



ANNO VICESIMO PRIMO

# ELIZABETHAE II REGINAE

A.D. 1972

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## No. 124 of 1972

An Act to amend the Industrial Code, 1967-1972.

[Assented to 30th November, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Industrial Code Amendment Act, 1972". Short titles.

(2) The Industrial Code, 1967-1972, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the "Industrial Code, 1967-1972".

(3) The Industrial Code, 1967-1972, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is repealed and the following section is enacted and inserted in its place:—

3. This Act is divided as follows:—

PART I—PRELIMINARY

Repeal of s. 3 of principal Act and enactment of section in its place—  
Division of Act.

## PART XII—FACTORIES AND SHOPS

DIVISION I—EXEMPTED SHOPS

DIVISION II—REGISTRATION OF OUTSIDE WORKERS

DIVISION V—BAKING HOURS

DIVISION VII—EVIDENCE AND PROCEEDINGS

## PART XIII—INSPECTORS

PART XIV—AMENDMENT OF BAKEHOUSES  
REGISTRATION ACT, 1945-1947

## PART XV—SHOP TRADING HOURS

Schedules.

Repeal of  
certain headings  
of principal  
Act.

## 4. The principal Act is amended by striking out—

- (a) the heading to Part II and the headings to Division I and Division II of that Part;
- (b) the heading to Part III and the headings to Division I, II and III of that Part;
- (c) the heading to Part IV and the headings to Division I and II of that Part;
- (d) the heading to Part V and the headings to Divisions I, II, III and IV of that Part;
- (e) the heading to Part VI and the headings to Division I, II, III and IV of that Part;
- (f) the heading to Part VII;
- (g) the heading to Part VIII;
- (h) the heading to Part IX;
- (i) the heading to Part X;

and

- (j) the heading to Part XI.

Amendment of  
principal Act,  
s. 5—  
Interpretation.

## 5. Section 5 of the principal Act is amended—

- (a) by striking out the definition of “adult”;
- (b) by striking out the definition of “agriculture”;
- (c) by striking out the definition of “allowances”;
- (d) by striking out the definition of “apprentice”;
- (e) by striking out the definition of “association”;

- (f) by striking out the definition of "award";
- (g) by striking out the definition of "child";
- (h) by striking out the definition of "club";
- (i) by striking out the definition of "commission";
- (j) by striking out the definition of "Commission in Appeal Session";
- (k) by striking out the definition of "Commissioner";
- (l) by striking out the definition of "committee";
- (m) by striking out the definition of " 'crane' or 'hoist' ";
- (n) by striking out the definition of "Deputy President";
- (o) by striking out the definition of "employee";
- (p) by striking out the definition of "employer";
- (q) by striking out paragraphs (b), (c) and (d) from the definition of "factory";
- (r) by striking out the definition of "Full Commission";
- (s) by striking out the definition of "improver";
- (t) by striking out the definition of "industrial agreement";
- (u) by striking out the definition of "Industrial Court";
- (v) by striking out the definition of "industrial dispute";
- (w) by striking out the definition of "industrial matters";
- (x) by striking out the definition of "industry";
- (y) by striking out the definition of "juvenile worker";
- (z) by striking out the definition of "living wage";
- (aa) by striking out the definition of "lock out";
- (ab) by striking out the definition of "machinery";
- (ac) by striking out the definition of "office";
- (ad) by striking out the definition of "parent";
- (ae) by striking out the definition of "President";
- (af) by striking out the definition of "Public Service Board";
- (ag) by striking out the definition of "Public Service employees";
- (ah) by striking out the definition of "Railway employees";
- (ai) by striking out the definition of "registered association";
- (aj) by striking out the definition of "Registrar";

- (ak) by striking out the definition of "sanitary convenience";
- (al) by inserting in the definition of "shop" after the passage "building," the passage "yard, place";
- (am) by striking out the definition of "strike";
- (an) by striking out the definition of "warehouse";
- (ao) by striking out the definition of "woman";
- and
- (ap) by striking out the definition of "young person".

Amendment of heading to Part XII of principal Act.

6. The principal Act is amended by striking out the heading to Part XII and inserting in lieu thereof the following heading:—

## PART XII

### FACTORIES AND SHOPS

Amendment of heading to Division I of Part XII of principal Act.

7. The principal Act is amended by striking out the heading to Division I of Part XII and inserting in lieu thereof the following heading:—

### DIVISION I—EXEMPTED SHOPS

Repeal of ss. 161, 162, 163, 164, 165 and 165a of principal Act and enactment of section in their place—  
Exempted shop.

8. Sections 161, 162, 163, 164, 165 and 165a of the principal Act are repealed and the following section is enacted and inserted in their place:—

165a. (1) The Secretary for Labour and Industry may, from time to time, determine whether a shop is or is not an exempted shop within the meaning of this Act and such a determination shall be conclusive evidence in any legal proceedings that the shop in question is or is not an exempted shop for the purposes of this Act.

(2) The Secretary for Labour and Industry may revoke a determination under this section at any time and upon that revocation that determination shall cease to have any further force or effect.

Repeal of s. 166 of principal Act.

9. Section 166 of the principal Act is repealed.

Amendment of heading to Division II of Part XII of principal Act.

10. The principal Act is amended by striking out the heading to Division II of Part XII and inserting in lieu thereof the following heading:—

## DIVISION II—REGISTRATION OF OUTSIDE WORKERS

11. Section 167 of the principal Act is repealed. Repeal of  
s. 167 of  
principal Act.
12. Section 170 of the principal Act is repealed. Repeal of  
s. 170 of  
principal Act.
13. Division III of Part XII of the principal Act, comprising sections 171, 172, 173, 174, 175, 176, 177, 178 and 179, and the heading thereto is repealed. Repeal of  
Division III of  
Part XII of  
principal Act.
14. Division IV of Part XII of the principal Act, comprising sections 180, 181, 182, 183, 184, 185, 186, 187, 188, 189 and 190, and the heading thereto is repealed. Repeal of  
Division IV of  
Part XII of  
principal Act.
15. The principal Act is amended by striking out the heading to Division V of Part XII and inserting in lieu thereof the following heading:— Amendment of  
heading to  
Division V of  
Part XII of  
principal Act.

## DIVISION V—BAKING HOURS

16. Sections 191, 192 and 193 of the principal Act are repealed. Repeal of  
ss. 191, 192 and  
193 of principal  
Act.
17. Division VI of Part XII of the principal Act, comprising sections 195 and 196, and the heading thereto is repealed. Repeal of  
Division VI of  
Part XII of  
principal Act.
18. The principal Act is amended by striking out the heading to Division VII of Part XII and inserting in lieu thereof the following heading:— Amendment of  
heading to  
Division VII  
of Part XII of  
principal Act.

## DIVISION VII—EVIDENCE AND PROCEEDINGS

19. Section 197 of the principal Act is amended— Amendment of  
principal Act,  
s. 197—  
General  
provisions as to  
proceedings for  
offences.
- (a) by striking out the passage “Without limiting the effect of section 124 of this Act, in all proceedings in respect of offences under this Part of this Act” and inserting in lieu thereof the passage “In all proceedings in respect of offences under this Act”;
- (b) by striking out from paragraph (a) the passage “shop, office or warehouse”, twice occurring, and inserting in lieu thereof in each case the passage “or shop”;
- (c) by striking out subparagraph (i) of paragraph (b) and inserting in lieu thereof the following subparagraph:—

(i) that the person, firm or company named in a complaint as the occupier of a factory or the shopkeeper of a shop is not such an occupier or shopkeeper;;

and

(d) by striking out subparagraph (ii) from paragraph (b).

Repeal of  
ss. 198, 199,  
200 and 201 of  
principal Act.

20. Sections 198, 199, 200 and 201 of the principal Act are repealed.

Repeal of  
s. 202 of  
principal Act  
and enactment  
of section in  
its place—  
Fines.

21. Section 202 of the principal Act is repealed and the following section is enacted in its place:—

202. All fines and penalties for an offence under this Act may be recovered before a special magistrate or two or more justices in a summary way.

Amendment of  
principal Act,  
s. 203—  
Regulations.

22. Section 203 of the principal Act is amended by striking out paragraphs (a) and (b) from subsection (1).

Amendment of  
heading to  
Part XIII of  
principal Act.

23. The principal Act is amended by striking out the heading to Part XIII and inserting in lieu thereof the following heading:—

### PART XIII

#### INSPECTORS

Amendment of  
heading to  
Division I of  
Part XIII of  
principal Act

24. The principal Act is amended by striking out the heading to Division I of Part XIII.

Repeal of  
s. 206 of  
principal Act.

25. Section 206 of the principal Act is repealed.

Repeal of  
ss. 207 and 208  
of principal  
Act and enact-  
ment of  
sections in their  
place.

26. Sections 207 and 208 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

207. (1) Any inspector may at any time enter into or upon any premises, place, factory or shop for the purpose of exercising or performing any of his powers or functions under this Act, or for the purpose of ascertaining whether or not any provision of this Act has been complied with.

(2) In the exercise of his powers under subsection (1) of this section an inspector may be accompanied by such other persons as to him seem necessary or desirable in the circumstances.

(3) Any inspector may—

(a) inspect or take copies of any book, paper or document or any record of any description, whether or not of the same kind as the foregoing, which in his opinion may disclose information as to whether or not this Act is being complied with;

(b) require any person to answer any question put to him by the inspector, whether that question is put to him directly or through an interpreter;

and

(c) inspect, examine, photograph, or otherwise make a record of, or make tests on, any matter or thing he finds in or on any premises, place, factory or shop referred to in subsection (1) of this section or remove any such matter or thing for the purposes of making any such inspection or examination.

(4) The person for the time being in charge of any premises, place, factory or shop, or the person having the custody or control of any matter or thing shall not refuse or fail to do all things necessary to facilitate the exercise by an inspector of the powers conferred on him by this section.

Penalty: Two hundred dollars.

(5) A person to whom a question is put pursuant to paragraph (b) of subsection (3) of this section shall not refuse or fail to answer that question to the best of his knowledge, information and belief.

Penalty: Two hundred dollars.

208. (1) An inspector, former inspector or any person exercising any power or function under this Act shall not otherwise than in the course of his official duty make public any information that comes to his knowledge in the exercise of his powers and functions.

Inspector  
divulging  
contents of  
records, etc.

(2) An inspector shall not have any direct or indirect financial interests, other than such an interest that has been disclosed in writing to the Secretary for Labour and Industry, in any premises or place subject to his inspection.

(3) Any person who is guilty of any contravention of this section shall be liable to a penalty not exceeding two hundred dollars.

Repeal of  
ss. 209, 210,  
211, 212, 213,  
214, 215 and  
216 of principal  
Act.

27. Sections 209, 210, 211, 212, 213, 214, 215 and 216 of the principal Act are repealed.

Repeal of  
Division II of  
Part XIII of  
principal Act.

28. Division II of Part XIII of the principal Act, comprising section 218, and the heading thereto is repealed.

Repeal of  
Second  
Schedule to  
principal Act.

29. The second schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor