complies with any directions given by the Chief Inspector.

(b) Section 7 (5)—

Omit “or obstructs”, insert instead “, obstructs, resists or assaults, or uses threatening, abusive or insulting language to,”.

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS.

(1) (a) Section 78 (1), definition of “Ladies’ hairdressing shop”—

Omit the definition.

(b) Section 78 (1), definition of “Men’s hairdressing shop”—

Omit the definition.

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

(2) (a) Section 79 (3) (a)—

Omit “men’s hairdressing shops” where firstly occurring, insert instead “hairdressers’ shops, or a specified class of hairdressers’ shops,”.

(b) Section 79 (3) (a)—

Omit “such employees in any area all men’s hairdressing shops”, insert instead “employees in hairdressers’ shops in any area, or for employees in a specified class of hairdressing shops in any area, all hairdressers’ shops or, as the case may be, all hairdressers’ shops of that class”.

(c) Section 79 (3) (b)—

Omit the paragraph.

(3) (a) Section 85 (1A)—

Omit “, men’s hairdressing shops”.

(b) Section 85 (1B)—

Omit the subsection.

(4) Section 108 (4), (5)—

After section 108 (3), insert :—

(4) Subject to this Division, but notwithstanding subsection (3)—

(a) where the date of issue of a license is after 31st December, 1977, the license shall remain in force until cancelled; and

SCHEDULE

Factories, Shops and Industries (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
HAIRDRESSERS—*continued.*

(b) where the date on which a renewal of a license takes effect is after 31st December, 1977, the renewal shall remain in force until cancelled.

(5) The holder of a hairdresser's license shall, when required so to do by a person prescribed by the regulations for the purposes of this subsection, or a person who is within a class of persons so prescribed, produce his license for inspection by that person.

SCHEDULE 7.

Sec. 5.

AMENDMENT TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Section 144 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
