

Act No. 81, 1900.

EARLY CLOSING
(AMENDMENT).An Act to amend the Early Closing Act, 1899.
[11th December, 1900.]

BE it enacted by the Queen'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:—

Preliminary.

- Short title. **1.** This Act may be cited as the "Early Closing (Amendment) Act, 1900."
- Definition. **2.** In this Act "The Principal Act" means the Early Closing Act, 1899.

Closing times.

- Repeal of sections of the Principal Act. **3.** Sections three and four of the Principal Act are hereby repealed, and every proclamation made under the provisions of section three of the said Act is hereby rescinded, and the following shall stand in lieu thereof:—

Closing of shops in country shopping districts.

(1) The closing times for all shops (except those mentioned in Schedule One of the Principal Act) situate within a country shopping district shall be—

On one week-day, one o'clock;

On one week-day, ten 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;

and all such shops shall close on those days not later than the hours above mentioned, which shall be hours after the hour of noon each day.

Memorial for a poll.

(2) When the Principal Act shall have been in force in any country shopping district for a period of not less than nine months, not less than one-third of the shopkeepers of shops not being shops mentioned in Schedule One of the Principal Act may present to the Minister a memorial under their hands, in the form of Schedule Two to the said 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 twenty-eight days after the first notification) a poll will be taken as to the alteration proposed.

(3)

Early Closing (Amendment).

(3) 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 shop mentioned in Schedule One to the Principal Act shall, subject to the regulations, have one vote.

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

(4) 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 shop mentioned in Schedule One of the Principal 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.

4. The Governor may by proclamation constitute any area not now declared a country shopping district to be a country shopping district, and shall in such proclamation define the boundaries thereof.

The closing time for all shops (except those mentioned in Schedule One of the Principal Act) situate within such country shopping district shall be—

On one week-day, one o'clock;

On one week-day, ten o'clock;

such days (until altered in the same manner as provided in the preceding section for existing country shopping districts) to be those respectively declared in such proclamation, and—

On the four other week-days, six o'clock;

and all such shops shall close on those days not later than the hours above mentioned, which shall be hours after the hour of noon each day.

5. Notwithstanding anything contained in Part One of the Principal Act, the closing time for newsagents' and booksellers' shops within the metropolitan area shall be eight o'clock on five week nights and ten o'clock on Saturday. A newsagent's shop shall include a shop where newspapers, periodicals, magazines, novelettes, stationery, school requisites, or books are exposed for sale.

6. In the case of any shop situate within the Newcastle shopping district, and mentioned in section one of the Principal Act, any shopkeeper who has elected to close at one o'clock on Wednesday may keep his shop open till ten o'clock on Friday:

Provided that in such case his closing time on Saturday shall be six o'clock.

7. Where in any shopping district a shopkeeper occupies two or more shops not being shops mentioned in Schedule One to the Principal Act, all such shops shall on each day close at the same time, notwithstanding any choice which the shopkeeper has made under the said Act:

And

Early Closing (Amendment).

And subject to the provisions of this section, the shopkeeper may, under subsection two of section one of the said Act (notwithstanding that the period of three months after a choice made before the commencement of this Act has not expired), make a fresh choice in respect of all or any of such shops, and the provisions of that subsection shall apply in respect of any choice so made. Until he makes such choice he shall be deemed to have chosen, in respect of all his said shops, one o'clock as the closing time on Wednesday.

Closing times in case of holiday occurring.

8. Where a shop in any shopping district, not being a shop mentioned in Schedule One to the Principal Act, is closed during the whole of any week day set apart in any week as a bank holiday or as a public holiday under the Banks and Bank Holidays Act, 1898, and the shop-assistants are not employed therein during such day, such shop may be kept open until six o'clock on the day of such week on which the closing time is one o'clock, and where such holiday as aforesaid is Christmas Day, New Year's Day, or Good Friday, such shop may also be kept open until ten o'clock on the week day next preceding.

Where any such shop as aforesaid is closed during and until six o'clock on any week day observed in any week as a holiday for any religious purpose, and the shop-assistants are not employed therein during such time, such shop may be kept open until six o'clock on the day of such week on which the closing time is one o'clock.

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.

The proviso to subsection one of section one of the Principal Act is hereby repealed.

Shop-assistants, minors, and carters.

Amending of s. 8 (1) of Principal Act.

9. Subsection (1) of section eight of the Principal Act is hereby amended by the insertion of the words " or about the business of any shop " after the words " in any shop " in the first line of the said section.

Shopkeeper may employ assistant for extra hours in lieu of holiday on full pay.

10. Where a shop-assistant, employed in a shop not being a shop mentioned in Schedule One to the Principal Act, 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, 1898, or day observed as a holiday for any religious purpose, as provided in section six, the shopkeeper, for each day so allowed, may employ the assistant for a period not exceeding three hours (exclusive of the hour to be allowed for refreshment under this section) on each of any two other days (not being a day on which the shop closes at one or ten o'clock, or a bank or public holiday as aforesaid) after the closing time on each such day, but after the said closing

Early Closing (Amendment).

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 the Principal Act.

11. In the case of shop-assistants employed in hotels, restaurants, or eating-houses, the half-holiday mentioned in subsection (2) of section nine of the Principal Act may be allowed from two o'clock instead of from one o'clock. In the case of shop-assistants employed in hair-dressers' shops in the metropolitan district, the half-holiday mentioned in subsection two of section nine of the said Act shall be allowed on Wednesday or Saturday of each week, and the closing time on the former day shall be notified as provided for in subsection two of section one of the Principal Act.

Half-holidays of assistants in hotels.

12. Notwithstanding anything to the contrary in the principal Act, every baker in the metropolitan area shall give to every person engaged by him as a bread carter or acting for him in that capacity, one whole day as a holiday, on the third Wednesday in each month: Provided that in the event of any public holiday under the Banks and Bank Holidays Act, 1898, falling in the same week as the third Wednesday in any month, such whole day holiday shall be observed on such public holiday, and not on the third Wednesday.

Holiday for bread carters.

And on such third Wednesday in each month or on such public holiday, as the case may be, no bread shall be delivered by cart to a customer by any person engaged by a baker in the metropolitan area.

13. Every baker outside the metropolitan area, and every shopkeeper, butcher, or milkvendor, 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, milk, or bread, four half-holidays from the hour of two o'clock in the afternoon on some week-days in each month, or a whole holiday on one week-day in each month of his employment. And if, in any month, he fails or refuses to allow any person so employed by him such half-holidays or such whole holiday, he shall be guilty of an offence against the Principal Act.

Regulation of half-holidays or holidays for carters

In any prosecution for a contravention of the provisions of this section, proof that during any month any person used, for the purpose of delivering goods from a shop, or delivering meat, milk, or bread, a cart bearing the name or title of, or in any other way purporting to be the property of, the defendant, shall be prima facie evidence that the said person during the said month was employed by the defendant in delivering goods, meat, milk, or bread, as aforesaid.

Section ten of the Principal Act is hereby repealed.

Repeal.

Supplemental

*Early Closing (Amendment).**Supplemental and exemptions.*

Regulations defining usual classes of trade and as to keeping of records, &c.

- 14.** The Governor may make regulations—
- (a) determining, in respect of any shop mentioned in Schedule One to the Principal Act, what classes of trade shall, for the purposes of that Act, be deemed to be classes of trade usually carried on in such shop, and thereupon such classes of trade and no other classes of trade 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 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;
 - (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; and
 - (e) providing for the publication to shop-assistants of information concerning the Principal Act and this Act, and the regulations thereunder;

and may in those regulations authorise any penalty not exceeding five pounds to be imposed for any breach of the same.

The provisions of the Principal Act, as to regulations made under that Act, shall apply to regulations made under this section.

Amendment of section 23 of Principal Act.

15. Section twenty-three of the Principal Act is hereby amended by inserting after the word "employment" the words "and half-holidays," and after the word "railway," wherever used, the words "tramway or ferry."

Amendment of section 21 of Principal Act.

16. Section twenty-one is hereby amended by the insertion in the definition of "shop" of the word "place" between the word "means" and the word "building," and "partner under the age of twenty-one years" after the words "clerk employed in a shop" in the definition of "shop-assistant."

The definition of "shopkeeper" in the Principal Act shall not include a commercial traveller bonâ fide engaged in selling goods to a shopkeeper by sample only.

Proof of closing shop.

17. No person shall be convicted under the Principal Act or this Act for not closing or keeping closed a shop if he proves that the shop 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, customers referred to in the first proviso to section

Grafton to Casino Railway.

seven of the said Act or, in the case of a registered pharmacist, persons entering or leaving in connection only with the supply of articles in pursuance of the second proviso to that section, or, in the case of a retail butcher, persons entering or leaving only in connection with the delivery of meat to the shop of such butcher.

18. In cases of emergency caused by fire, flood, or disease, the Minister may suspend the operation of such provisions of the Principal Act or 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. Power of suspension in certain cases.

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

19. Nothing in the Principal Act or this Act shall apply, or be deemed to have applied, 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. Acts not to apply to bazaars.
