

No. , 1930.

A BILL

To make further provision with respect to the times of opening and closing of certain shops; to amend the Early Closing Act, 1899, the Police Offences Act, 1901, and certain other Acts; and for purposes connected therewith.

[CAPTAIN CHAFFEY;— 1930.]

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. (1) This Act may be cited as the "Early Closing Short title. (Amendment) Act, 1930."

(2) This Act shall be read and construed with the Early Closing Act, 1899, as amended by subsequent Acts.

(3) The Early Closing Act, 1899, as so amended, is in this Act referred to as the Principal Act. 5

Amendment
of Act No. 38,
1899.
Sec. 7.

2. The Principal Act is amended—

(a) by inserting at the end of section seven the following paragraph and new subsection :—

It shall be a sufficient defence to a prosecution for an offence under this subsection if the 10 person charged proves—

Sales of
motor spirit
or accessories.

(a) that the business of selling motor spirit, motor oil, carbide, motor parts or accessories is usually carried on by him at the shop in respect of which the 15 alleged offence was committed; and

(b) that the acts constituting the alleged offence were done by him solely in connection with the sale of motor spirit, motor oil, or carbide, or in connection 20 with the sale of motor parts or accessories for repair purposes.

Butchers
shop not to
open before
opening time.

(2) If any butcher's shop situate within any shopping district is open on any day before the opening time fixed for the ordinary hours of 25 work for such day in respect of such shop or is open at any time on any day appointed as a close holiday by an award regulating the conditions of employment of employees in butchers' shops, the shopkeeper of the shop 30 and any person acting or apparently acting in the management of the shop shall be guilty of an offence against this Act.

New s. 7A.

(b) by inserting in Part I next after section seven the following new section :— 35

Schedule
shop
penalties.

7A. (1) Any shopkeeper of a shop, or any person acting or apparently acting in the management of a shop mentioned in Schedule One, or of a tobacconist's shop, or of a hair-dresser's shop, who is guilty of an offence 40 under

under section seven of this Act in respect of a particular shop, shall for the first offence be liable to a penalty of not less than *five* pounds and not exceeding *ten* pounds, and for a second offence to a penalty of not less than *ten* pounds and not exceeding *thirty* pounds, and for a third or any subsequent offence, to a penalty of not less than *thirty* pounds and not exceeding *one hundred* pounds.

Where there have been three convictions for breaches of the provisions of section seven in respect of the sale of goods in such a shop, all the provisions of this Act, including any amendment thereof, relating to hours of closing, so far as they apply to shops other than shops mentioned in Schedule One, tobacconists', hairdressers', or butchers' shops, shall also apply to that shop so long as the shopkeeper who or whose employee is convicted continues to occupy the shop.

(2) Any shopkeeper of a shop, or any person acting or apparently acting in the management of a shop, other than a shop mentioned in Schedule One, and other than a tobacconist's or hairdresser's shop, who is guilty of an offence under section seven of this Act, shall, for the first offence, be liable to a penalty of not less than *two* pounds and not exceeding *five* pounds, and for a second offence to a penalty of not less than *five* pounds and not exceeding *twenty-five* pounds, and for a third or any subsequent offence to a penalty of not less than *twenty-five* pounds and not exceeding *fifty* pounds.

Non schedule shop penalties.

(c) by inserting in section fifteen next after the word "shall" the words "except where a penalty is otherwise specifically provided";

Sec. 15. (Penalties.)

(d) by inserting in section eighteen next after paragraph (f) the following new paragraph:—

Sec. 18. (Regulations.)

(f1) determining and prescribing in respect of any railway refreshment-room or railway

Definition of class or kind of shops.

Early Closing (Amendment).

railway bookstall or railway shop, or in respect of any butcher's shop, or shop mentioned in Schedule One to this Act, or tobacconist's shop or hairdresser's shop, what class or classes of trade shall, 5 for the purposes of this Act, be deemed to be those usually carried on in such shop, and providing that such class or classes of trade, and no others, shall be deemed to be the class or classes of 10 trade usually carried on in such shops.

Sec. 21.
(Definitions.)
Automatic
machines.

(e) (i) by inserting in section twenty-one after the word "public" in the definition of "Close" the words "and in the case of an automatic machine or mechanical con- 15 trivance means close";

(ii) by omitting from the same section the definition of the word "Employ" and by inserting in lieu thereof the following new definition:— 20

"Employ" means engage, permit, or suffer any person, whether for wages or any other remuneration or not, to perform any kind of work whatever, and "Employee" has a cor- 25 responding meaning.

(iii) by inserting in the same section after the definition of "Newcastle Shopping District" the following new definitions:—

"Open" means open to the admission of 30 the public.

"Prescribed" means prescribed by this Act or the regulations made there- under.

(iv) by inserting in the same section after the 35 word "pack" in the definition of "Shop" the words "or automatic machine or mechanical contrivance";

(v) by inserting in the same section after the word "clerk" in the definition of "Shop 40 Assistant" the words "storeman or packer"; (f)

- (f) by omitting from section twenty-three all words following the words "apply to" and by inserting in lieu thereof the following paragraphs :—
 - (a) any railway refreshment-room, railway bookstall, or railway shop which is so placed, situated, and kept that it is accessible only to bona fide travellers arriving or departing by trains other than trains plying only within the Metropolitan and Newcastle Shopping Districts; or
 - (b) to premises in respect of which a publican's license is in force.
- (g) by inserting after section twenty-three the following new section :—

23A. (1) This Act and every Act amending this Act shall bind the Crown, and any statutory body representing the Crown.

(2) In this section the expression "Statutory body representing the Crown" includes the Railway Commissioners for New South Wales, The Sydney Harbour Trust Commissioners, and any public body which the Governor may, by proclamation published in the Gazette, declare to be a statutory body representing the Crown.
- 4.** The Early Closing (Amendment) Act, 1900, is amended—
 - (a) by omitting from section eighteen the words "In cases of emergency caused by fire, flood, or disease";
 - (b) by omitting section nineteen and by inserting in lieu thereof the following section :—

19. Nothing in the Principal Act or this Act shall apply or be deemed to have applied in respect of a sale at—

 - (a) any bazaar or fancy fair which is held for receiving funds in aid of any eleemosynary or charitable institution or any school of arts or returned soldiers' institution; or

Sec. 23.
(Exemption of certain establishments.)

New s. 23A.

Act to bind Crown.

Amendment of Act No. 81, 1900.

Sec. 18.

Sec. 19.

Application of Acts.

Bazaar or show.

123

Early Closing (Amendment).

- (b) any exhibition, or agricultural, pastoral, or horticultural society's show approved by the Minister.

Amendment of Act No. 64, 1915, s. 2. Butchers' shops.

5. The Early Closing (Amendment) Act, 1915, is amended by inserting in section two after the word "cessation" the words "of the ordinary hours of."

Amendment of Act No. 5, 1901, s. 61. (Sunday trading.)

6. The Police Offences Act, 1901, is amended by adding at the end of section sixty-one the following paragraph:—

It shall be a sufficient defence to a prosecution under this section if the person charged proves—

- (a) that the business of selling motor spirit, motor oil, carbide, motor parts or accessories is usually carried on by him at the shop, store, or place in respect of which the alleged offence was committed; and
- (b) that the acts constituting the alleged offence were done by him solely in connection with the sale of motor spirit, motor oil, or carbide, or in connection with the sale of motor parts or accessories for repair purposes.
