

Early Closing Bill, 1916.

PREFACE.

THE Bill submitted takes the form of a consolidation and amendment of the Acts at present in force. The principal alterations in the existing law are as follows:—

- (1) A universal Saturday half-holiday is fixed for all non-scheduled shops. (Section 6.)
- (2) Friday is made the late night for non-scheduled shops (section 6). The closing time on late nights is altered from 10 o'clock to 8 o'clock. (Section 6.)
- (3) The provisions permitting non-scheduled shops to remain open until 6 p.m. on the weekly half-holiday in any week in which occurs a public holiday or holiday for religious purposes, observed by them as such, and permitting them to remain open until 10 p.m. on the eve of New Year's Day and Good Friday, provided they observe such days as holidays, are omitted. The special provisions in case of Christmas Day falling on a Sunday or Monday are omitted. Where this happens the Friday night provision (section 6) is considered sufficient. (See section 7.)
- (4) The Bill provides for the fixing of an opening time for shops, but, except in the case of butchers, farriers, and hairdressers' shops, leaves such opening times to be fixed by the Court of Industrial Arbitration or Industrial Boards. A definition of "open" is also inserted. (See section 5 and section 29.)
- (5) The provision for the taking of a poll in country shopping districts as to the closing times and half-holidays is omitted, section 29 of the Bill providing for the alteration or modification of the provisions of the Act by orders of the Court of Industrial Arbitration or awards of boards. This renders the taking of polls unnecessary.
- (6) Chemists' shops, druggists' shops, private and public dispensaries, butchers' shops, and poulterers' shops are omitted from the list of scheduled shops. (Section 8.) (Poulterers' shops were added to the Schedule by section 6 of Act No. 23 of 1910.)
- (7) The closing time for hairdressers' shops is fixed at 7.30 p.m. on five week days, and 1 o'clock on Saturdays. (No extra half-hour being allowed as at present). (Section 8.)
- (8) Chemists' shops must be bona fide closed at the times prescribed by the Bill, but such shops may be temporarily opened for the supply of drugs or medicine prescribed as urgent. Managers or deputy managers who are registered pharmacists may work after the closing time. (Sections 9 (1) (b) and 10 (1).)
- (9) An earlier closing time is fixed for butchers' shops and farriers' shops than for other non-scheduled shops, such times being Monday to Friday inclusive 5 o'clock, Saturday 1 o'clock. The existing state of the law in connection with butchers' shops is not affected by this Bill.
- (10) The allowance for attending to customers in the shop at the fixed closing time is reduced from half-an-hour to fifteen minutes. (Sections 9 and 10.)
- (11) The hours of cartage and delivery by vehicles are limited. (Section 15.)
- (12) Should the times or days of closing fixed by the Bill prove inconvenient in practice or work a hardship in particular districts or on special occasions they may be altered by the Court of Industrial Arbitration or an industrial board. (Section 29.)
- (13) It is provided that where an award of the court or a board has fixed times at which employees shall cease work in shops of any class, the court or board may declare that such shops shall be closed at such times as may be fixed by the award whether employees be employed therein or not. (Section 29.)
- (14) The number of days in each half-year on which shop assistants may be employed beyond the ordinary closing time has been reduced from twelve to six. (Section 10.)
- (15) The maximum hours of employment for shop assistants employed in scheduled shops is reduced from 60 to 56, subject to the Eight Hours Act. (Sections 11 and 28.)
- (16) The special exemption of public-houses and hotels from the provisions of the Act, except as to hours of employment and half-holidays, is taken away.
- (17) The period within which informations may be laid in respect of offences against the Act or Regulations thereunder is extended from one to two months. (Section 21.)
- (18) The operation of the Eight Hours Act is saved. (Section 27.)
- (19) Agricultural, pastoral, and horticultural shows are exempt from the Act and exhibitions for which the Minister's assent has been obtained. (Section 25.)
- (20) Breadcarters in the metropolitan shopping district are to get the first and third Wednesdays in each month instead of the third Wednesday only as at present, and in any other shopping district are to get two whole day holidays instead of four half-days as at present. Carters of milk, meat, or other goods in any shopping district retain their present privileges, namely, four half-days from 2 p.m., or one whole day per month. (Section 13.)

- (21) The Governor's powers are extended in respect of the constitution of shopping districts. (Sections 4 and 16).
 (22) The boundaries of the Newcastle shopping district are extended. (Sch. IV.)
 (23) The Minister may accept records kept under any other Acts as a compliance with this Act. (Section 24.)

The table hereunder shows the closing time for all shops under the present Acts and the alteration effected by the proposed Amending Bill.

Closing Hours.

Class of shops.	Under present law.	Amending Bill.
Chemists' shops Druggists' shops Private dispensaries Public dispensaries... ..	9 o'clock on five week days 11 o'clock Saturdays.	{ Monday, Tuesday, Wednesday, Thurs- day, 6 o'clock; Fri- day, 8 o'clock; Satur- day, 1 o'clock.
Flower shops	9 o'clock on five week days, 11 o'clock on Saturdays	8 o'clock on five week days, 10 o'clock on Saturdays.
Fruit shops Vegetable shops Confectioners' shops Public-houses, hotels, and wine shops. Newspaper and newsagents' shops.	11 o'clock each week-day	Unaltered.
Newsagents in Metropolitan shopping district.	{ 8 o'clock four week-nights... .. 10 o'clock Friday and Saturday	} Unaltered.
Tobacconists' shops	11 o'clock each week day	Half-past 7 o'clock on five week days, 1 o'clock on Saturdays.
Restaurants Refreshment shops... .. Eating houses Fish shops Oyster shops Cooked provision shops	12 midnight on all week-days " " "	Unaltered. 8 o'clock on five week days, 10 o'clock on Saturdays.
<i>Metropolitan and Newcastle shopping district.</i>		
Hairdressers	Option of Wednesday or Saturday for half-holiday. One night 10 o'clock, such night being either on Saturday or Friday according as to whether Wednesday or Saturday is chosen for the half-holiday. Further option in Newcastle shopping district, when Wednesday is the half-holiday, to have late night either Friday or Saturday, other days half-past 7 o'clock. Customers in the 'shop at the fixed closing time may be attended to within one half-hour after such closing time.	Half-past 7 o'clock on five week days, 1 o'clock on Saturdays. Shop must close at fixed closing time, no allowance being made for attending to customers in the shop at such time.

CLOSING HOURS—*continued.*

Class of shops.	Under present law.	Amending Bill.
	<p style="text-align: center;"><i>Country shopping districts generally.</i></p> <p>One week-day 1 o'clock, one week-day 10 o'clock; other week-days 7·30. Poll to alter half-holiday. Country shopping district where Saturday has been chosen for half-holiday for non-scheduled shops—1 o'clock Wednesday, 10 o'clock Saturday, 7·30 on other days. Allowance of half-hour as in Metropolitan and Newcastle shopping district.</p>	<p>Half past 7 o'clock on week days, 1 o'clock on Saturdays. No allowance.</p>
Butchers and Poulterers ...	<p style="text-align: center;"><i>Metropolitan and Newcastle shopping district.</i></p> <p>Option of Wednesday or Saturday for half-holiday—one night 10 o'clock, such night being either on Saturday or Friday according as to whether Wednesday or Saturday is chosen for the half-holiday. Further option in Newcastle shopping district, when Wednesday is the half-holiday, to have late night either Friday or Saturday, other week days 6 o'clock.</p>	<p>Monday to Thursday (inclusive) 6 o'clock (butchers 5 o'clock), Friday 8 o'clock (butchers 5 o'clock), Saturday 1 o'clock.</p>
	<p style="text-align: center;"><i>Country shopping districts generally.</i></p> <p>One week day 1 o'clock, one week day 10 o'clock, other week days 6 o'clock. Poll to alter half-holiday. Country shopping district where Saturday has been chosen for half-holiday for non-scheduled shops, 1 o'clock, Wednesday; 10 o'clock, Saturday; 6 o'clock, other days.</p>	<p>Monday to Thursday (inclusive) 6 o'clock, (butchers 5 o'clock), Friday 8 o'clock (butchers 5 o'clock), Saturday 1 o'clock.</p>
Farriers	<p>Acts do not apply.</p> <p style="text-align: center;"><i>In Metropolitan, Newcastle, and Northumberland shopping districts.</i></p>	<p>Monday to Friday (inclusive) 5 o'clock, Saturday 1 o'clock.</p>
All other shops	<p>Monday, Tuesday, Wednesday, and Thursday, 6 o'clock; Friday 10 o'clock, Saturday 1 o'clock.</p> <p style="text-align: center;"><i>In country shopping districts.</i></p> <p>One week-day 1 o'clock, one week-day 10 o'clock, four other week-days 6 o'clock. Half-holiday and late night chosen by poll.</p>	<p>Monday to Thursday (inclusive) 6 o'clock, Friday 8 o'clock, Saturday 1 o'clock.</p> <p>Monday to Thursday (inclusive) 6 o'clock, Friday 8 o'clock, Saturday 1 o'clock.</p>

Synopsis of Sections.

Title

THIS now reads as follows:—

“ A Bill to consolidate and amend the Acts relating to early closing ; to regulate the times of opening and closing of shops, and the employment of shop assistants and persons delivering goods, and to limit the hours of cartage and delivery by vehicles ; to enable the Court of Industrial Arbitration and the Industrial Boards to amend and extend the law relating to early closing, and other provisions of this Act ; to amend the Industrial Arbitration Act, 1912, the Auctioneers' Licensing Act, 1898, the Auctioneers' Licensing (Amendment) Act, 1915, the Police Offences' Act, 1901, and other Acts ; and for purposes consequent thereon or incidental thereto.”

Section 1.—Short Title and Divisions of Act.

The short title is similar to the short title of the Early Closing Act of 1899, “ 1916 ” being substituted for “ 1899. ” The Bill comprises twenty-nine sections, and is divided into five parts with numerous sub-headings. There are four schedules.

Part I, section 1-4, deals with preliminary matters, such as the title and form of Bill ; repeal of prior statutes on the same subject ; the saving of prior regulations, definitions, and the provisions relative to the constitution of shopping districts.

Part II, sections 5-9, deals with the opening and closing of shops.

There are three subdivisions:—

Division 1, section 5, relates to the opening time for shops.

Division 2, sections 6-8, relates to the closing time for shops.

Division 3, section 9, penalises the non-observance of the fixed opening and closing times, and at the same time states a number of special exemptions.

In the Acts at present in force these matters are scattered over a number of sections, sometimes widely separated. The present grouping reduces the bulk of the Bill, and should greatly facilitate reference.

Part III, sections 10-15, contains special provisions relating to shop assistants and carters.

Part IV deals with general and supplemental provisions, *e.g.*, the appointment and powers of inspectors, amount of penalties, and matters of procedure, powers of making regulations, the exemptions of certain places, and power to suspend the operation of the Act in cases of emergency.

Part V provides for the modification of the Act.

It will be observed that the arrangement of the new Bill is such that it covers in twenty-nine sections the matters at present requiring five Acts, comprising seventy-five sections. Further, of the twenty-nine sections in the new Bill four are entirely devoted to new matter, *viz.*, sections 5, 15, 16, and 29.

(The Consolidating Bill submitted to this House in March, 1912, comprised thirty-seven sections, and contained no new provisions).

Section 2.—Repeals and Savings.

Rules and Regulations under repealed Acts are continued in force so far as they are applicable to the provisions of this Bill. Awards affecting butchers under Act No. 64, 1915, are kept in force.

(By section 24 (h) the Governor is empowered to annul or alter such regulations.)

Section 3.—Definitions.

Subsection (1) corresponds to section 21 of Act No. 38 of 1899 as amended by section 16 of Act No. 81 of 1900 and by sections 6 and 14 of Act No. 29 of 1906.

The definitions of “ Metropolitan Shopping District ” and of “ Newcastle Shopping District ” are omitted. (See section 4.)

The definition of “ open ” is new, and is the converse of the definition of “ close ” which is in the Act No. 38 of 1899.

The definition of "shops" is extended to include places in which the business of an "auctioneer or merchandise" or a "farrier" is carried on, but is not to include what are exclusively wholesale businesses.

The definition of "shop assistant" is extended to include "manager, branch manager, storeman or packer."

The definition of "shopkeeper" is extended to include "canvasser or travelling representative" of a retail shop.

Subsection (2) corresponds to section 22 of Act No. 38 of 1899.

Section 4.—Constitution and alteration of shopping districts.

Subsections (1) and (2) are formed from the definition of "Metropolitan Shopping District" and "Newcastle Shopping District" in section 21 of Act No. 38 of 1899.

The boundaries of the Newcastle Shopping District have been extended to include the municipalities of Greta, Maitland East, Maitland West, Morpeth, and Singleton; that is to say, it now comprises as well as Stockton all the municipalities within the County of Northumberland.

Subsection (3) replaces section 2 of Act No. 38 of 1899, and is extended to cover "shires."

Subsection (4) replaces section 11 of Act No. 38 of 1899, section 4 of Act No. 8 of 1900, and section 8 of Act No. 29 of 1906. (Note also section 16 of this Bill.)

An additional power is added, viz., to "annul the constitution" of a shopping district.

Section 5.—The opening time for shops.

This section is one of the innovations of the Bill submitted. It provides for the fixing of "opening" times for shops. Except in the case of butchers' shops, farriers' shops, and hairdressers' shops, the fixing of such opening time is left to the Court of Industrial Arbitration or an Industrial Board under section 29; this to ensure that ample consideration shall be given to the interests of all parties and to the requirements of particular localities.

Section 6.—The closing time for shops.

The section replaces sections 3 and 5 of Act No. 12 of 1910, section 3 of Act No. 81 of 1900, and section 8 of Act No. 29 of 1906.

Material alterations have been made. Saturday is fixed as the half-holiday and Friday as the late night for non-scheduled shops.

The closing time on the late night is fixed at 8 o'clock.

Farriers' shops and butchers' shops have no late night, and are to close at 5 p.m. from Monday to Friday, inclusive.

As chemists' shops and dispensaries are not included in the Schedule, the closing times fixed by this section apply to them, but note proviso in section 9, subsection 1 (b), which permits of a temporary reopening after these hours for the supply of drugs, &c., prescribed as urgent by a doctor, and the proviso to clause 10 (1) which enables a shop-assistant who is a registered pharmacist acting as manager or deputy-manager to work after shop is closed.

The closing time for butchers' shops is very similar to that fixed by the Victorian Factories and Shops Act, 1912 (No. 2,386), section 81, as amended by the Victorian Factories and Shops Amendment Act, 1914, section 4 (c), for butchers' shops in the metropolitan district of Victoria, viz., Monday to Thursday inclusive, 5 o'clock; Friday, 8 o'clock; and Saturday, 1 o'clock.

The reference respecting the closing-time for butchers' shops replaces portion of section 2 of Act No. 64, 1915. The proviso to section 6 corresponds with the proviso to clause 4 of Act No. 64, 1915.

As regards the 1 o'clock Saturday closing, it is interesting to note that the Victorian Factories and Shops Amendment Act, 1914, section 3, subsection (1), provides for the closing of all shops in Victoria (except butchers' shops, chemists' shops, booksellers' shops, and shops similar to those in the Second Schedule to the Bill submitted) at 1 o'clock on Saturdays. Section 4 (c) and 4 (k) of the same Act fixes the same hour for butchers' shops. There is, however, a proviso that the Governor-in-Council may on petition of a majority of the shopkeepers of any district outside the metropolitan district make regulations fixing other hours (section 3 (1)). (Compare section 29 of the Bill submitted.)

By section 51 of the Queensland Factories and Shops Act of 1900, as amended in 1908, all shops in Queensland (except shops similar to those in the Second Schedule to this Bill) close at 9 o'clock on Fridays and 1 o'clock on Saturdays. (The half-holiday may, however, be altered by poll, sec. 52.)

Section 7.—Closing time on Christmas Eve.

This section replaces section 8 of Act No. 81 of 1900, but with considerable modification. The amendments effected in section 8 by section 10 of Act No. 29 of 1906 and sections 4 and 7 of Act No. 23 of 1910 are omitted.

The modifications and omissions referred to are as follows :—

The provisions permitting non-scheduled shops to remain open until 6 p.m. on the weekly half-holiday in any week in which occurs a public holiday or holiday for religious purpose, observed by them as such, and permitting them to remain open until 10 p.m. on the eve of New Year's day and Good Friday, provided they observe such days as holidays (section 8 of Act No. 81 of 1900) are omitted. The reference to hairdressers' shops (section 10 of Act No. 29 of 1906) is omitted—hairdressers' shops now being in the Schedule. The special provisions in case of Christmas Day falling on a Sunday or Monday (section 7 of Act No. 23 of 1910) are omitted. Where this happens the Friday night provision (section 6) should be sufficient.

Section 8.—Closing time for scheduled shops.

This section prescribes the closing time for scheduled shops. The arrangement of the Schedule has been slightly altered.

Subsection (1), Part I, of the Second Schedule now comprises hairdressers and tobacconists' shops, the closing time for which is to be half-past seven o'clock on five week days, and one o'clock on Saturdays.

No extra half hour is to be allowed hairdressers for attending to customers in the shop at fixed closing time. The closing time for hairdressers' shops is at present regulated by subsection 1 of section 1 of Act No. 38 of 1899, as amended by section 2 of Act No. 29 of 1906, and generally by the Early Closing (Hairdressers' Shops) Act, 1906. Tobacconists' shops are at present governed by section 6 of Act No. 38 of 1899.

NOTE.—The closing time for hairdressers' shops may be compared with the times fixed in the State of Victoria for the closing of hairdressers' shops outside the metropolitan shopping district (Victorian Factories and Shops Amendment Act, 1914, section 4, subsection 1, viz. :—Monday, Tuesday, and Thursday, 7 o'clock ; Wednesday, choice of 1 o'clock or 8 o'clock ; Friday, 7 o'clock, or where shop is closed at 1 o'clock on Saturday, 10 o'clock ; Saturday, 1 o'clock or 10 o'clock, dependent as to whether shop is closed at 7 o'clock or 1 o'clock on Wednesday).

The closing time for hairdressers' shops in the State of Queensland is :—Monday to Thursday (inclusive) 6 o'clock, Friday nine o'clock, and Saturday one o'clock. (Queensland Factories and Shops Act, 1900, section 51 :—The half-holiday may be altered by poll (section 52)).

Subsection (2), Part II, of the Second Schedule comprises flower shops, the closing time for which has been altered to eight o'clock on five week days, and ten o'clock on Saturdays. The present closing time, viz., nine o'clock on five week days and eleven o'clock on Saturdays, is regulated by section 6 of Act No. 38 of 1899.

The closing time for flower shops in the Metropolitan Shopping District of Victoria is fixed by the Victorian Factories and Shops Amendment Act, 1914, as Monday to Thursday, 8 o'clock (section 4, subsection (e)), Friday 10 o'clock, and Saturday 1 o'clock (section 3, subsection (1)).

Subsection (3), Part III, of the Second Schedule comprises the shops contained in Part III of the First Schedule to Act No. 38 of 1899, except that tobacconists' shops are removed to Part I. (See above). The closing times are unaltered. The corresponding provision in the present Acts is section 6 of Act No. 38 of 1899, and section 5 of No. 81 of 1900 as amended by section 3 of Act No. 23 of 1910. The definition of newsagent's shop is narrowed so as to prohibit the sale of novelettes, stationery, school requisites and books after 6 p.m.

Subsection (4), Part IV, of the Second Schedule comprises the same shops as those contained in Part IV of the First Schedule to Act No. 38 of 1899. The closing times are unaltered. The corresponding provision in the present Acts is section 6 of Act No. 38 of 1899.

Subsection (5) is formed from section 20 of Act No. 38 of 1899.

Chemists' shops, druggists' shops, public and private dispensaries, and butchers' shops are removed from the list of scheduled shops.

NOTE.—For the closing times of all shops under Acts at present in force see table of closing hours (supra.)

Section 9.—Penalties and special provisions.

Subsection (1) replaces section 7 of Act No. 38 of 1899 as amended by section 5 of Act No. 23 of 1910 and section 4 of Act No. 12 of 1910. The provisions are extended to prohibit opening before the opening time (see section 5).

Proviso (a) replaces the first proviso to section 7 of Act No. 38 of 1899 (extended by section 17 of Act No. 81 of 1900), but the allowance of half an hour for attending to customers in a shop at the fixed closing time is reduced to fifteen minutes.

Proviso (b): This replaces the second proviso to section 7 of Act No. 38 of 1899, but the proviso is narrowed in order to secure a bona fide closing at the time fixed by the Bill (6 p.m.), though a temporary opening is permitted to comply with urgent prescriptions.

Proviso (c): This corresponds to a provision in section 17 of Act No. 81 of 1900, now section 3 of Act No. 64, 1915.

Subsection (2) replaces section 13 of Act No. 29 of 1906. The proviso allowing hairdressers an extra half-hour for attending to customers in the shop at the closing time is omitted.

Subsection (3): This replaces the earlier part of section 17 of Act No. 81 of 1900.

Section 10.—Employment of assistants in scheduled shops.

Subsection (1) replaces section 8 (1) of Act No. 38 of 1899 as amended by section 9 of Act No. 81 of 1900.

The time within which shop assistants may be employed in non-scheduled shops after the fixed closing time is reduced from half an hour to fifteen minutes [cf. section 9 (1) (a)]; employment before the fixed opening time is forbidden. The number of days in each half-year on which shop assistants in non-scheduled shops may be employed beyond the fixed closing time (*e.g.*, for stocktaking) is reduced from twelve to six, but this provision is not to apply where an award is in force fixing overtime payments. No such allowance is made for butchers' shops or farriers' shops.

Subsection (2) replaces section 8 (2) of Act No. 38 of 1899.

Section 11.—Employment of assistants in scheduled shops.

Subsection (1) replaces section 9 (1) of Act No. 38 of 1899. The maximum weekly hours of employment are reduced from 60 to 56. Employment before the fixed opening time (see section 5) is forbidden.

Subsection (2) replaces section 9 (2) of Act No. 38 of 1899. The words "except a week in which there is a public or bank holiday allowed to such assistants as a holiday" are omitted. The proviso as to hotels, restaurants, and eating-houses comes from section 11 of Act No. 81 of 1900 (as amended by section 12 of Act No. 29 of 1906).

Subsection (3) replaces section 9 (3) of Act No. 38 of 1899. But opening before the opening time is made an offence and the proviso is omitted.

In Victoria the maximum weekly hours of work for employees in chemists' shops, premises for which a wine or billiard license is in force, clubs, caterers' premises, and shops similar to those in the Second Schedule to this Bill are 56 hours for females and 58 hours for males (overtime not exceeding ten hours per week is permitted in not more than six weeks in any year; such overtime to be paid for at the rate of time and a half). (Victorian Factories and Shops Act, 1912 (Act No. 2386), section 118, and Regulations of 19th February, 1906, Ch. 5, section 1).

In Queensland the maximum weekly hours of work for scheduled shops other than chemists' shops and hotels are 55 hours (the maximum hours for chemists' shops and hotels are 60 hours). (Queensland Factories and Shops Act, 1900-1908, section 55).

Section 12.—Compensatory provision for allowance of holiday on working day.

This section replaces section 10 of Act No. 81 of 1900 (amended by section 11 of Act No. 29 of 1906). Hairdressers' shops do not require to be expressly excluded as the section extends only to "non-scheduled" shops:

The section is not to extend to butchers' shops or farriers' shops. This merely affirms the present law, but express mention of these shops is necessitated by the altered form of the Bill.

The words "or day observed as a holiday for any religious purpose" are omitted.

Section 13.—Bread carters' holidays in metropolitan shopping district and carters' holidays generally.

This section corresponds to sections 12 and 13 of Act No. 81 of 1900. The words "by cart" are omitted.

"Baker" is further qualified as "(baker) within a shopping district."

Section 14.—Enforcement of holiday provisions.

Replaces paragraph 2 of section 13 of Act No. 81, 1900. The words "prima facie" are omitted.

Section 15.—Limitation of hours of cartage in metropolitan and Newcastle shopping districts.

This is a new section. It is copied from section 127 of the Victorian Factories and Shops Act, 1912, Act No. 2386, as amended by section 23 of the Victorian Factories and Shops Act Amendment Act, 1914, Act No. 2558.

The starting and ceasing times and other provisions are similar to those prescribed by the Victorian Statute—except that the overtime rate is fixed at 3s. per hour after the first three hours. The Victorian rate is 2s. per hour right through. The Victorian Statute fixes 9 p.m. as the closing time on Fridays.

Section 16.—Alteration or repeal of proclamations.

This also is a new section. Compare section 4 (4).

Section 17.—Appointment of inspectors.

Similar to section 12 of Act No. 38 of 1899.

Section 18.—Powers of inspectors.

Similar to section 13 of Act No. 38 of 1899.

Section 19.—Obstruction of inspectors.

Similar to section 14 of Act No. 38 of 1899.

Section 20.—Amount of penalties.

Similar to section 15 of Act No. 38 of 1899.

Section 21.—Time for laying informations.

This section replaces section 19 of Act No. 38 of 1899, but the time for laying information is extended from one month to two months after the committing of an offence.

Section 22.—Evidence of employment in a shop.

Replaces section 16 of Act No. 38 of 1899. The words "prima facie" are omitted.

Section 23.—Exemption of shopkeepers from penalty on proof that another is the offender.

Replaces section 17 of Act No. 38 of 1899. There are no material alterations.

Section 24.—Regulations.

Replaces section 18 of Act No. 38 of 1899, and section 14 of Act No. 81 of 1900. Part I subsections (a) to (e) correspond to subsections (a) to (e) of section 14 of Act No. 81 of 1900, and subsections (f) and (g) correspond to subsections (f) and (g) of section 18 of Act No. 38 of 1899. Subsection (h) is new. Subsections (a) to (e), inclusive of section 18 of Act No. 38 of 1899, are omitted, there being no provision for the taking of a poll under this Bill. (See instead section 29.) The only alterations are the words, "at any time after the passing of this Act", and "to take effect after the commencement of this Act", in the first paragraph of section 18 of Act No. 38 of 1899 are omitted as unnecessary.

Part II is designed to relieve employers from the necessity at present existing for keeping the same records under different Acts.

As pharmacists' shops, butchers' shops, and farriers' shops are all subject to special conditions and exceptions (see sections 6, 7, 9, 10, and 12), it is provided that the Governor may by regulation (in addition to determining what classes of trade shall be deemed classes of trade carried on in scheduled shops), determine what classes of trade shall be deemed classes of trade carried on in such shops (subsection (a)).

Section 25.—Shops to which the Bill does not apply.

Replaces section 23 of Act No. 38 of 1899 as amended by section 15 of Act No. 81 of 1900. The reference to "public houses and hotels" is omitted.

Section 26.—Exemption.

Replaces section 19 of Act No. 81 of 1900, which applied only to bazaars and fairs. It is proposed to exempt shows and any exhibitions approved by the Minister.

Section 27.—Power to suspend Act in cases of emergency

Similar to section 18 of Act No. 81 of 1900. The word "war" is inserted before the word "fire."

Section 28.—Saving as to certain Acts.

Replaces section 24 of Act No. 38 of 1899, "1912" is substituted for "1896" as the date of the Factories and Shops Act. The words after "Factories and Shops Act, 1912," have been added.

Section 29.—Power to modify Act.

This is a new and very important section. It confers power on the Court of Industrial Arbitration and the industrial boards to modify or alter the provisions of the Act (and, when an award fixes times at which employees shall cease work in shops of a particular class, to declare that such shops shall be closed at the time fixed).

This provision enables the requirements of particular localities and circumstances to receive full consideration and special treatment.

The provision that any order or award purporting to alter or modify the provisions of the Bill shall be laid before both Houses of Parliament, and, if disapproved of by either House, shall cease to have effect, assures that no modification of the closing times or other provisions shall be effected without the approval of Parliament.

ACTS AT PRESENT IN FORCE.

TABLE showing how the sections of each of the present Acts have been dealt with.

(The comparison of sections can only be approximate as a great many material alterations have been made both in form and in substance).

Section of present Act.	Section of Bill submitted.	Remarks.
		Act No. 38 of 1899.
1 10	6	Repealed as to certain shops by Act No. 12 of 1910, sections 3 and 12. First proviso repealed by section 8 of Act No. 31 of 1800. The Bill submitted fixes the same time for all shopping districts. (But note section 29).
2 4	4 (3) (4)	
3-4 ...	.....	Repealed by Act No. 81 of 1900, s. 3.
5 ...	.....	Repealed by Act No. 29 of 1906, s. 3.
6 8	cf. s. 8	
7 15	9	
8 16	10	
9 17	11	
10 ...	.....	Repealed by Act No. 81, 1900, s. 3.
11 21	4 (4)	
12 22	17	
13 23	18	
14 24	19	
15 25	20	
16 26	22	
17 27	23	
18 28	24	There is no provision for a poll in the Bill submitted. (But see sec. 29.)
19 29	21	
20 30	8 (5)	
21 31	3 (1), 4 (1), (2)	
22 32	3 (2)	
23 33	25	The words "public-houses and hotels" are omitted.
24 37	28	
25 ...	.....	Short title and construction.

ACTS AT PRESENT IN FORCE.—*continued.*

Section of present Act.	Section of Bill submitted.	Remarks.
Act No. 81 of 1900.		
1-2 ...	.....	Short title and definition.
3 5	6	
4 6	4 (4), 6	The closing times are to be made uniform for the whole State.
5 9	5 (3)	
6 10 (4)	6	The closing times are to be made uniform for the whole State. (But note section 23.)
7 13	.....	There is now no provision for a poll or for a choice of shops.
8 14	7	Considerable omissions.
9 16	10	
10 18	12	
11 17	11	In part repealed by Act No. 29, 1906, s. 12.
12 19	13	
13 20	14	
14 28		
15 33	25	
16 31	3 (1)	
17 35	9 (1), (a), (e), (3)	
18 36	27	"War" is added to the list of emergencies.
19 34	26	
Act No. 29 of 1906.		
1 ...	.....	Short title.
2 10 (2)	8 (1)	
3 ...	.....	Repealing section.
4 16	.....	Hairdressers' shops are now scheduled shops, and subject only to the provisions regarding scheduled shops.
5 17	.....	Hairdressers' shops are now scheduled shops.
6 31	3 (1)	
7 ...	.....	Repealing section.
8 5-6	cf. s. 8 (1)	
9 10 (4)	cf. s. 8 (1)	
10 14	cf. s. 8 (1)	
11 18	.....	Hairdressers' shops are now scheduled shops.
12 ...	.....	Repealing section.
13 15 (2)	9 (2)	
14 31	3	
Act No. 12 of 1910		
1 ...	.....	Short title.
2 ...	.....	Incorporating section.
3 3	cf. s. 6	
4 15	s. 9	
5 7	.....	The provisions of the Bill submitted extend to all shopping districts.
Act No. 23 of 1910.		
1 ...	.....	Short title.
2 12	.....	See sec. 6 for butchers and poulterers, and sec. 8 (1) for hairdressers.
3 9	8 (3)	
4 14	cf. s. 6 and 7	
5 15	s. 9	
6 ...	.....	Poulterers' shops are now non-scheduled shops.
7 14	7	Materially altered.

TABLE

Comparing Bill submitted with Consolidating Bill, prepared by Judge Heydon, and submitted to the House on the 27th March, 1912. (Useful for obtaining concise statement of law at present in force.)

Bill submitted.	1912 Bill.	Bill submitted.	1912 Bill.
1	1	15 .....	.....
2	2	16 .....	.....
3	31 and 32	17	22
4 (1), (2)	31	18	23
4 (3)	4	19	24
4 (4)	6 and 21	20	25
5 .....	.....	21	29
6	3, 5, and 7	22	26
7	14	23	27
8	8, 9, and 30	24	28
9	15 and 35	25	33
10	16	26	34
11	17	27	36
12	18	28	37
13	19	29 .....	.....
14	20		

No. , 1918.

A BILL

To consolidate and amend the Acts relating to Early Closing ; to regulate the times of opening and closing of shops and the employment of shop assistants and persons delivering goods, and to limit the hours of cartage and delivery by vehicles ; to amend the Auctioneers Licensing Act, 1898, the Auctioneers Licensing (Amendment) Act, 1915, the Police Offences Act, 1901, and other Acts ; and for purposes consequent [thereon or incidental thereto.

[Mr. BEEBY ;— , 1918.]

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:—

5

PART I.

PRELIMINARY.

Short title
and division
of Act into
parts.

1. This Act may be cited as the "Early Closing Act, 1918," and is divided into Parts and Divisions, as under:—

10

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THE OPENING AND CLOSING OF SHOPS—*ss.* 5-9.

DIVISION 1.—*The opening of shops—s.* 5.

DIVISION 2.—*The closing of shops—ss.* 6-9.

15

DIVISION 3.—*Penalties—s.* 10.

PART III.—SHOP ASSISTANTS AND CARTERS—*ss.* 11-16.

PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 17-30.

20

Repeals.

2. The Acts specified in Schedule One are hereby repealed.

All rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall, so far as they are applicable to the provisions of this Act, apply as if made under this Act, until repealed or amended by rules or regulations made under this Act.

All persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

3.

3. (1) In this Act, unless the context otherwise requires,—

Definitions.

- “Close” means close to the admission of the public for purposes of trade.
- 5 “Employ” means employ in any way or in any kind of work.
- “Inspector” means member of the police force or other person appointed an inspector pursuant to this Act.
- 10 “Non-scheduled shops” means shops other than those of the classes or kinds mentioned or specified in Schedule Two.
- “Open” means open to the admission of the public for purposes of trade.
- 15 “Schedule” means Schedule to this Act.
- “Shop” means place, building, stall, tent, vehicle, or boat or pack situate or being in a shopping district in which goods are offered or exposed for sale, or in which the business of a hair-dresser, pawnbroker, auctioneer of merchandise, 20 or undertaker, is carried on, and includes any portion of a building which is separated from the rest of the building by a substantial partition, and in which goods are offered or exposed as aforesaid, or in which any such business as aforesaid is carried on.
- 25 “Shop assistant” means person employed in or in connection with the sale of goods in a shop, not being a carter, and includes any manager, branch manager, clerk, storeman, or packer employed in or in connection with a shop, or any person doing any work in connection with hairdressing business, or partner under the age of twenty-one years, but does not include any 30 person who is employed by the shopkeeper only when the shop is closed.
- 35 “Shopkeeper” means person, partnership, or corporation occupying a shop, directly or indirectly, as principal, and includes hawker and canvasser or travelling representative of a shop, but does not include a commercial traveller
- 40
- bona

bona fide engaged in selling goods to a shopkeeper by sample only: Provided that, where a shopkeeper leases to any other person, or enters into an agreement by which any other person occupies his shop, or any part thereof, 5 for a term or period less than one week, he shall, notwithstanding such lease or agreement, continue to be shopkeeper of the shop.

“ Week-day ” means any day of the week except Sunday. 10

Closing times.

(2) The closing times mentioned in this Act are hours after the hour of noon. Within the municipal district of Broken Hill, and within the electoral district of Sturt, the time mentioned in this Act shall be taken to mean the mean time of the one hundred and thirty- 15 fifth meridian of longitude east of Greenwich in England.

Metropolitan shopping district.

4. (1) The areas mentioned in Schedule Three shall be the metropolitan shopping district.

Newcastle shopping district.

(2) The areas mentioned in Schedule Four shall be the Newcastle shopping district. 20

Country shopping districts.

(3) Every area, outside the metropolitan and Newcastle shopping districts, which has been proclaimed as a shopping district under any Act hereby repealed, and every municipality outside the metropolitan and Newcastle shopping districts and outside the area pro- 25 claimed as aforesaid, shall be a country shopping district.

Alteration of boundaries of districts.

(4) The Governor may by proclamation annul the constitution or alter the boundaries of any shopping district or constitute any area to be a shopping district, and shall in such proclamation define the boundaries 30 of such district.

PART II.

THE OPENING AND CLOSING OF SHOPS.

DIVISION 1.—*The opening of shops.*

Opening time for all shops.

5. The opening time for butchers' shops shall on each 35 week-day be half-past six o'clock in the morning.

DIVISION

DIVISION 2.—*The closing of shops.*

Metropolitan and Newcastle shopping districts.

6. (1) The closing time for all non-scheduled shops ^{Closing time} (other than butchers' shops) situate within the Metro- ^{for non-} ^{scheduled} ^{shops.} politan and Newcastle shopping districts shall, in every week, be as follows :—

On Monday, Tuesday, Wednesday, and Thursday, six o'clock.

On Friday, nine-thirty o'clock.

10 On Saturday, one o'clock.

(2) The closing time for butchers' shops shall, in every week, be five o'clock on Monday, Tuesday, Wednesday, Thursday, and Friday, and one o'clock on Saturday :

15 Provided that butchers' shops which close on Saturday for any religious purpose during the whole of the time between the opening and closing hours fixed as aforesaid for that day may be opened and kept open on that day between the hours of six o'clock and nine o'clock in the afternoon.

20 *Country shopping districts.*

7. (1) The closing times for all non-schedule shops, other than butchers' shops, situate within a country shopping district, shall, in every week, be as follows :—

25 On Monday, Tuesday, Thursday, and Friday, six o'clock.

On Saturday, nine-thirty o'clock.

On Wednesday, one o'clock.

30 Provided that the closing times for non-schedule shops, other than butchers' shops, in any country shopping district in which the one o'clock closing day prior to the passing of this Act was Saturday, or in which the one o'clock closing day is altered to Saturday subsequent to the passing of this Act, shall be those set out in the preceding section for shops in the Metropolitan and
35 Newcastle shopping districts.

(2) When this Act shall have been in force in any country shopping district for a period of not less than six months, not less than one-third of the non-scheduled shopkeepers

shopkeepers of shops (other than butchers' shops) may present to the Minister a memorial under their hands, in the form of Schedule Five to this Act, asking that a poll be taken on the question whether the one o'clock closing day be altered from Wednesday to Saturday or from 5 Saturday to Wednesday.

On receipt of the memorial the Minister shall notify in the Gazette, and in at least two issues of a newspaper circulating in the district, that on a day therein named (not being less than twenty-one nor more than thirty 10 days after the first notification) a poll will be taken as to the alteration proposed.

On the day named a poll shall be taken as prescribed by the regulations, and at such poll each shopkeeper and shop assistant of a shop not being a butcher's shop 15 or a shop mentioned in Schedule Two to this Act, shall, subject to the regulations, have one vote.

If a majority of those voting at the poll, vote that the said day be so altered, the Minister shall so notify in the Gazette, and the closing day for such shops in the 20 district shall be so altered accordingly.

Where a poll has been taken in pursuance of this section, no other such poll shall be taken for a period of two years.

For the purposes of this clause "shop assistant" 25 means any person who shall have been engaged for three months at least in a shop not being a butchers' shop or a shop mentioned in Schedule Two of this Act in the shopping district in which he claims to vote, and who, at the time of voting, shall be above the age of eighteen 30 years.

When non-scheduled shop closed during Christmas Day.

8. (1) Where a non-scheduled shop (other than a butcher's shop) is closed during the whole of Christmas Day and Boxing Day, and the shop assistants are not employed therein during such days, such shop may, 35 when Christmas Day falls on any day other than Sunday or Monday, be kept open until ten o'clock on the week-day next preceding Christmas Day.

(2) Where in any shopping district any week day (not being Christmas Day or Boxing Day) is set apart as 40 a bank holiday or as a public holiday under the Banks and

and Bank Holidays Act, 1912, and falls upon the same day upon which non-scheduled shops (other than butchers' shops) in such shopping district are allowed under this Act to remain open until nine-thirty o'clock, 5 non-scheduled shops (other than butchers' shops) may be kept open until nine-thirty o'clock on the week day next preceding: Provided they are closed during the whole of such bank holiday or public holiday as aforesaid, and the shop assistants are not employed therein during any 10 part of such day.

(3) The times fixed under this section in respect of any shop shall be deemed to be the closing times of such shop on the days mentioned. Closing times.

9. (1) The closing time for shops mentioned in Part I of Schedule Two shall, in every week, be half-past seven o'clock on five week-days, and one o'clock on either Wednesday or Saturday. Closing time for scheduled shops. Part I.

(2) The choice of the shopkeeper as to the closing time on the Wednesday may be made in respect of any 20 shop occupied by him, and shall be made by sending to the Minister or to any person authorised by the Minister in that behalf a notice in the form prescribed. And until he makes such choice in the manner aforesaid the shopkeeper shall be deemed to have chosen one o'clock 25 as the closing time for his shop on Wednesday.

When a shopkeeper has made any such choice he shall not make another choice until after the expiration of three months from the day when the former choice was made.

30 (3) Where the businesses of a hairdresser and tobacconist are carried on upon the same premises both shops shall close at the same hour upon each day of the week.

Where in any shopping district a shopkeeper occupies 35 two or more shops mentioned in Part I of Schedule Two, all such shops shall on each day close at the same time, notwithstanding any choice which the shopkeeper has made under this Act. Until he makes such choice he shall be deemed to have chosen, in respect of all his 40 said shops, one o'clock as the closing time on Wednesday.

(4) The closing time for shops mentioned in Part II of Schedule Two shall in every week be eight o'clock on five week-days and ten o'clock on Saturday. Part II.

Part III.

(5) Subject to the provisions of the Liquor Referendum Act, 1916, the closing time for shops mentioned in Part III of Schedule Two (except newsagents' shops within the metropolitan shopping district), shall be eleven o'clock on each week-day. The closing time for newsagents' shops within the metropolitan shopping district shall in every week be eight o'clock on four week-nights and nine o'clock on Friday and Saturday. A newsagent's shop shall include a shop where newspapers, periodicals, or magazines are exposed for sale.

Part IV.

(6) The closing time for shops mentioned in Part IV of Schedule Two shall be twelve o'clock midnight on each week-day.

Proviso.

(7) Provided that—

- (a) every shop mentioned in Schedule Two, in which is carried on any class of trade not usually carried on in shops mentioned in the Schedule, shall be closed at the closing time fixed by or under this Act for non-scheduled shops;
- (b) every shop mentioned in Part II, III, or IV of Schedule Two, in which is carried on any class of trade usually carried on in shops mentioned in an earlier part of the Schedule, shall be closed at the closing time fixed by or under this Act for shops mentioned in such earlier part of the Schedule.

DIVISION 3.—*Penalties.*

Penalty if shop not closed during closing hours or if goods are sold within those hours.

10. (1) If any shop is opened before the opening time or is not closed and kept closed at and after the closing time fixed or appointed in respect of such shop or by under this Act, or if in any such shop any goods are offered for sale before the said opening-time or after the said closing time, the shopkeeper of the shop or any person acting, or apparently acting, in the management of the shop shall be guilty of an offence against this Act:

Proviso.

Provided that—

- (a) no such shopkeeper or person shall be guilty of the said offence by reason only that within one half-hour

- 5 half-hour after the said closing time goods have been offered for sale or sold to a customer who at the said closing-time was in the shop being served, or waiting to be served, or that the shop was open for the purposes of such customers ;
- 10 (b) No registered pharmacist within the meaning of the Pharmacy Act, 1897, shall be guilty of the said offence by reason only that he has after the said closing time supplied any drug, patent or proprietary medicine, or surgical appliance, that is shown to be urgently required by prescription so endorsed by a legally qualified medical practitioner.
- 15 (c) No retail butcher shall be guilty of the said offence by reason only that his shop was open for persons entering or leaving such shop only in connection with the delivery of meat to such shop.

20 (2) If in any hairdresser's shop any work is done for any customer after the closing-time fixed, appointed, chosen, or deemed to be chosen, for any day in respect of such shop, the shopkeeper of the shop, or any person acting, or apparently acting, in the management of the shop shall be guilty of an offence against
25 this Act :

Penalty in respect of hairdressers' shops.

30 Provided that no such shopkeeper or person shall be guilty of the said offence by reason only that within one half hour after the said closing time any work was done for a customer who, at the closing time, was in the shop being attended to or waiting to be attended to.

35 (3) No person shall be convicted under this Act for opening or for not closing or keeping closed a shop if he proves that the shop was opened or was not closed or not kept closed only for the purpose of ventilation or of persons visiting or resorting to the premises for purposes other than for trade in the shop.

Saving.

PART III.

SHOP ASSISTANTS AND CARTERS.

Shop assistants.

Shop assist-
ants in non-
scheduled
shops.

11. (1) No shop assistant shall be employed in or about the business of any non-scheduled shop or in any shop mentioned in Part I of Schedule Two for more than one half-hour after the closing time fixed, appointed, chosen, or deemed to be chosen in pursuance of this Act for such shop :

Provided that the above provisions shall not apply to 10 a shop-assistant who is a registered pharmacist, and who at the time of his employment is the manager or deputy-manager of a pharmacist's shop :

Provided also that, except in the case of a butcher's shop the shopkeeper of any such shop may employ any shop- 15 assistant on any twelve week-days between the first day of January and the thirtieth day of June or between the first day of July and the thirty-first day of December in each year (not being days on which the shop closes at one or nine-thirty o'clock, or any public or bank holiday 20 allowed within the district as a holiday) for a period not exceeding three hours, exclusive of the hour to be allowed for refreshment under this section, from and after the closing time on the said days ; but the shop shall be closed, and the assistants so employed shall be allowed 25 by the shopkeeper one hour for refreshment between six o'clock and seven o'clock.

There shall be kept by the shopkeeper a record of the extra hours worked under this section, and such record shall be exposed in some position visible and accessible 30 to all his shop-assistants, shall bear the certificate of each such assistant as to its correctness as regards himself, and shall be produced to the inspector when demanded by him.

Penalty.

(2) If the shopkeeper of the shop, or any person 35 acting, or apparently acting, in the management of the shop, employs any shop-assistant in breach of this section, or otherwise contravenes the provisions of this section, he shall be guilty of an offence against this Act.

12. (1) No shop-assistant shall be employed in any shop mentioned in Schedule Two after the closing time fixed, appointed, chosen, or deemed to be chosen in pursuance of this Act for such shop, nor for more than 5 fifty-four hours in any week, exclusive of the hours allowed for refreshment.

Shop-assistants in scheduled shops.

(2) All shop-assistants employed in any shop mentioned in Parts II, III, and IV of Schedule Two shall be allowed a half-holiday from one o'clock in the 10 afternoon for the remainder of the day on some one week-day of every week :

Half-holidays.

Provided that in the case of shop-assistants employed in hotels, restaurants, or eating-houses, such half-holiday shall be from two o'clock instead of from one o'clock.

15 (3) If the shopkeeper, or person acting, or apparently acting, in the management of such shop—

(a) employs in his shop any shop-assistant after such closing time, or for more than fifty-four hours in any week; or

Penalties.

20 (b) does not arrange for and allow to each such assistant the half-holiday, as required by this section to be allowed ;

he shall be guilty of an offence against this Act.

13. Where a shop-assistant, employed in a non-scheduled shop, other than a butcher's shop is allowed a holiday on full pay for the purposes of recreation during the whole of any day, other than a bank holiday, or day appointed within the portion of the district in which the shop is situated as a public holiday under the 30 Banks and Bank Holidays Act, 1912, the shopkeeper, for each day so allowed, may employ the assistant for a period not exceeding three hours (exclusive of the hour to be allowed for refreshment under this section) on each of any two other days (not being a day on which the shop 35 closes at one or nine-thirty o'clock, or a bank or public holiday as aforesaid) from and after the closing time on each such day ; but after the said closing time the shop shall

Where shop-assistant is allowed holiday on working day.

be

be kept closed, and the assistant so employed shall be allowed by the shopkeeper one hour for refreshment between six o'clock and seven o'clock.

If the shopkeeper of the shop, or any person acting, or apparently acting, in the management of the shop, 5 contravenes any provision of this section he shall be guilty of an offence against this Act.

Carters' holidays.

Bread-carters' holidays in metropolitan shopping district.

14. (1) Every baker in the metropolitan shopping district shall give to every person engaged by him as a 10 breadcarter, or acting for him in that capacity, whole holidays on the first and third Wednesday in each month: Provided that in the event of any public holiday under the Banks and Bank Holidays Act, 1912, falling in the same week as the first or third Wednesday in any month, 15 such whole day holiday shall be observed on such public holiday, and not on the first or third Wednesday.

On such first and third Wednesday, or on such public holiday, as the case may be, no bread shall be delivered to a customer by any person engaged by a baker in the 20 metropolitan shopping district.

(2) Every baker within a shopping district outside the metropolitan shopping district shall allow every person usually employed by him in delivering bread two whole holidays on some week days in each month of his 25 employment.

(3) Every shopkeeper, butcher, or milk vendor, whose place of business is situated in any shopping district, shall allow every person usually employed by him in delivering goods from the shop, or in delivering 30 meat or milk, four half-holidays, from the hour of two o'clock in the afternoon, on some week-days in each month, or a whole holiday on one week-day in each month of his employment.

(4) If any such baker, shopkeeper, butcher, or 35 milk vendor fails or refuses to allow any person so engaged or employed by him such whole or half holidays, he shall be guilty of an offence against this Act.

15.

15. In any prosecution for a contravention of the provisions of the next preceding section proof that during any month any person has used, for the purpose of delivering goods from a shop, or delivering meat, milk, or bread, a
 5 vehicle bearing the name or title of, or in any other way purporting to be the property of the defendant, shall be evidence that the said person during the said month was engaged by the defendant as a bread-carter, or employed by him in delivering goods, meat, milk, or bread
 10 as aforesaid.

16. (1) 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 by vehicle, any goods, wares, merchandise, or
 15 materials whatsoever before half-past seven o'clock in the morning of any week-day, or after half-past seven o'clock in the evening on any Monday, Tuesday, Wednesday, or Thursday, or half-past nine o'clock in the evening on Friday, or after half-past one o'clock in the afternoon
 20 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 apply to—

- cab-drivers ;
- persons driving tramway cars or motor omnibuses for conveying passengers ;
- persons carting or delivering bread ;
- 30 persons carting or delivering perishable articles of human food ;
- persons carting flowers to market ;
- persons carting newspapers ;
- persons carting materials for the repair of tramways ;
- 35 persons carting materials for repairing purposes in case of a breakdown in connection with water-works, sewerage works, electric light works, gasworks, or any other public utility, or in case of a break-down in connection with any
 40 plant in a factory which would otherwise have to be closed either forthwith or during the next working day for repairs ;

Times within which goods may not be delivered in metropolitan or Newcastle shopping districts.

Proviso.

persons

persons carting bones and meat refuse from butchers' shops ;
 persons removing dead bodies ; or
 persons delivering aerated waters, cordials or ice.

PART IV.

5

GENERAL AND SUPPLEMENTAL.

General provisions.

- Alteration or repeal of proclamations. **17.** The Governor may by proclamation alter or repeal any proclamation made under the provisions of this Act. 10
- Appointment of inspectors. **18.** The Minister may appoint members of the police force or other persons to be inspectors to carry out the provisions of this Act, and shall supply each such inspector with a certificate of his appointment.
- Powers of inspectors. **19.** An inspector, on producing the certificate of his appointment, may— 15
- (a) enter at any reasonable hour any shop or any place which he has reason to believe is used as a shop ;
 - (b) make such inquiries as he thinks necessary to ascertain whether the provisions of this Act have been complied with ; and for that purpose ask questions of any shopkeeper or any person acting, or apparently acting, in the management of a shop, or employed in or about a shop, and require him to truthfully answer such questions ; and 20
 - (c) exercise such powers as may be necessary for carrying out the provisions of this Act. 25

20.

20. Every person who forges or counterfeits any such certificate or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a term not exceeding six months with or without hard labour.

Penalties and prosecutions.

21. Any person who wilfully obstructs an inspector in the exercise of any power conferred by this Act, or who fails to comply with a lawful requirement made by an inspector, shall be guilty of an offence against this Act.

Obstruction of inspector, &c.

22. Any person who is guilty of an offence against this Act shall for the first offence be liable to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not less than two pounds nor more than ten pounds.

Amount of penalties.

23. Informations for any offence against this Act, or for breach of any regulation, shall be laid within two months from the committing of the offence or breach, and shall be heard and determined in a summary way by a court of petty sessions.

Time for laying information.

24. In any prosecution of a shopkeeper or person acting, or apparently acting, in the management of a shop for an offence against this Act, proof that at any time a shop assistant is in a shop shall be evidence that at the said time he was employed in the shop by such shopkeeper or person.

Evidence of employment in a shop.

25. Where any act or default constituting an offence against this Act for which any shopkeeper or person acting, or apparently acting, in the management of a shop is by this Act liable to a penalty has in fact been done or committed by some other person, such other person shall be liable to the penalty.

Where some person other than the shopkeeper has committed the offence.

35 Where such shopkeeper or person is charged with any such act or default so done or committed by some other person, the said shopkeeper or person shall be exempt from

from any penalty upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the said act or default was actually done or committed by some other person without his 5 connivance.

Where an inspector is satisfied before instituting a proceeding for any such offence against the said shopkeeper or person that such shopkeeper or person if such proceedings were instituted against him would, under 10 the foregoing provisions of this section, be exempt from any penalty, and the said shopkeeper or person gives all facilities in his power for proceeding against and convicting the person whom the inspector believes actually 15 to have been guilty of the act or default constituting the offence, the inspector shall proceed against that person in the first instance without first proceeding against the said shopkeeper or person.

Regulations.

- Regulations. **26.** (1) The Governor may make regulations— 20
- (a) determining, in respect of any railway, tramway, or ferry refreshment rooms, or railway, tramway, or ferry bookstalls, or of any pharmacist's shop, butcher's shop, or shop mentioned in Schedule Two to this Act, what classes of 25 trade shall, for the purposes of this Act, be deemed to be those usually carried on in such shop, and thereupon such classes of trade, and no others, shall be deemed to be the classes of trade usually carried on in such shop; 30
 - (b) for the keeping of records and the giving of information by shopkeepers concerning the hours and extra hours of employment of and the holidays and half-holidays allowed to shop-assistants, and the giving of information by 35 shopkeepers, butchers, milk vendors, and bakers, concerning the holidays and half-holidays allowed persons employed in delivering goods from a shop, or meat, milk, or bread;
 - (c)

- (c) prescribing the manner in which such records shall be kept and such information given, and the person to whom such information shall be given;
- 5 (d) providing for the certifying of the correctness of such records and information;
- (e) providing for the publication to shop-assistants of information concerning this Act, and the regulations hereunder;
- 10 (f) prescribing the forms to be used for the purposes of this Act; and
- (g) generally for carrying out the provisions of this Act in the above and in other matters;
- (h) annulling or altering any prior regulations, or any regulations made hereunder;
- 15 (i) providing for the making of lists and rolls of shopkeepers entitled to vote at a poll;
- (j) determining, where a partnership or corporation is a shopkeeper, the person by whom the vote of such partnership or corporation shall be given;
- 20 (k) providing for the appointment and prescribing the duties of the officers conducting or assisting at conducting the taking of polls;
- 25 (l) providing for the manner in which polls shall be taken, and the conditions on which shopkeepers shall be entitled to vote at a poll;
- (m) Providing for making returns of the result of any poll;
- 30 and may in those regulations authorise any penalty not exceeding five pounds to be imposed for any breach of the same.

(2) Where records which are required to be kept by or under any other Act contain the Acts, matters, or
35 things, some or all of which are prescribed to be done, recorded, or shown by the regulations made in pursuance of paragraphs (b), (c), (d), and (f) of the preceding subsection, such records may, at the discretion of the Minister, be accepted as a compliance in whole or in
40 part with the requirements of such regulations.

(3) All such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, but if Parliament is not sitting, then within fourteen days after the next meeting of Parliament. 5

Exemptions.

Shops to which this Act does not apply.

27. Except as to the provisions with regard to hours of employment and half-holidays contained in section eleven, and the keeping of records as prescribed nothing 10 in this Act shall apply to railway, tramway, or ferry refreshment rooms, or to railway, tramway, or ferry bookstalls.

Exemption of bazaars and fairs.

28. Nothing in this Act shall apply to any bazaar or fair where goods are sold or exposed for sale in order 15 that the net proceeds of the sale of the goods may be devoted to religious, charitable, or public purposes only, or to any agricultural, pastoral, or horticultural society's show, or to any exhibition in which goods are sold or exposed for sale, provided that the approval in writing 20 of the Minister has first been obtained with respect to such show or exhibition.

Suspensions.

Suspension of Act in emergency.

29. In cases of emergency caused by war, fire, flood, or disease, the Minister may suspend the operation of such 25 provisions of this Act as he deems necessary in respect of any persons, class of persons, or shops for such period within such locality, and under and subject to the performance of such conditions as he may prescribe, and alter or annul such notice. 30

Any person who contravenes or fails to comply with any condition prescribed under this section shall be guilty of an offence against this Act.

Saving.

Saving as to certain Acts.

30. Nothing in this Act shall affect the operation of 35 the Eight Hours Act, the Factories and Shops Act, 1912, or the Second-hand Dealers and Collectors Act, 1906, or any Act amending the same.

 SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

Reference to Acts.	Short title.
Act No. 38, 1899 ...	Early Closing Act, 1899.
5 Act No. 81, 1900 ...	Early Closing (Amendment) Act, 1900.
Act No. 29, 1906 ...	Early Closing (Hairdressers' Shops) Act, 1906.
Act No. 12, 1910 ...	Saturday Half Holiday Act, 1910.
Act No. 23, 1910 ...	Early Closing Amendment Act, 1910
Act No. 64, 1915 ...	Early Closing Amendment Act, 1915.

10

SCHEDULE TWO.

PART I.

Hairdressers' shops.
Tobacconists' shops.

PART II.

15

Flower shops.
Cooked provision shops.
Baker's shops.

PART III.

20

Fruit shops.
Vegetable shops.
Confectioners' shops.
Newspaper and newsagents' shops.
Public-houses, hotels, and wine shops.
Undertakers' shops.

25

PART IV.

30

Restaurants.
Refreshment shops.
Eating-houses.
Fish shops.
Oyster shops.

SCHEDULE THREE.

DESCRIPTION OF METROPOLITAN SHOPPING DISTRICT.

The following areas within the county of Cumberland:—The city of Sydney, all municipalities, and any other area which has been proclaimed under any Act hereby repealed as a shopping district, or which may hereafter be proclaimed under this Act as a shopping district. 5

SCHEDULE FOUR.

DESCRIPTION OF NEWCASTLE SHOPPING DISTRICT.

The following areas within the county of Northumberland:—All 10 municipalities and any other area which has been proclaimed under any Act hereby repealed as a shopping district, or which may hereafter be proclaimed under this Act as a shopping district.

SCHEDULE FIVE.

Schedule
Five.

PETITION FOR ALTERATION OF THE ONE O'CLOCK CLOSING DAY. 15

To The Honorable the Minister for Labour and Industry,—

We, the undersigned shopkeepers in the country shopping district, respectfully ask that a poll be taken for an alteration of the day to which the closing time appointed in pursuance of the Early Closing Act, applies to shops (not being butchers' shops or shops 20 mentioned in Schedule Two of the said Act), situate within the said district as follows :

Closing time.	Proposed alteration of One O'clock Closing Day.
One o'clock ...	To be altered from [<i>state if from Wednesday to Saturday or from Saturday to Wednesday</i>] 25 to [<i>state the proposed day</i>].

Dated this day of , 19 .

(*Signatures and addresses of shopkeepers.*)