

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1915.

A BILL

To amend the Acts relating to Early Closing; to limit the hours of cartage and delivery by vehicles; to enable the Industrial Court and industrial boards to amend and extend the law relating to early closing; to amend the Industrial Arbitration Act, 1912; and for purposes incidental thereto or consequent thereon.

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 :—

1. This Act may be cited as the "Early Closing (Amending) Act, 1915," and shall be construed with the Early Closing Act, 1899 (hereinafter referred to as the Principal Act), the Early Closing (Amendment) Act, 1900, the Early Closing (Hairdressers' Shops) Act, 1906, the Saturday Half Holiday Act, 1910, and the Early Closing (Amendment) Act, 1910. Short title.

2. The Principal Act is amended, as follows :—

(a) By substituting the word "nine" for the word "ten" wherever occurring in section one. Amendments of Principal Act, s. 1.

(b) By substituting the word "six" for the word "twelve", and by substituting the word "nine" for the word "ten" where occurring in section eight. Sec. 8.

(c) By inserting in section eleven after the word "proclamation" the words "annul the constitution or" and by inserting after the word "district" the words "and may by proclamation alter or repeal any proclamation made under the provisions of this Act." Sec. 11.

(d) By substituting the words "two months" for the words "one month" where they occur in section nineteen. Sec. 19.

(e) By inserting in section twenty-one in the definition of "shop assistant", as amended by section six of the Act No. 29 of 1906, the words "storeman and packer" after the word "clerk". Sec. 21.

3. The Early Closing (Amendment) Act No. 81, 1900, is amended, as follows :— Amendment of Act No. 81, 1900, s. 5.

(a) By substituting for the word "area" the words "shopping district" in section five.

(b) By substituting the word "nine" for the word "ten" where it occurs in section six. Sec. 6.

(c) By substituting for the word "area", wherever occurring, the words "shopping district" in sections twelve and thirteen. Secs. 12 and 13.

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4. The Saturday Half-holiday Act, 1910, is amended as follows :—

Amendments of Saturday Half-holiday Act.

(a) By repealing the first paragraph of section three and inserting the following in lieu thereof :—

“ Notwithstanding anything contained in the said Acts or any Acts amending the same, the closing time on the hereinafter mentioned days, for all shops (other than those of the classes or kinds mentioned or specified in Schedule One to the Principal Act and other than hair-dressers', butchers', and poulterers'), shall in every week be one o'clock in the afternoon of Saturday, and six o'clock in the afternoon of Wednesday, and nine o'clock in the evening of Friday.”

(b) By the repeal of section five of the Act.

(c) By the repeal of the Schedule to the said Act.

Amendment of the Act No. 23 1910.

5. The Early Closing (Amendment) Act, No. 23, 1910, is amended—

(a) by repealing section two and inserting the following section in lieu thereof :—

Closing time for butchers', poulterers', and hair-dressers' shops.

“ 2. Notwithstanding anything contained in the Early Closing Act, 1899, the Early Closing (Amendment) Act, 1900, or the Early Closing (Hairdressers' Shops) Act, 1906, the closing time for all butchers' poulterers' and hair-dressers' shops shall in each week be—

one o'clock in the afternoon of Saturday ;
six o'clock in the evening for butchers and poulterers, and seven in the evening for hairdressers' shops on the five other week days.

All such shops shall close on those days not later than the hours above mentioned :

Provided that nothing in the above provision shall affect the operation of section eight of the Early Closing (Amendment) Act, 1900.”

(b) by repealing section six.

6. No person shall in the metropolitan or Newcastle shopping district cart or deliver by vehicle, or permit any other person in his employment to cart or deliver

Hours of cartage and delivery by vehicle.

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by vehicle, any goods, wares, merchandise, or materials whatsoever after half-past seven o'clock in the evening on any Monday, Tuesday, Wednesday, or Thursday, or after half-past nine o'clock in the evening on Friday, or after half-past one o'clock in the afternoon on Saturday, of any week :

Provided that on the evening immediately preceding a public holiday cartage or delivery may be continued until ten o'clock :

Provided further that the restrictions contained in this section shall not until otherwise directed by order or award, as provided for in the next following section, apply to cab-drivers or to persons delivering parcels of laundry work, bread, newspapers, milk, meat, or other perishable articles of human food, or, from the first day in November in any year to the thirty-first day of March next following, to persons delivering aerated waters, or cordials, or ice.

7. The provisions of the Principal Act and the Acts recited in section one of this Act and the provisions of this Act may, in respect of all or any of the shops, businesses, or persons to which or to whom such provisions are applicable, be from time to time modified or altered by an award of the Court of Industrial Arbitration or an industrial board constituted under the Industrial Arbitration Act, 1912, or any Act amending the same, to any effect deemed proper or convenient by such court or board, and in particular so that any such shop, business, or person to which or to whom such provisions are applicable may be wholly or partly relieved of the incidence of such provisions.

Court of Industrial Arbitration and industrial boards may amend Acts relating to early closing.

The Court of Industrial Arbitration or an industrial board constituted as aforesaid may in its discretion declare that the place in which any industry is carried on shall be a shop of a certain class within the meaning of the Principal Act, the Acts mentioned in section two of this Act, and of this Act, to the intent that the provisions of such Acts in their original or any modified or altered form which to the said court or board may seem expedient shall apply to such industry and to every person employed in or in connection therewith, and

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to the further intent that when an award fixed times at which employees shall cease work in shops of that class such shops shall, whether employees are or are not employed therein, be closed at such times as may be fixed by such award.

The said court or board may, from time to time, revoke in the whole or in part any such modification, alteration, or declaration, whereupon and pending the making of further awards or orders the statutory provisions shall revive and again operate if the revocation be complete without modification, alteration, or extension of any kind, or if the revocation be partial, subject to such conditions and limitations as may be expressed :

Provided that an award containing any such declaration or revocation as herein provided shall be forthwith laid before both Houses of Parliament, if Parliament is then sitting, or if not sitting, then within fourteen days after the next meeting of Parliament; and if any such declaration or revocation shall be disapproved of by the Minister, if Parliament be not in session, within one month of the publication of the award in which it is contained, or by either House of Parliament within one month after such award shall have been so laid before such House, such declaration or revocation, or such parts thereof as shall have been disapproved of, shall not be enforced.
