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[1954

LABOUR AND INDUSTRY ACT 1953 (No. 5771).

*At the Executive Council Chamber, Melbourne, the  
first day of June, 1954.*

PRESENT:

His Excellency the Governor of Victoria.

Mr. Stoneham

| Mr. Scully.

REGULATIONS.

IN pursuance of the powers conferred by the *Labour and Industry Act 1953* and the Acts Interpretation Acts, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby make the following Regulations, to have effect on the first day of July, 1954, that is to say:—

1. For the expression "Chief Inspector" or "Chief Inspector of Factories" wherever appearing in Regulation 8 in Chapter I, Regulation 3 in Chapter II, Regulations 6 and 7 in Chapter IV., and Regulations 3 and 4 in Chapter IX. of the Regulations made by the Governor in Council on the 4th day of March, 1930, under the provisions of the *Factories and Shops Act 1928* and published in the *Government Gazette* on the 7th day of March, 1930, there shall be substituted the word "Secretary."

2. Regulation 2 in Chapter I. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

"APPLICATION TO REGISTER.

2. Every applicant for registration of premises as a factory shall forward written notices containing the particulars required in the following form to both the Secretary and the Council for the district in which the premises are situated either by leaving the same at or sending the same by post to the offices of the Secretary and the Council respectively."

REGISTRATION OF FACTORY (ACT 5771, SECS. 49 AND 51).

\*The Secretary, Department of Labour and Industry, Spring-street, Melbourne.

\*The Municipal Clerk.

I hereby give you notice that I desire to occupy as a factory  
 We we the premises described hereunder:—

The full names of the person or body of persons who will occupy the factory are	
The trade name of the firm is	
The premises are situate at	
Manufacturing process at present carried on	
Manufacturing process intended to be carried on	
The mechanical power is (Electricity, steam, &c., full description required)	
The number of persons working or who will be working (including working employers) is	viz. : males and females.
The premises are built of	
The roof is { lined with	
{ coiled with	
The means of escape in case of fire are (a)	
(b) Stairs built of	
Width of stairs at narrowest part is	
The number of staircases is	
The position of staircases is	
The number of closets for females is	
The number of closets for males is	
Lavatory is provided for	
Urinal is provided for	

\*Strike out whichever is inapplicable.

THE NUMBER OF ROOMS IS....., AND THE DIMENSIONS ARE AS BELOW :—

How Room is Distinguished.	Floor (Ground, First, &c.).	Maximum Number of Persons to Work in Room.	Height.		Length.		Breadth.		Number of Windows.	Number of Doors.	Number of Ventilators.	
			Feet.	Inch.	Feet.	Inch.	Feet.	Inch.			Inlet.	Outlet.

Date when Municipal Council notified of intention to establish factory or change manufacturing process :—

..... day of..... 19.....

Applicant's Signature..... Date / /

NOTE.—Section 203 of the Labour and Industry Act 1953, No. 5771, imposes penalty upon any person making false entry of any particulars in this notice.

3. Regulation 3 in Chapter I. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

NOTICE BY MUNICIPAL COUNCIL.

3. Any notice given by a municipal council to the Secretary pursuant to section 51 of the *Labour and Industry Act* 1953 shall be in the following form:—

Town Clerk's Office,  
Town Hall,  
19

To the Secretary, Department of Labour and Industry,  
Melbourne,

The Municipal Council of \_\_\_\_\_ hereby notifies that the use of the under-mentioned premises as a factory would be in contravention of the municipal by-laws:—

Name of Firm.	Business to be Carried on.	Address (Street, &c.).	Full Description of Premises.	Date of Receipt by Council of Notice of Intention to Establish Factory or to Change Manufacturing Process.

Town Clerk.

4. Regulation 4 in Chapter I. of the said Regulations is hereby rescinded.

5. Regulation 6 in Chapter I. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

“RECORD OF FACTORY EMPLOYEES TO BE SENT IN.

6. On or before the 8th day of January in each year or at such other time as may be demanded by the Secretary a record in the following form shall be forwarded to the Secretary:— Act 5771, Sec. 122

Factory occupied last year by

RECORD OF EMPLOYEES.—For use by Factory Occupiers only.

Trade

Name of Employer (in full)

Trading Name (if any)

Street, Number, and Locality of Factory (in full)

If you have any other factory, please furnish address

The total number of persons employed during the first week in December, 19\_\_\_\_, including working employers and persons such as carters working outside but in connexion with the factory, is—

Males.	Females.	Total.



RECORD OF ALL EMPLOYEES, INCLUDING WORKING EMPLOYERS, CARTERS, CLERKS, PACKERS, APPRENTICES, IMPROVERS, AND ALL OTHERS.

Name of Employee.	Description of Work. (Apprentices or Improvers should be clearly indicated.)	Age. (If Adult, Insert A. If under 21, Insert Exact Age.)	Sex. M. or F.	Number of Hours Worked during the Week.	Amount of Week's Earnings.	
					Wages.	Piece-work.
					£ s. d.	£ s. d.

Declaration.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby declare that the above is a full and complete list of all persons (including working employers and members of their families, carters, clerks, packers, and others working in connexion with the factory) employed during the first week of December, 19\_\_\_\_, and that it is true and correct in every particular.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of Occupier or Manager

Another form should be obtained if more space required.

6. Regulation 1 in Chapter II. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

“ CHAPTER II.

*Shops.*

1. Every applicant for registration of any place as a shop shall forward to the Secretary full particulars of such place, and of the persons employed or to be employed therein, including the carters, together with the proper fee for registration, in the following form:—

REGISTRATION OF SHOP (ACT 5771, SEC. 49).

Names in full of Occupier or Occupiers

Class or Kind of Shop

Trading Name (if any)

Address of Shop (Street Number and Locality in full)

Postal District

Description of Shop Building (viz.: Material of Building, Number of Rooms, &c.)

Shop occupied last year by

The Number of Shop Employees, including Carters, &c., will be:—

(Owners, occupiers, or partners, or their wives, sons, or daughters, are employees if they do any of the work of the shop.)

Males.	Females.	Total.

The Registration Fee of £ \_\_\_\_\_ : \_\_\_\_\_ s. \_\_\_\_\_ d. is forwarded herewith.

(NOTE.—Scale of fees below.)

Signature of Occupier or Partner

Date

The Secretary,

Department of Labour and Industry,  
Spring-street, Melbourne, C.1.

DIRECTIONS.

“Shop” means any building or place or portion of a building or place or any stall tent vehicle or pack in which goods are exposed or offered for sale by retail, and includes any rooms of hairdressers or barbers, boot repairers' shops, farriers' workshops, the rooms of dyers and clothes cleaners commonly known as dyers' shops and clothes cleaners' shops and of agents of any such dyer or clothes cleaner, lending libraries, undertakers' establishments and the rooms of tailors or photographers. (Act 5771, s. 3.) Persons who are purely hawkers or pedlars are not required to register.

It is the duty of every intending occupier of a shop to register at the office of the Secretary, Department of Labour and Industry, Spring-street, Melbourne, by posting or delivering a form properly filled up, with the proper fee, before going into occupation. No notice, written or verbal, will be given. Renewal fees for registration must be paid before 1st day of May in each year. Occupiers of unregistered premises are liable to prosecution. (Penalty up to £100.)

Whenever a shop is transferred to a new occupier or to other premises a fresh registration must be made and a fresh fee paid.

Registration forms are obtainable from the Department of Labour and Industry, Spring-street, Melbourne, or any Inspector of Factories and Shops in the country, or at any Police Station.

When forwarding fee by post, occupiers should not enclose bank notes, cash, or postage stamps, but should remit by money order, endorsed postal note, or crossed cheque (without exchange).

The fees for registration or renewal registration are:—

For every shop in which—

	£	s.	d.
The occupier works alone .. .. .	0	5	0
1 or 2 persons are employed (including working employers) .. .. .	0	10	0
3 or 4 persons are employed .. .. .	1	0	0
5 to 10 persons are employed .. .. .	2	10	0
11 to 20 persons are employed .. .. .	5	0	0
21 to 30 persons are employed .. .. .	6	0	0
31 to 50 persons are employed (including working employers) .. .. .	10	0	0
51 to 100 persons are employed .. .. .	20	0	0

Where more than 100 persons are employed the fee shall be an amount of £20 plus an additional amount of £20 in respect of every additional 50 persons or fraction of 50 persons.

Between the 1st day of September and the last day of February following half-fees are payable on shops first occupied or first used by a new occupier during that period.

The back hereof should be carefully filled in and declared to before this form is sent on with the registration fee.

LIST OF ALL SHOP EMPLOYEES (INCLUDING CARTERS, CLERKS, PACKERS, AND OTHERS WORKING IN CONNEXION WITH THE SHOP) EMPLOYED DURING THE WEEK IMMEDIATELY PREVIOUS TO THE DATE THIS FORM IS FILLED UP.

(Employees should be grouped as far as possible according to the Determination under which they are paid.)

Name of Employee.	Description of Work. (Apprentices or Improvers should be clearly indicated.)	Age. (If Adult, Insert A. If under 21, Insert Exact Age.)	Sex. (M. or F.)	Number of Hours Worked during the Week.	Amount of Week's Earnings.
					£ s. d.

*Declaration.*

I, \_\_\_\_\_ of \_\_\_\_\_ the person registering, do hereby declare that the above is a full and complete list of all persons (including carters, clerks, packers, and others working in connexion with the shop) employed during the week ended \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the shop referred to on the other side hereof, and that it is true and correct in every particular.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signature

7. Chapter VIII. of the said Regulations and Regulation 2 in Chapter IX. thereof are hereby rescinded.

8. Regulation 9 in Chapter IX. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

“CHAFFCUTTING MACHINES.

9. Every chaffcutting machine shall be equipped with:—

- (a) A guard which will at all times cover the feed-box for a distance of twenty-five (25) inches from the centre of the feed rollers: the height of this guard measured from the bottom of the feed-box to the top of the guard shall not in any case exceed twenty (20) inches (inside measurement);

- (b) a reversing lever which must either be carried over the top of the guard in line with and three (3) inches above the edge of the guard nearest the operator, or be connected with a foot-control device of a pattern and make approved of by the Chief Inspector;
- (c) guards which will efficiently cover the upper half of the knife wheel and all gear wheels, so as to prevent bodily injury to any person in the vicinity thereof;

Paragraphs (b) and (c) of this clause shall not apply to machines operated solely by hand power."

9. Regulation 14 in Chapter IX. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

" BAND SAWS.

14. Every band saw (other than log saws and band re-sawing machines), shall be guarded as follows:—

- (a) The rim and front of both top and bottom pulley shall be completely encased in sheet metal or other suitable material;
- (b) All portions of the blade shall be enclosed, except the portion of the blade between the table and the top guide."

10. Regulation 15 in Chapter IX. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

" CIRCULAR SAWS.

15. Every circular saw (except such of them as move towards the timber) shall be so guarded at the top back and lower portion thereof that accidental contact therewith shall not be possible. The guards must conform to the following requirements:—

- (a) All guards shall be readily adjustable to the different sized saws used in the bench;
- (b) The top guard shall be kept as close to the top of the saw as is practicable;
- (c) The back guard shall at all times cover the back of the saw and extend from the top of the bench to the underside of the top guard, and at the bench level be not more than five-eighths of an inch distant from the saw teeth (this condition not to apply to firewood saws guarded with flat strap guard);
- (d) The portion of the saw beneath the bench shall (if not completely enclosed in a dust-collecting hood) be enclosed by means of boards or sheet iron; the enclosure must extend at least two inches below the saw teeth, and the opening therein through which the sawdust passes shall not exceed three inches in width;
- (e) Guards shall be kept in an efficient state, securely fixed, and may only be removed when the nature of the work renders their use impracticable."

11. Regulation 16 in Chapter IX. of the said Regulations is hereby rescinded and the following Regulation is substituted therefor:—

" PENDULUM OR SWINGING CROSSCUT SAWS.

16. Every pendulum or swinging crosscut saw shall be guarded as follows:—

- (a) All teeth above the centre line shall be covered with a hood made of metal or other suitable material;
- (b) If the back of the bench is in such a position that operatives may come in contact with the saw, the back of the saw shall be completely enclosed;





LONG SERVICE LEAVE RECORD.

Name of Employer		Address		Name of Transmitttee(s) of business		Address					
Worker.		Details of Qualifying Period of Employment.		Details of Leave Taken.		Date of Termination of Employment.	Cause of Termination of Employment.	Date of Termination of Employment.	Rate of Ordinary Weekly Pay at Date of Employment.		
Name.	Address.	Capacity in which Employed.	Date of Commencement.	Details of any Additional Periods to be Served.	Date of Ending of Qualifying Period after Accounting for Additional Periods Required to be Served.	From.	To.	Number of Days.	Long Service Leave Pay.	Amount.	How Paid.

14. All tobacconists' shops shall on all days when they may be open at any time be closed and kept closed until the hour of six o'clock in the morning.

15. All shops (except shops of the classes or kinds mentioned in the Sixth Schedule of the said Act) which are situated within a general market provided by the council of a municipality shall, where the hour prescribed by the rules regulations or by-laws of the municipality for the commencement of retail trading is before the hour of eight o'clock in the morning, be closed and kept closed until the earliest trading hour so prescribed on all days when they may be open at any time.

16. All shops (except shops of the classes or kinds mentioned in the Sixth Schedule of the said Act) which are situated in Elizabeth-street between Franklin-street and Victoria-street, in Victoria-street between Elizabeth-street and Peel-street, in Peel-street between Victoria-street and Franklin-street, in Franklin-street between Peel-street and Elizabeth-street, in Therry-street between Queen-street and Elizabeth-street, and in Queen-street between Victoria-street and Franklin-street, all in the City of Melbourne, shall, on all days when they may be open at any time, be closed and kept closed until such hour before the hour of eight o'clock in the morning as may be prescribed from time to time by rules regulations or by-laws made by the Corporation of the City of Melbourne for the opening for retail trading of the general market situated at and to the south-west of the intersection of Victoria-street and Queen-street aforesaid and known as the Queen Victoria Market.

17. No person shall carry on the trade of a wholesale fruit or vegetable seller within a radius of one mile from the intersection of Queen-street and Victoria-street in the City of Melbourne except during the hours and on the days when the Queen Victoria Market aforementioned may be open for wholesale trading in fruit and vegetables pursuant to rules regulations or by-laws made by the Corporation of the City of Melbourne.

And the Honorable Archibald McDonald Fraser, Her Majesty's Minister of Labour for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,

Clerk of the Executive Council.