

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1924.

A BILL

To provide for the closing hours of shops and for the opening hours of butchers' shops; to make certain provisions with respect to the hours of employment of persons employed in shops; to provide for the registration of certain shops; to repeal the Early Closing Act, 1899, and certain other Acts; to amend the Industrial Arbitration Act, 1912, and certain other Acts; and for purposes connected therewith.

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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, 192," 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 CERTAIN SHOPS—*ss.* 6-10.

PART III.—THE OPENING AND CLOSING OF BUTCHERS' SHOPS AND THE CLOSING OF OTHER SHOPS—*ss.* 11-16.

PART IV.—SHOP ASSISTANTS AND CARTERS—*ss.* 17-22.

PART V.—GENERAL AND SUPPLEMENTAL—*ss.* 23-39.

2. Except as hereinafter provided this Act shall be deemed to bind the Crown and all persons acting for or on behalf of the Crown or controlling any government industry or undertaking.

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 The Acts specified in Schedule One are to the extent therein expressed hereby repealed.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All proclamations published and rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall, so far as they are applicable to the provisions of this Act, apply as if made under this Act, until repealed or amended by rules or regulations made under this Act.

All persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time they were appointed and they had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

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All proceedings instituted under any Act hereby repealed and returnable before any court shall continue in force, and the enactments of such Act shall apply to the hearing and determination of any such proceedings.

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

- “Chief Inspector” means Chief Inspector of Factories and Investigation Officer, Department of Labour and Industry, or any officer acting in that behalf.
- “Close” means close to the admission of the public for purposes of trade.
- “Employ” means engage, permit, or suffer any person, whether for wages or any other remuneration or not, to perform any kind of work whatever.
- “Inspector” means person appointed an inspector pursuant to this Act, and includes a member of the police force so appointed.
- “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.
- “Prescribed” means prescribed by this Act or the regulations made thereunder.
- “Schedule” means Schedule to this Act.
- “Scheduled shops” means shops of the classes or kind mentioned or specified in Schedule Two.
- “Shop” means place, building, stall, tent, vehicle, 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 (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, in the prescribed manner, and in which goods are offered or exposed as aforesaid, or in which

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which any such 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,” unless the context otherwise indicates, 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, 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 occupying a shop, directly or indirectly, as principal, and includes a manager or other person acting or apparently acting in the management, an auctioneer conducting an auction sale (other than a sale of real estate or live stock), a hawker, or a 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 deemed 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 be the mean time of the one hundred and thirty-fifth meridian of longitude east of Greenwich in England.

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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) 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.

(5) If the area constituted by any such proclamation or the shopping district the boundaries of which are altered thereby is outside the Metropolitan and Newcastle shopping districts, the shopping district so constituted or the boundaries of which are so altered shall be a country shopping district and the proclamation shall fix one day of the week on which all non-scheduled shops therein shall close at nine o'clock and one day of the week on which the said shops shall close at one o'clock.

PART II.

REGISTRATION OF CERTAIN SHOPS.

6. This Part of this Act shall come into operation on a date to be fixed by proclamation in the Gazette.

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

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(b) Every shopkeeper entering into occupation of any scheduled 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.

(c) A shopkeeper who omits or neglects to comply with any of the provisions of this subsection (or who, not having sent in a notification as hereinbefore provided in this section, continues to occupy a scheduled shop, shall be guilty of an offence against this Act :

Provided that any shopkeeper of a scheduled shop not being a hairdresser's shop may, in the prescribed form, elect to observe the closing times fixed for a non-scheduled shop, and such shop shall thereupon be deemed to be a non-scheduled shop.

(2) The Chief Inspector on receipt of such notice and on payment of the prescribed fee shall register the shopkeeper of the shop mentioned in the notice by recording the prescribed particulars 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, the address and situation of the shop, the nature of the business to be carried on therein, and the term for which such registration shall be effective.

(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 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 prescribed fee.

(c) The Chief Inspector shall, upon receipt of such application and fee, record each renewal of registration in the manner prescribed, and shall issue a certificate of such renewal in the prescribed form.

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(4) For the purposes of this section the certificate of registration of the shopkeeper of every shop in which is carried on the trade of one or more of the classes of shops mentioned in Schedule Two shall, if the shop is kept open after the closing times fixed for a non-scheduled shop, specify each separate class of trade so carried on.

(5) (a) If, in any year, a change of occupancy occurs in a shop the shopkeeper of which has paid a registration fee for that year, but no alteration is made in the class or classes of trade carried on in such shop as specified in the certificate of registration—

- (i) the shopkeeper entering into occupation shall, within fourteen days of so doing, notify the Chief Inspector in the manner and form prescribed ;
- (ii) the Chief Inspector shall thereupon and upon payment of the prescribed fee register the shopkeeper so entering into occupation in the prescribed manner.

(b) If, in any registered shop, an alteration is made in the classes of trade carried on as specified in the certificate of registration—

- (i) the shopkeeper shall within fourteen days of such alteration notify the Chief Inspector in the manner and form prescribed ;
- (ii) the Chief Inspector shall thereupon and upon payment of the prescribed fee register such alteration in the prescribed manner.

(c) A shopkeeper who omits or neglects to comply with any of the provisions of this subsection shall be guilty of an offence against this Act.

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

8. If any person shall be convicted of a breach of sections ten or sixteen of this Act in respect of a scheduled shop, of which the shopkeeper at the time of such breach shall have been within the preceding three years twice convicted of a breach of the said sections, or one of

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of them, in respect of that or any other shop, then, in addition to any other penalty provided by this Act, the registration of any such shopkeeper of 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 sections ten or sixteen of this Act in respect of a scheduled shop shall be endorsed on the certificate of registration of the shopkeeper of the shop in respect of which the conviction is obtained, by the court before or by whom such conviction is had. Upon failure to deliver up the certificate for such endorsement, the registration of such shopkeeper in respect of all of the classes of trade mentioned in Schedule Two of this Act shall be cancelled.

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

(3) The Chief Inspector shall enter upon the register of the shopkeeper 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 the shopkeeper of any scheduled shop is cancelled such shopkeeper shall not be again registered as a shopkeeper of a scheduled shop for a period of three years from the date of cancellation, and the closing times for any scheduled shop in any shopping district while occupied by such shopkeeper shall in respect of all classes of trade carried on therein be one o'clock on the day of the week on which non-scheduled shops in that district close at that hour, and six o'clock on the remaining five week-days :

Provided that if during any period of three years subsequent to such cancellation such shopkeeper shall not have been convicted of a breach of section sixteen, he may again be registered as a shopkeeper of a scheduled shop.

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10. Any person in occupation of any scheduled shop in which trade is carried on after the closing times fixed for non-scheduled shops and in respect of which a certificate of registration or renewal as hereinbefore provided has not been issued or has expired shall, for each and every day that the shop is not registered as required, be guilty of an offence against this Act.

PART III.

THE OPENING AND CLOSING OF BUTCHERS' SHOPS AND THE CLOSING OF OTHER SHOPS.

11. (1) The opening and closing times for butchers' shops in any shopping district shall on each week-day be such times as may for the time being be fixed by any award under any Act (State or Commonwealth) relating to industrial arbitration for the commencement and cessation of work by employees in such butchers' shops other than employees who are permitted by the provisions of any such award to be employed at times when the said shop is closed.

(2) For any butcher's shop in any shopping district in respect of which no times are for the time being so fixed, the opening time shall be six-thirty o'clock in the morning of each week-day and the closing times one o'clock on the day of the week on which other non-scheduled shops in that district close at that hour and five o'clock on the remaining five week-days.

(3) Butchers' shops which close on Saturday for any religious purpose during the whole period between the opening and closing times fixed as aforesaid for that day may be opened and kept open on that day between the hours of six o'clock post meridian and eight o'clock post meridian.

12.

12. The closing times for all non-scheduled shops (other than butchers' shops) situate within the Metropolitan and Newcastle shopping districts shall, in every week, be :—

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

On Friday, nine o'clock.

On Saturday, one o'clock.

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

On one week-day, one o'clock ;

On one week-day, nine o'clock ;

such days (until altered in pursuance of this Act) to be those respectively now observed in each shopping district, and—

On the four other week-days, six 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 shopkeepers of non-scheduled 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 any of the days observed as aforesaid in pursuance of this Act should be altered to the day specified in the memorial.

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 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, and at such poll each shopkeeper and shop assistant of a non-scheduled shop shall, subject to the regulations, have one vote.

If a majority of persons voting at the poll vote that the said day or days be so altered, the Minister shall so notify in the Gazette, and the closing day or days for such shops in the district shall be so altered accordingly and shall take effect from a date to be specified in such notice.

Where

Closing times
for non-
scheduled
shops.

Closing times
for non-
scheduled
shops—
country
shopping
districts.

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 non-scheduled shop 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.

14. (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, 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 day upon which non-scheduled shops (other than butchers' shops) in such shopping district are allowed under this Act to remain open until nine o'clock, non-scheduled shops (other than butchers' shops) may be kept open until nine 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 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.

15. (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 nine 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 nine o'clock on Friday. Where the businesses of hairdresser and tobacconist are carried on in the same building

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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 Chief Inspector 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 nine 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 times for shops mentioned in Part II of Schedule Two shall—

- (a) within the Metropolitan and Newcastle shopping districts be seven-thirty o'clock on Mondays, Tuesdays, Wednesdays, and Thursdays, nine o'clock on Fridays, and one o'clock on Saturdays in every week; and
- (b) in Country shopping districts be seven-thirty o'clock on four week-days, and one o'clock and nine o'clock respectively upon the days of the week upon which non-scheduled shops close at those hours:

Provided that such shops may re-open between seven o'clock and nine o'clock on the day of the week upon which the closing time is one o'clock.

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

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

(6)

(6) Subject to the provisions of the Liquor ^{Part V.} (Amendment) Act, 1919, the closing times for shops mentioned in Part V of Schedule Two (except newsagents' shops within the Metropolitan shopping district) shall be eleven o'clock on each week-day. The closing times 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.

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

16. (1) If any butcher's shop is opened before the opening times or if any shop is not closed and kept closed at and after the closing times fixed, appointed, chosen, or deemed to be chosen in respect of such shop by or under this Act, or if in any such shop any goods are offered or exposed for sale before the said opening times or after the said closing times, 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:

Provided that—

^{Penalty if shop not closed during closing hours or if goods are sold within those hours.}
 Proviso.

- (a) 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 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 ;
- (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 in the prescribed form signed by the purchaser ;
- (c) no retail butcher shall be guilty of the said offence by reason only that his shop was open for

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 Saving. 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 purposes of ventilation or of persons visiting or resorting to the premises for purposes other than for trade in the shop.

(4) Goods shall be deemed to be exposed for sale within the meaning of subsection one of this section at any time a shop is open otherwise than for the purposes mentioned in the last preceding subsection, unless such goods are separated from the rest of the goods or stock of the shop and securely confined in the prescribed manner.

(5) Any person who—

- (a) purchases or takes delivery of any goods in a shop ; or
- (b) while in a shop has any work done for or service rendered to him,

before the opening time or after the closing time fixed or appointed in respect of such shop shall be guilty of an offence against this Act.

PART IV.

SHOP ASSISTANTS AND CARTERS.

Shop assistants.

17. (1) No shop assistant shall be employed in or about the business of any non-scheduled shop or in any shop mentioned in Part II 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 assistants 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, the shopkeeper of any non-scheduled 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 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 minutes after the closing time fixed, appointed, chosen, or deemed to be chosen, in pursuance of this Act for any such shop.

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

(4) 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.

18. (1) No shop assistant shall be employed in any shop mentioned in Parts III, IV, V, and VI 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) Every shop assistant 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 :

Provided, further, that this subsection shall not apply to shop assistants who are not employed in or about the business of the shop—

- (a) excepting between the hours of eleven-thirty ante meridian and three post meridian ; or
- (b) before two post meridian.

(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.

19. 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, Where shop assistant is allowed holiday on working day.

or

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, 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 closing time for such shop is one or nine 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.

20. 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 seventeen and eighteen 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.

21. (1) Every baker, butcher, milk vendor, or other shopkeeper whose place of business is situate in any shopping district shall allow every person usually employed by him in delivering goods from the shop, or in delivering bread, meat, or milk, such holidays as may for the time being be fixed for employees by any award under any Act (State or Commonwealth) relating to industrial arbitration.

(2) If at any time there shall not be in respect of any such baker, butcher, milk vendor, or other shopkeeper any award or any holidays for employees fixed by any such award, the following holidays shall be allowed:—

(a) Every baker in the Metropolitan shopping district shall give to every person engaged by him Bread-carters' holidays in shopping districts.

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.

(b) 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.

(c) 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.

(3) No person shall deliver bread, meat, milk, or other goods, otherwise than at the premises of the baker, butcher, milk vendor, or shopkeeper, to a customer on a holiday fixed by this Act or by any such award as the case may be.

(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, or delivers or permits goods to be delivered contrary to the provisions of the preceding subsection, he shall be guilty of an offence against this Act.

22. 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

Delivery of goods by carter—evidence of ownership.

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.

PART V.

GENERAL AND SUPPLEMENTAL.

General provisions.

23. 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.

24. 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.

25. 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)

(d) require the production of the certificate of registration of any shopkeeper, 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 inspect, examine, and copy the same.

26. Any person who wilfully obstructs an inspector Obstruction of inspector, &c. 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.

27. Every person who forges or counterfeits any Penalty for impersonation. 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.

28. Every shopkeeper of a shop (other than a public house, hotel, or wine 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 to be observed for the classes of trade carried on therein and in respect of which the shop is registered.

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

Exemptions.

29. Except as to the provisions with regard to hours Shops to which this Act does not apply. of employment and half-holidays contained in section eighteen, the determination of the classes of trade to be carried on as provided by section 39 (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 if the same are so placed, situated, and kept that they are accessible only to persons arriving or departing by train, tram, or ferry respectively.

30.

30. 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.

31. 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.

32. Nothing in this Act shall affect the operation of the Eight Hours Act, 1916, 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.

Penalties, prosecutions, and procedure.

33. Any person who is guilty of an offence against this Act shall, if no other penalty is provided, for the first offence be liable to a penalty not exceeding *two* pounds, and for a second offence to a penalty not less than *two* pounds nor more than *ten* pounds, and for a third offence to a penalty not less than *ten* pounds nor more than *twenty* pounds.

34.

34. If a shopkeeper—

- (a) or any person whose registration as the shopkeeper of a scheduled shop has been cancelled under section eight of this Act;
- (b) of a non-scheduled shop of which the shopkeeper shall have been within the preceding three years convicted three times of a breach of section sixteen of this Act;
- (c) of any shop who has been previously penalised under this section,

shall be convicted of a breach of section sixteen of this Act he shall be liable to a penalty not exceeding *fifty* pounds and not less than *twenty* pounds.

35. (1) Proceedings in respect of a breach of any of the provisions of this Act or any regulation made and published in pursuance of this Act may be taken in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

(2) Informations for any offence against this Act, or for breach of any regulation, shall be laid within ^{Time for laying information.} three 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.

36. In any prosecution of a shopkeeper 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.}

37. (1) Where any act or default constituting an offence against this Act for which any shopkeeper 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.}

(2) Where such shopkeeper is charged with any such act or default so done or committed by some other person, the said shopkeeper 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.

(3)

(3) Where an inspector is satisfied before instituting a proceeding for any such offence against the said shopkeeper that such shopkeeper if such proceedings were instituted against him would, under the foregoing provisions of this section, be exempt from any penalty, and the said shopkeeper 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 offence, the inspector shall proceed against that person in the first instance without first proceeding against the said shopkeeper or person.

38. In proceedings 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 to any shopkeeper shall be prima facie evidence that such shopkeeper is not registered and that the prescribed fee has not been paid in respect of such shopkeeper ;
- (d) the onus of proof—
 - (i) that the person named in the summons is not the shopkeeper ; or
 - (ii) that the provisions of this Act with regard to the registration of any shopkeeper have been complied with,
 shall be on the defendant.

Regulations.

Regulations.

39. (1) The Governor may make regulations not Regulations. inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without limiting the generality of the foregoing powers, the Governor may make regulations—

- (a) prescribing the nature, method of construction, and requisites of partitions to separate portion of a shop from the rest of the building, and the manner in which the same shall be maintained and secured ;
- (b) prescribing the manner in which goods which are not exposed for sale shall be separated from the rest of the goods or stock of the shop and securely confined ;
- (c) prescribing the forms of notices, applications, register certificates, or other documents to be used in respect of the registration or renewal or cancellation of registration of shopkeepers ; the particulars to be supplied or inserted in such forms ; the procedure to be followed ; the times to be observed ; the fees to be paid ; and all other necessary provisions in relation to such registration or renewal or cancellation of registration ;
- (d) determining, in respect of any railway, tramway, or ferry refreshment rooms, or railway, tramway, or ferry bookstalls, or butcher'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 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 ;
- (e) for the keeping of records and the giving of information by shopkeepers concerning the number

number and names 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, milk vendors, and bakers, concerning the holidays and half-holidays allowed persons employed in delivering goods from a shop, or meat, milk, or bread ;

- (f) prescribing the manner in which such records shall be kept and such information given, and the person to whom such information shall be given ;
- (g) providing for the certifying of the correctness of such records and information ;
- (h) providing for the publication to shop assistants of information concerning this Act, and the regulations hereunder ;
- (i) 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 ;
- (j) annulling or altering any prior regulations, or any regulations made hereunder ;
- (k) providing for the making of lists and rolls of shopkeepers and shop-assistants entitled to vote at a poll ;
- (l) determining, where a partnership or corporation is a shopkeeper, the person by whom the vote of such partnership or corporation shall be given ;
- (m) providing for the appointment and prescribing the duties of the officers conducting or assisting at conducting the taking of polls ;
- (n) providing for the manner in which polls shall be taken, and the conditions on which shopkeepers and shop-assistants shall be entitled to vote at a poll ;
- (o) providing for making returns of the result of any poll.

(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 (e), (f), (g), and (i) 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—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament be then sitting, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

(4) The regulations may—

- (a) impose a penalty for any breach thereof, and also distinct penalties in cases of successive breaches thereof, but no penalty shall exceed *ten* pounds;
- (b) impose a daily penalty for any continuing breach thereof, not exceeding *one* pound per day;
- (c) fix a minimum as well as a maximum penalty.

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SCHEDULES.

SCHEDULE ONE.

Reference to Acts.	Short title.	Extent of repeal.
Act No. 38, 1899 ...	Early Closing Act, 1899.	The whole.
Act No. 81, 1900 ...	Early Closing (Amendment) Act, 1900.	The whole.
Act No. 29, 1906 ...	Early Closing (Hairdressers' Shops) Act, 1906.	The whole.
Act No. 12, 1910 ...	Saturday Half Holiday Act, 1910.	The whole.
Act No. 23, 1910 ...	Early Closing Amendment Act, 1910.	The whole.
Act No. 64, 1915 ...	Early Closing Amendment Act, 1915.	The whole.
Act No. 49, 1919 ...	Early Closing Amendment Act, 1919.	The unrepealed portion.

SCHEDULE TWO.

PART I.

Hairdressers' shops.
Tobacconists' shops.

PART II.

Chemists' shops.
Druggists' shops.
Public and private dispensaries (other than medical institutes and dispensaries registered under the Friendly Societies Act of 1912).

PART III.

Flower shops.
Cooked provision shops.
Bakers' shops.

PART IV.

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

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PART V.

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

PART VI.

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

SCHEDULE THREE.

DESCRIPTION OF METROPOLITAN SHOPPING DISTRICT.

The City of Sydney and the waters and foreshores of Port Jackson adjoining the said city and the municipalities of Alexandria, Annandale, Ashfield, Auburn, Balmain, Bankstown, Bexley, Botany, Burwood, Canterbury, Concord, Darlington, Drummoyne, Dundas, Eastwood, Enfield, Ermington and Rydalmere, Erskineville, The Glebe, Granville, Homebush, Hunter's Hill, Hurstville, Kogarah, Lane Cove, Leichhardt, Lidcombe, Manly, Marrickville, Mascot, Mosman, Newtown, North Sydney, Paddington, Parramatta, Petersham, Randwick, Redfern, Rockdale, Ryde, St. Peter's, Strathfield, Vacluse, Waterloo, Waverley, Willoughby, and Woollahra.

SCHEDULE FOUR.

DESCRIPTION OF NEWCASTLE SHOPPING DISTRICT.

The City of Newcastle and the municipalities of Adamstown, Carrington, Hamilton, Lambton, Merewether, New Lambton, Plattsburg, Stockton, Waratah, and Wickham.

SCHEDULE

Early Closing.

SCHEDULE FIVE.

PETITION FOR ALTERATION OF THE ONE AND NINE O'CLOCK
CLOSING DAYS.

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 days to which the closing times appointed in pursuance of the Early Closing Act, apply to shops (not being butchers' shops or shops mentioned in Schedule Two of the said Act) situate within the said district as follows :—

Closing time.	Proposed alteration of days to which closing times apply.
One o'clock ...	To be altered from [<i>state the present day for closing at one o'clock</i>] to [<i>state the proposed day</i>].
Nine o'clock...	To be altered from [<i>state the present day for closing at nine o'clock</i>] to [<i>state the proposed day</i>].

Dated this _____ day of _____, 19 .

(*Signatures and addresses of shopkeepers.*)