

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. . , 1920.

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 provide for the registration of shops ; to amend certain Acts ; and for purposes consequent thereon or incidental thereto.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Early Closing Act, 1920," and is divided into Parts and Divisions, as under:—

Short title
and division
of Act into
Parts.

PART I.—PRELIMINARY—*ss.* 1-5.

PART II.—REGISTRATION OF SHOPS—*ss.* 6-12.

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DIVISION 1.—*The opening of shops—s.* 13.

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2. This Act shall be deemed to bind the Crown and all persons, bodies corporate, commissioners acting for or on behalf of the Crown or controlling any government industry or undertaking.

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 The Acts specified in Schedule One are hereby repealed.

Repeals.

All proclamations published and rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall, so far as they are applicable to the provisions of this Act, apply as if made under this Act, until repealed or amended by rules or regulations made under this Act.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

All persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time they were appointed and they had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

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

- “Close” means close to the admission of the public for purposes of trade.
- “Chief Inspector” means Chief Inspector of Factories and Investigation Officer, Department of Labour and Industry or any officer acting in that behalf.
- “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.
- “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.
- “Schedule” means Schedule to this Act.
- “Scheduled shops” mean shops of the classes or kind mentioned or specified in Schedule Two and include shops which are entitled to remain open after the closing hour of a “non-scheduled shop.”
- “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 hairdresser, pawnbroker, farrier, auctioneer (other than an auctioneer of real estate or live stock), 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

business as aforesaid is carried on, and any premises on or in which an auction sale (other than an auction sale of real estate or live stock) is held.

“Shop assistant” means person employed in or in connection with the sale of goods in a shop, not being a carter, and includes any clerk, storeman, or packer employed in or in connection with a shop, or any person doing any work in connection with the business of a hairdresser, pawnbroker, farrier or auctioneer (other than an auctioneer of real estate or live stock), or a partner under the age of twenty-one years, but does not include any person who is employed by the shopkeeper only when the shop is closed.

“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 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, for a term or period less than one week, he shall, notwithstanding such lease or agreement, continue to be the shopkeeper of the shop.

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

(2) The closing times mentioned in this Act are Closing times: 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-fifth meridian of longitude east of Greenwich in England.

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

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

(3)

(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 proclaimed as aforesaid, shall be a country shopping district.

Country shopping 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 of such district.

Alteration of boundaries of districts.

PART II.

REGISTRATION OF SHOPS.

6. This Part of this Act shall come into operation on the _____ day of _____ one thousand nine hundred and _____

7. (1) (a) Every shopkeeper in occupation of any shop at the date when this Part of this Act shall come into operation shall, within fourteen days of such date, serve on the Chief Inspector a written notice in the form and setting out the particulars prescribed.

(b) Every shopkeeper entering into occupation of any shop at any time after the date when this Part of this Act shall come into operation shall, within fourteen days of entering into occupation, serve on the Chief Inspector a written notice in the form and setting out the particulars prescribed.

(2) The Chief Inspector on receipt of such notice and on payment of the prescribed registration fee shall register the shop mentioned in the notice by recording the registration in a register to be kept for that purpose in the office of the Chief Inspector, and shall issue a certificate of registration in the prescribed form, specifying the name of the shopkeeper and the address and situation of the shop, and the nature of the business to be carried on therein, and the term for which such registration shall be effective.

(3)

(3) (a) Every registration and every certificate issued in respect thereof shall remain operative until the thirty-first day of December next following the date thereof, unless cancelled in pursuance of the provisions of this Act.

(b) Any registration which has not been cancelled or become void may be from time to time renewed by the shopkeeper for a further period of twelve months from the date of expiry upon application in the form and within the time prescribed, and upon payment of the annual fee in respect of his shop.

(c) The Chief Inspector shall thereupon record such renewal of registration in the manner prescribed, and shall issue a certificate of such renewal in the prescribed form.

(4) Any shopkeeper in occupation of two or more shops shall separately register each shop.

(5) Any shopkeeper who carries on one or more of the classes of trade mentioned in Schedule Two shall, if he remains open after the closing times for a non-scheduled shop, separately register his shop in respect of each separate class of trade carried on therein.

(6) (a) The full registration fee shall be paid in respect of every shop for which application for registration is made prior to the thirty-first day of July in any year, but in respect of any shop registered after that date, the fee to be paid for registration for the remainder of the year shall be one-half of the rate specified in the Schedule.

(b) An annual registration fee shall be paid in respect of the renewal of registration of every shop by the shopkeeper thereof to the amount specified in Schedule Six to the Act, and such fee shall be paid on or before the thirty-first day of January in each year.

(c) If, in any year, a change of occupancy occurs in a shop for which a registration fee has been paid for that year, but no alteration is made in the class of trade in respect of which the shop is registered, the fee to be paid for such further registration shall be twenty per centum of the amount specified in the said schedule, irrespective of the date upon which such change occurs, provided that the fee payable shall be not less than one shilling.

(7)

(7) Nothing in this Part of this Act shall apply to shops in which the business carried on is that only of a public house, hotel, wine shop, brewer, spirit merchant, and hawker.

8. If any person shall be convicted of a breach of section of this Act in respect of any shop other than a non-scheduled shop, of which the shopkeeper or person acting or apparently acting in the management shall have been within the preceding three years convicted of a breach of the same section, then, in addition to any other penalty provided by this Act, the registration of any such shop in respect of any of the classes of trade mentioned in Schedule Two of this Act shall be cancelled.

9. (1) Each conviction under section of this Act in respect of any shop other than a non-scheduled shop shall be endorsed on the certificate or certificates of registration of the shop in respect of which the conviction is obtained, by the court before or by whom such conviction is had, and upon failure to deliver up the certificate or certificates for such endorsement, the registration of such shop in respect of any of the classes of trade mentioned in Schedule Two of this Act shall be cancelled.

(2) The said court shall notify the Chief Inspector in the manner and form prescribed of any such conviction under section aforesaid, or of any refusal to deliver up a certificate for endorsement as aforesaid.

(3) The Chief Inspector shall enter upon the register of the shop in respect of which such notification is received the particulars of any such notification, and shall also record any cancellation of registration in pursuance of the provisions of this section.

(4) If the registration of any scheduled shop is cancelled, it shall be deemed to be registered as a non-scheduled shop only, and shall be entered as such in the register, and thereupon the shopkeeper shall observe the closing times prescribed for non-scheduled shops.

10. Any shop in respect of which a certificate of registration or renewal as hereinbefore provided has not been issued or has expired or been cancelled, or in which the closing times provided by this Act for the class of trade

trade mentioned in any current certificate of registration shall be exceeded, shall be deemed to be an unregistered shop.

11. (1) Any person in occupation of an unregistered shop shall be liable to a penalty not less than *two* pounds nor more than *ten* pounds unless, in cases where the certificate of registration or renewal has not been issued or has expired or been cancelled, he proves that he had taken all proper measures in accordance with the provisions of this Act to obtain registration or renewal of registration and that the same had not been refused.

(2) The court may, in addition to the penalty, order that a record of the persons employed in the shop be furnished and the amount of the prescribed fee be paid to the Chief Inspector by such person within a time to be named in the order, and if, after the expiration of the time so named, the order is not complied with, such person shall be liable to a penalty of *one* pound for every day that such non-compliance continues.

12. Every shopkeeper of a shop mentioned in Schedule Two to this Act shall exhibit in a conspicuous place in the shop and in the manner prescribed a notice in the prescribed form of the closing times for the classes of trade carried on therein.

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

PART III.

THE OPENING AND CLOSING OF SHOPS.

DIVISION 1.—*The opening of shops.*

13. (1) The opening time for butchers' shops shall on each week-day be six-thirty o'clock in the morning. Opening time for all shops.

(2) The opening time for farriers' shops shall on each week-day be as follows :—

Metropolitan shopping district: Six-thirty o'clock in the morning.

Newcastle and country shopping districts: Seven-thirty o'clock in the morning on Monday, Tuesday, Wednesday, Thursday, and Friday, and six-forty-five o'clock in the morning on Saturday.

DIVISION 2.—*The closing of shops.*

14. (1) The closing time for all non-scheduled shops (other than butchers' shops and farriers' shops) situate within the Metropolitan 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.

On Saturday, one o'clock :

Provided that chemists' shops and druggists' shops may re-open between seven o'clock and nine o'clock in the evening of Saturday.

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

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.

(3)

(3) The closing time for farriers' shops shall in every week be as follows :—

Metropolitan shopping district: Five o'clock on Monday, Tuesday, Wednesday, Thursday, and Friday, and twelve noon on Saturday.

Newcastle and country shopping districts: Fifty-three o'clock on Monday, Tuesday, Wednesday, Thursday, and Friday, and twelve noon on Saturday.

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

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

On Saturday, nine-thirty o'clock.

On Wednesday, one o'clock :

Provided that the closing times for non-schedule shops (other than butchers' shops and farriers' 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 Newcastle shopping districts :

Provided also that chemists' shops and druggists' shops may re-open between seven o'clock and nine o'clock in the evening of the day of the week upon which the closing time is one o'clock.

(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 of shops (other than butchers' shops and farriers' 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 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

(not being less than twenty-one nor more than thirty 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 or a farrier's shop 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 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" means any person who shall have been engaged for three months at least in a shop not being a butcher's shop or a farrier's 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 years.

16. (1) Where a non-scheduled shop (other than a butcher's shop or a farrier'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, 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.

When non-scheduled shop closed during Christmas Day.

(2) Where in any shopping district any week-day (not being Christmas Day or Boxing Day) is set apart as a bank holiday or as a public holiday under the Banks and Bank Holidays Act, 1912, and falls upon the same day upon which non-scheduled shops (other than butchers' shops and farriers' shops) in such shopping district are allowed under this Act to remain open until nine-thirty o'clock, non-scheduled shops (other than butchers' shops and farriers' shops) may be kept open until nine-thirty o'clock on the week-day next preceding:

Provided

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 part of such day.

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

17. (1) The closing times for shops mentioned in Part I of Schedule Two shall be one o'clock on Wednesday or Saturday at the option of the shopkeeper, and seven o'clock on other week-days, but tobacconists' shops which close at one o'clock on Wednesday may remain open until ten o'clock on either Friday or Saturday at the option of the shopkeeper, and tobacconists' shops which close at one o'clock on Saturday may remain open until ten o'clock on Friday. Where the businesses of hairdresser and tobacconist are carried on in the same building, and the entrance from the street to one shop is through the other, both shops shall close at one o'clock on the same day of the week, and the option as to the day upon which the closing time shall be one o'clock shall, in case of disagreement, be exercised by the shopkeeper of the tobacconist's shop.

(2) Any choice which a shopkeeper is entitled to make under the preceding subsection may be made in respect of any shop occupied by him by sending to the Minister or to any person authorised by the Minister in that behalf a notice in the form prescribed. Until any such choice is made the shopkeeper shall be deemed to have chosen one o'clock as the closing time for his shop on Wednesday, and the shopkeeper of the tobacconist's shop shall be deemed to have chosen ten o'clock as the closing time for his shop on Friday.

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.

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

(4)

(4) The closing time for shops mentioned in Part ^{Part III.} III of Schedule Two shall on each week-day be nine o'clock.

(5) Subject to the provisions of the Liquor ^{Part IV.} Referendum Act, 1916, the closing time for shops mentioned in Part IV 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.

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

(7) Every shop mentioned in Schedule Two, in ^{Proviso.} 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.

(8) Every shop mentioned in Parts II, III, IV, or V 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.

18. (1) If any shop is opened before the opening ^{Penalty if} time or is not closed and kept closed at and after the ^{shop not} closing time fixed or appointed in respect of such shop ^{closed during} by or under this Act, or if in any such shop any goods ^{closing hours} are offered or exposed for sale before the said opening ^{or if goods are} time or after the said closing time, the shopkeeper of ^{sold within} the shop or any person acting, or apparently acting, ^{those hours.} in the management of the shop shall be guilty of an offence against this Act:

Provided that—

- (a) no such shopkeeper or person shall be guilty of ^{Proviso.} the said offence by reason only that within one half-hour after the said closing time goods have been

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 ;

- (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, which is stated to be urgently required either by endorsement on a prescription by a legally qualified medical practitioner or by a statement in writing signed by the purchaser ;
- (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.

(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 this Act :

Penalty in respect of hairdressers' shops.

Provided that no such shopkeeper or person shall be guilty of the said offence by reason only that within fifteen minutes after the 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.

(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 IV.

SHOP ASSISTANTS AND CARTERS.

Shop assistants.

19. (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 :

Shop assist-
ants in non-
scheduled
shops.

Provided that the above provisions shall not apply to 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 or a farrier's shop, the shopkeeper of any non-schedule shop may employ any shop 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 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 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 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.

(2) No shop assistant shall be employed in or about the business of a tobacconist's shop for more than one half-hour, or in a hairdresser's shop for more than
fifteen

fifteen minutes after the closing time fixed, appointed, chosen, or deemed to be chosen, in pursuance of this Act for any such shop.

(3) No shop assistant shall be employed in or about the business of a butcher's shop or a farrier's shop before the opening time fixed or appointed by this Act for such shops.

(2) If the shopkeeper of the shop, or any person 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. ^{Penalty.}

20. (1) No shop assistant shall be employed in any shop mentioned in Parts II, III, IV, and V of 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 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 such shop shall be allowed a half-holiday from one o'clock in the 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.

(3) If the shopkeeper, or person acting, or apparently acting, in the management of such shop— ^{Penalties.}

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

(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.

21. Where a shop assistant, employed in a non-scheduled shop, other than a butcher's shop or a farrier'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 Banks and Bank Holidays Act, 1912, the shopkeeper, ^{Where shop assistant is allowed holiday on working day.}
for

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 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 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, contravenes any provision of this section he shall be guilty of an offence against this Act.

22. The limitations prescribed in the proviso to clause (b) of subsection one of section twenty-four of the Industrial Arbitration Act shall not affect the provisions of sections and of this Act in respect to the employment of persons after the closing time of the shop, and shall not apply to persons employed by the shopkeeper only when the shop is closed. Limitations.

Carters' holidays.

23. (1) Every baker in the Metropolitan shopping district shall give to every person engaged by him as a bread-carter, 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, such whole day holiday shall be observed on such public holiday, and not on the first or third Wednesday. Bread-carters' holidays in shopping districts.

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 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 four

half-holidays from the hour of two o'clock in the afternoon on some week-days in each month or two whole holidays on some week-days in each month of his 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 meat or milk, four half-holidays, from the hour of two o'clock in the afternoon, on some week-days in each month, or two whole holidays on some week-days in each month of his employment.

(4) If any such baker, shopkeeper, butcher, or 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.

24. 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 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 as aforesaid.

Delivery of goods by carter—evidence of ownership.

25. (1) No person shall in the Metropolitan or New-castle 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 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 on Saturday, of any week :

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

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

Provided

Provided further that the restrictions contained in Proviso.
this section shall not apply to—

- cab-drivers ;
- persons driving tramway cars or motor omnibuses
for conveying passengers ;
- persons carting or delivering bread ;
- persons carting or delivering perishable articles of
human food ;
- persons carting or delivering laundry work to
hospitals, railways, or ships ;
- persons carting flowers to market ;
- persons carting newspapers ;
- persons carting materials for the repair of tramways ;
- 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 breakdown in connection with any
plant in a factory which would otherwise have
to be closed either forthwith or during the
next working day for repairs ;
- persons carting bones and meat refuse from butchers'
shops ;
- persons removing dead bodies ; or
- persons delivering aerated waters, cordials or ice.

PART V.

GENERAL AND SUPPLEMENTAL.

General provisions.

26. The Governor may by proclamation alter or repeal any proclamation made under the provisions of this Act or of any Act hereby repealed. Alteration or repeal of proclamations.

27. The Governor may, subject to the Public Service Act, appoint inspectors to carry out the provisions of this Act, and members of the police force may also be appointed by the Minister as such inspectors, and the Minister shall supply each inspector with a certificate of his appointment.

28.

28. An inspector, on producing the certificate of his appointment, may— Powers of inspectors.

- (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;
- (c) exercise such powers as may be necessary for carrying out the provisions of this Act; and
- (d) to require the production of the certificate of registration of any shop, or any book, notice, record, list, or document which is by this Act, or the regulations hereunder, required to be kept or exhibited in any shop, and to inspect, examine, and copy the same.

29. 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. Penalty for impersonation.

30. Every shopkeeper shall keep or cause to be kept a record of the names of all persons employed in or about the shop, together with the ages of all employees under twenty-one years of age, and such other particulars as may be prescribed.

Penalties and prosecutions.

31. 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.

32.

32. 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.

33. 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.

34. 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.

35. 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.

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 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 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 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 to have been guilty of the act or default constituting the

the offence, the inspector shall proceed against that person in the first instance without first proceeding against the said shopkeeper or person.

36. In proceedings before courts of petty sessions for offences under this Act—

- (a) evidence of any proclamation, order, appointment, or regulation made under the authority of this Act or any Act hereby repealed may be given by the production of any document purporting to be printed by the Government Printer or by the authority of the Minister;
- (b) a copy of any entry in a register or in any official record, or any notice by the Minister or Chief Inspector, which copy purports to be certified to by the Minister or Chief Inspector, shall be prima facie evidence of the truth of the matters stated in such copy;
- (c) a statement in writing purporting to be signed by the Chief Inspector that a certificate of registration has not been issued for any shop shall be prima facie evidence that such shop is not registered and that the prescribed fee has not been paid in respect of such shop;
- (d) the onus of proof—
 - (i) that the person named in the summons is not the shopkeeper or person acting or apparently acting in the management of a shop; or
 - (ii) that the provisions of this Act with regard to the registration of any shop have been complied with,shall be on the defendant.

Regulations.

37. (1) The Governor may make regulations—

Regulations.

- (a) determining, in respect of any railway, tramway, or ferry refreshment rooms, or railway, tramway, or ferry bookstalls, or butcher's shop, farrier's shop, or shop mentioned in Schedule Two to this Act, what classes of trade shall, for the purposes of this Act, be deemed to be

- 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 ;
- (b) for the keeping of records and the giving of information by shopkeepers concerning the number of shop assistants employed, the hours and extra hours of employment of and the holidays and half-holidays allowed to shop assistants, and the giving of information by shopkeepers, butchers, farriers, 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) prescribing the manner in which such records shall be kept and such information given, and the person to whom such information shall be given ;
 - (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 ;
 - (f) prescribing the forms to be used for the purposes of this Act, and the particulars to be contained therein or in any notice or application required to be given or made by this Act ;
 - (g) annulling or altering any prior regulations, or any regulations made hereunder ;
 - (h) providing for the making of lists and rolls of shopkeepers entitled to vote at a poll ;
 - (i) determining, where a partnership or corporation is a shopkeeper, the person by whom the vote of such partnership or corporation shall be given ;
 - (j) providing for the appointment and prescribing the duties of the officers conducting or assisting at conducting the taking of polls ;
 - (k) providing for the manner in which polls shall be taken, and the conditions on which shopkeepers shall be entitled to vote at a poll ;

(1)

(l) providing for making returns of the result of any poll ;
(m) generally for carrying out the provisions of this Act in the above and in other matters ;
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 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 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.

Exemptions.

38. Except as to the provisions with regard to hours of employment and half-holidays contained in section 27 (1) (a), and the determination of the classes of trade to be carried on as provided by section 27 (1) (a), and the keeping of records as prescribed, nothing in this Act shall apply to railway, tramway, or ferry refreshment rooms, or to railway, tramway, or ferry bookstalls.

Shops to which this Act does not apply.

39. Nothing in this Act shall apply to the sale of benzine or other motor spirit, lubricating oil, or carbide to any bona fide motorist who is not, for the time being, resident in the shopping district in which the sale is made, or to any bazaar or fair where goods are sold or exposed for sale in order 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 of the Minister has first been obtained with respect to such show or exhibition.

Exemption of bazaars and fairs.

Suspensions.

Suspensions.

40. In cases of emergency caused by war, fire, flood, or disease, the Minister may suspend the operation of such 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. Suspension of Act in emergency.

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.

41. Nothing in this Act shall affect the operation of 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. Saving as to certain Acts.

SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

Reference to Acts.	Short title.
Act No. 38, 1899 ...	Early Closing Act, 1899.
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.
Act No. 49, 1919 ...	Early Closing Amendment Act, 1919.

SCHEDULE TWO.

PART I.

Hairdressers' shops.
Tobacconists' shops.

PART II.

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

PART III.

Medical institutes and dispensaries registered
under the Friendly Societies Act of 1912.

PART IV.

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

PART V.

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

SCHEDULE

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.

SCHEDULE FOUR.

DESCRIPTION OF NEWCASTLE SHOPPING DISTRICT.

The following areas within the county of Northumberland:—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.

SCHEDULE FIVE.

Schedule
Five.

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

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 farriers' shops, or shops 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>] to [<i>state the proposed day</i>].

Dated this day of , 19 .

(*Signatures and addresses of shopkeepers.*)

SCHEDULE SIX.

The registration fee to be paid upon the first registration, as well as the annual renewal of registration of any shop, shall be—

In shops in which there are—

	£	s.	d.
Not more than 3 persons employed	0	2	6
Over 3 and not more than 6 persons employed	0	5	0
" 6 " " 10 " "	0	10	0
" 10 " " 20 " "	1	0	0
" 20 " " 40 " "	2	0	0
" 40 " " 60 " "	3	0	3
" 60 " " 100 " "	5	0	0
" 100 persons employed... ..	10	0	0

For the purposes of this Schedule "persons employed" means any person who works in a shop, whether for wages or not, at any kind of work whatsoever and includes the shopkeeper and any member of his family.

The number of persons employed shall, on the first registration of a shop, be deemed to be the number employed at the date of the application for registration, and, upon each annual renewal of registration, shall be the average number employed during the year preceding such renewal.