

TASMANIAN AUXILIARY NURSING SERVICE.

No. 74 of 1954.

AN ACT to amend the *Tasmanian Auxiliary Nursing Service Act 1949.* [21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Tasmanian Auxiliary Nursing Service Act 1954.*

(2) The *Tasmanian Auxiliary Nursing Service Act 1949* is in this Act referred to as the Principal Act.

Qualifications
for registra-
tion.

2 Section five of the Principal Act is amended by omitting from paragraph (c) of subsection (1) the words “sound health and”.

SHOPS.

No. 75 of 1954.

AN ACT to amend the *Shops Act 1925* and the *Shops Act 1945*, and to repeal the *Shops Act 1937.* [21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Shops Act 1954.*

(2) The *Shops Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is amended—Interpre-
tation.

(a) by inserting after the definition of "Closed" the following definition:—

"'Exempted goods' means any class or description of goods specified in the third schedule."; and

(b) by inserting after the definition of "Inspector" the following definition:—

"'Non-exempted goods' means all goods other than exempted goods:".

3—(1) Sections six and seven of the Principal Act are repealed. Repeal.

(2) The *Shops Act* 1937 is repealed.

(3) Sections two and five of the *Shops Act* 1945 are repealed.

4 Section five of the Principal Act is amended—Compulsory
half-
holiday:
compulsory
holiday:
exceptions.

(a) by omitting from subsection (2) the words "subsection (2) of section nine" and substituting therefor the words "subsection (4) of this section"; and

(b) by omitting subsection (4) and substituting therefor the following subsection:—

"(4) Notwithstanding any other provision of this section—

I Florists' shops may be kept open between seven of the clock and nine of the clock in the afternoon of a Saturday other than Christmas Day or Easter Eve: and

II Newsvendors' shops may be kept open between five of the clock and nine of the clock in the afternoon of any Saturday."

5 Section eight of the Principal Act is repealed and the following section is substituted therefor:—

"8—(1) Except as provided in sections ten, eleven, and sixteen A and in subsection (2) of this section, every shop shall be closed at six of the clock in the afternoon on Mondays, Tuesdays, Wednesdays and Thursdays and at nine of the clock on Fridays and shall remain closed until six of the clock in the following morning. Early
closing.

(2) This section does not apply to—

I Shops of the kinds mentioned in the second schedule:

II Small shops: or

III Photographers' shops open only for the purpose of taking photographs by appointment.

(3) A shop may be opened at any time for the purpose only of supplying motor spirit, lubricants or motor accessories or spare parts to any person stating that he requires the same for the purpose of continuing a journey."

6 Section nine of the Principal Act is repealed and the following section is substituted therefor:—

Trading
hours in
special cases.

“9—(1) Except as otherwise expressly provided in this Act, shops of the several classes specified in the fourth schedule may be open during the days, and between the hours, specified in that schedule in relation to each of those classes of shop respectively, and shall be closed at all other times.

(2) The provisions of section sixteen A with respect to butchers' shops in the city of Hobart are applied to butchers' shops in the city of Launceston in lieu of the provisions of subsection (1) of this section.

(3) Notwithstanding any other provision of this section ladies' hairdressers' shops may be kept open until half-past nine of the clock in the afternoon of Wednesdays.”

Chemists may
supply
medicines,
&c., at any
hour.

Small shops
and assist-
ants therein.

7 Section ten of the Principal Act is amended by omitting subsection (1A).

8 Section twelve of the Principal Act is amended—

(a) by inserting in subsection (1), after the word “employed,” the words “other than a garage.”;

(b) by inserting in subsection (8), after the word “from”, the word “half-past”; and

(c) by omitting subsection (9) and substituting therefor the following subsection:—

“(9) Small shops may be kept open between the hours of five and half-past seven of the clock in the afternoon of every Saturday (not being Christmas Day).”.

Licence for
sale of
tobacco, &c.

9 Section fourteen of the Principal Act is repealed.

10 Section fifteen of the Principal Act is repealed and the following sections are substituted therefor:—

Mixed trade
shops to
close at
earliest
hours fixed.

“15—(1) Where the trade of a shop is so manifold or various that part of it is part of the trade of a shop of any kind or class mentioned in the second, fourth, or fifth schedules and part of it is not, it is in this section called “a mixed-trade shop”, and shall for the purposes of this section be deemed to be a shop of each kind or class (whether mentioned in those schedules or not) that carries on any part of its trade.

(2) For the purpose of any provision of this Act requiring closing of shops of a certain kind or class or not of certain kinds or classes a mixed-trade shop, other than a small shop, shall, subject to subsection (3) of this section, be kept wholly closed during the hours that any shop of a kind or class that under subsection (1) of this section it is deemed to be is in the municipal district in which it is situated required to be closed.

(3) Notwithstanding the provisions of subsection (2) of this section but subject to subsection (2) of section five and subsection (3) of section sixteen, a mixed-trade shop may be kept open for the sale of exempted goods and exempted goods may be sold or offered, kept, or exposed for sale therein at any time, if during all hours during which but for this subsection the shop would be required by this Act to be closed all non-exempted goods are kept enclosed by a partition of such kind as—

I May be prescribed: or

II In the absence of regulations in that behalf, the Chief Inspector may direct, so as to be inaccessible to persons entering the shop for the purchase of goods or the transaction of business therein.

(4) For the purposes of subsection (2) of this section the sale of tinned foods shall be deemed to be part of the trade of a grocer's shop.

(5) For the purposes of subsection (3) of this section—

I "Exempted goods" includes any non-exempted goods for the sale of which a mixed-trade shop might be kept open at the relevant time if its trade were in those goods only: and

II The businesses of a hairdresser and a pawnbroker shall respectively be deemed to be the sale of goods as if hairdressing and pawnbroking were goods, and that subsection operates to require the part of the shop in which those businesses are carried on to be partitioned off as if it contained non-exempted goods.

(6) A shopkeeper or shop assistant who in a mixed-trade shop sells, offers or exposes for sale, or delivers to any person in the shop any goods required by subsection (3) of this section to be at the time kept enclosed by a partition as therein provided is guilty of an offence against this Act.

"15A Notwithstanding anything contained elsewhere in this Act, restaurants and tea rooms may, subject to the provisions of the *Sunday Observance Act* 1908, be opened and kept open, at any time, for the purpose only of supplying meals or refreshments, or both, for consumption on the premises thereof (whether or not those meals or refreshments, or both, consist, either wholly or in part, of non-exempted goods)."

Special provisions relating to restaurants and tea rooms.

11 Section sixteen of the Principal Act is amended by inserting in subsection (3), after the word "goods", the words "(other than exempted goods)".

Newsvendors to be licensed: sale of goods not authorized by licence prohibited.

12 After section sixteen of the Principal Act the following section is inserted:—

"16A In the city of Hobart and the municipality of Glenorchy—

Special provision for Hobart and Glenorchy.

I Except as provided in paragraph IV of this section, every shop that may be kept open until nine of

the clock in the afternoon of a Friday may be kept open until half-past nine of the clock in the same afternoon:

II Except as provided in subsection (4) of section five and in paragraphs III and IV of this section, every shop shall be kept closed between half-past nine of the clock in the afternoon of every Friday until six of the clock in the forenoon of the following Monday:

III Paragraph II of this section does not apply to—

- (a) Shops of the kinds mentioned in the second schedule:
- (b) Small shops as provided in subsection (9) of section 12: or
- (c) Photographers' shops open only for the purpose of taking photographs by appointment:

IV Except as provided in section five and subsection (1) of section ten, shops of the several classes specified in the fifth schedule may be open during the days and between the hours specified in that schedule in relation to each of those classes of shop respectively, and shall be closed at all other times: and

v Notwithstanding the provisions of paragraph IV of this section, ladies' hairdressers' shops may be kept open until half-past nine of the clock in the afternoon of Thursdays."

Penalties.

13 Section twenty-two of the Principal Act is amended—

- (a) by omitting the word "five" and substituting therefor the word "twenty-five"; and
- (b) by adding at the end thereof the following subsection:—

"(2) If a person who is licensed as the keeper of a small shop pursuant to section twelve is convicted of an offence against this Act, having twice previously within the immediately preceding three years been convicted of an offence against this Act, his licence, without prejudice to any other penalty to which he may be liable under this Act, may be revoked by the Chief Inspector."

14 Section twenty-six of the Principal Act is repealed and the following section is substituted therefor:—

Power of
Chief
Inspector to
exempt shop-
keepers in
certain cases.

"26—(1) The Minister on the recommendation of the Chief Inspector may exempt from all or any of the provisions of this Act a shopkeeper who is carrying on business at a place in a rural area, or who is a cripple or an invalid, or is otherwise subject to any special disability, and may at any time withdraw an exemption under this section.

(2) For the purposes of this section, a place shall be deemed to be in a rural area if it is situated more than seven miles from the general post-office at Hobart or the principal post-office at Launceston.

(3) The Minister, on the recommendation of the Chief Inspector, may grant to a shopkeeper of a shop situated in a holiday resort or at or in the vicinity of a place of public recreation or amusement a permit, in the prescribed form, authorizing the shopkeeper to open his shop and keep his shop open, for the purpose only of selling exempted goods, during such hours, and on such days, as may be specified in the permit, and upon and subject to such conditions (if any) as may be specified therein.

(4) A permit under subsection (3) of this section may be subject to the condition that, during the hours during which the shop is permitted to be open pursuant to the permit, all non-exempted goods shall be kept enclosed by a partition of such kind as may be prescribed, or, in the absence of regulations in that behalf, as the Chief Inspector may direct, so as to be inaccessible to persons entering the shop for the purchase of goods or the transaction of business therein.

(5) If a shopkeeper to whom a permit under subsection (3) of this section is granted, or a shop assistant employed in his shop, during any hours during which, but for that permit, the shop would be required by this Act to be closed, sells, or offers or exposes for sale, or delivers to any person, any non-exempted goods, or fails to observe, in all respects, the conditions (if any) specified in the permit, he is guilty of an offence against this Act, and, without prejudice to any other penalty to which he may be liable under this Act, the Minister, on the recommendation of the Chief Inspector, may, by notice in writing to the shopkeeper, revoke the permit."

15 The second schedule to the Principal Act is amended by omitting the words "Railway refreshment-rooms", and the words "Hotels and public-houses" and by adding at the end thereof the words "Tobacconists' shops".

Second
schedule.

16 The Principal Act is amended by adding at the end thereof the following schedules:—

Third,
fourth, and
fifth
schedules.

"THE THIRD SCHEDULE.

(Section 3.)

EXEMPTED GOODS.

1. Bread, cakes, pastry, tarts, pies, and other goods of a like nature.
2. Confectionery and sweetmeats of every description.
3. Cooked meats and corned meats.
4. Ice cream and ice blocks.
5. Milk drinks, soda fountain drinks, and other non-alcoholic drinks.
6. Fresh fruits and vegetables of all kinds.
7. Fresh or cooked fish of every description (other than fish in tins or other sealed containers).
8. Potato chips.
9. Tobacco, cigars, cigarettes, cigarette papers, snuff, and matches.
10. Articles usually sold to tourists as souvenirs or mementoes.
11. Stationery.

“THE FOURTH SCHEDULE.

(Section 9.)

TRADING HOURS IN SPECIAL CASES.

Class of shop.	Day.	Opening hours.	Closing hours.
Butcher's shop	Monday to Friday	8.00 a.m.	6.00 p.m.
	Saturday	8.00 a.m.	1.00 p.m.
Hairdresser's shop ..	Monday to Friday	8.00 a.m.	6.00 p.m.
	Saturday	8.00 a.m.	1.00 p.m.
News vendor's shop ..	Monday to Friday	6.30 a.m.	9.00 p.m.
	Saturday	6.30 a.m.	12.30 p.m.
		5.00 p.m.	9.00 p.m.

“THE FIFTH SCHEDULE.

(Section 16A.)

SPECIAL TRADING HOURS IN HOBART AND GLENORCHY.

Class of shop.	Day.	Opening hours.	Closing hours.
Butcher's shop	Monday to Thursday	6.00 a.m.	5.00 p.m.
	Friday	6.00 a.m.	6.00 p.m.
Hairdresser's shop ..	Monday to Thursday	6.00 a.m.	6.00 p.m.
	Friday	6.00 a.m.	7.00 p.m.
News vendor's shop	Monday to Friday	6.00 a.m.	8.00 p.m.
	Saturday	6.30 a.m.	12.30 p.m.
Chemist's and druggist's shops ..	Monday to Thursday	6.00 a.m.	6.00 p.m.
	Friday	6.00 a.m.	9.00 p.m.”.

STRAITS ISLANDS ABATTOIRS.

No. 76 of 1954.

AN ACT to amend the *Straits Islands Abattoirs Act* 1950. [21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and
citation.

1—(1) This Act may be cited as the *Straits Islands Abattoirs Act* 1954.

(2) The *Straits Islands Abattoirs Act* 1950, as subsequently amended, is in this Act referred to as the Principal Act.