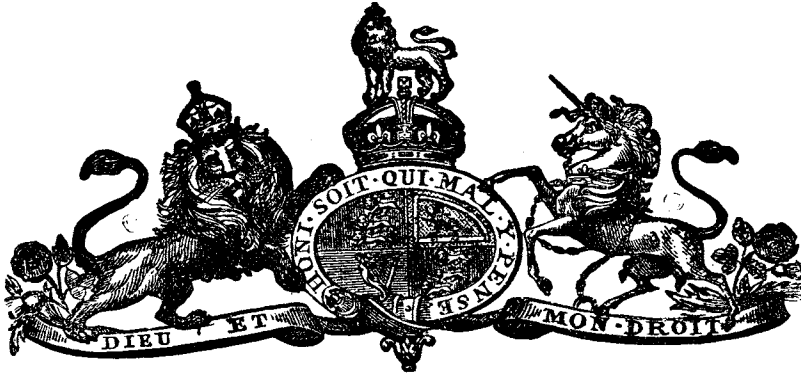


TASMANIA.



1911.

ANNO SECUNDO

GEORGII V. REGIS,

No. 21.

ANALYSIS.

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AN ACT to Regulate the Closing of Shops, and for other purposes. [30 December, 1911.]

A.D.
1911.

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:—

1 This Act may be cited as "The Shops Closing Act, 1911," and shall come into operation on the First day of January, One thousand nine hundred and twelve. Short title and commencement.

8d.]

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Interpretation.

2 In this Act, unless the context otherwise requires—

“Closed” means closed to the admission of the public for the purposes of trade :

“Gazette” means the “Tasmanian Government Gazette” :

“Municipality” means a municipality under “The Local Government Act,” and the City of Hobart and the City of Launceston :

“Minister” means the Chief Secretary for the time being of the State :

“Electors” means the ratepayers whose names are on the assessment roll of any municipality :

“Small shops” means those shops which would, except for the sections of this Act specially dealing therewith, be required to close under the general provisions thereof, and wherein no paid assistant is engaged or employed, and the shopkeeper whereof is registered with the Chief Inspector of Factories :

“Shop” means place, building, stall, vehicle, or tent in which goods are offered or exposed for sale to the public, or in which the business of a hairdresser is carried on, or any portion of a building which is separated from the rest of a building by a substantial partition and in which goods are offered or exposed as aforesaid, or in which any such business as aforesaid is carried on :

“Shopkeeper” means the person, partnership, or corporation occupying a shop directly or indirectly as principal, and any agent or other person acting, or apparently acting, in the management or control of a shop, but shall not include merchants or warehousemen selling wholesale only :

“Shop assistant” means any person employed in, or in connection with, the sale or manufacture of goods in a shop, and includes any clerk or assistant employed in a shop, but does not include any person who is employed by the shopkeeper only when the shop is closed :

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

Compulsory half-holiday in non-exempt shops.

3 Every shop, except those mentioned in Section Thirteen and Schedule (3) hereto, shall, subject to another week-day being decided upon, as hereinafter provided, be closed on Saturday in each week at One o'clock p.m., and shall not be reopened until Six o'clock a.m. on the following Monday, or in case of the shops mentioned in Schedule (2) hereto, until Seven o'clock p.m. on the same day ; but this section shall not come into effect until the Thirty-first day of March, One thousand nine hundred and twelve.

Requisition for a poll.

4 Each municipal council shall be empowered to fix a statutory half-holiday by special resolution, but whenever One hundred electors, or One-tenth of the electors in any municipality, shall petition the municipal council for a poll under this Act, a returning officer shall

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be appointed in the prescribed manner to hold a poll ; but only One such poll shall be held in each year. A.D. 1911.

5 The question to be submitted to the electors at such poll shall be that set forth in the Schedule (1) hereto. Questions at the poll.

6 At such poll each elector shall be entitled to One vote and no more, and the returning officer shall publish the result in the "Gazette," and Section Seven hereof shall thereupon come into force in such municipality. Such poll shall, *mutatis mutandis*, be conducted in the manner provided by "The Electoral Act, 1907." Scale of voting.

7 In every municipality wherein a day has been fixed in accordance with the provisions of this Act— Closing shops on half-holiday.

- i. On the day so fixed all shops, except those mentioned in Schedules (2) and (3) hereto, shall be closed at One o'clock p.m., and shall remain closed until Six o'clock a.m. on the next week-day :
- ii. On the same day all shops mentioned in Schedule (2) shall be closed from One o'clock p.m. until Seven o'clock p.m. :
- iii. All assistants in both such classes of shops shall be dismissed at Fifteen minutes past One o'clock p.m. on such day, and shall not be re-employed until such shops are re-opened :
- iv. Failure to close a shop, or to dismiss assistants in accordance with the provisions of this section, shall be an offence against this Act.

8 Subsections iii. and iv. of the preceding section hereof shall apply also to shops liable to close under Section Three hereof. Subsections iii. and iv. of Section 7 to apply to shops under Section 3.

9 The shops mentioned in Schedule (3) are exempt from the half-holiday provisions of this Act, except as is hereinafter provided. Exemptions.

10—(1) All shop assistants employed in any of the shops mentioned in Schedule (3) hereto shall be allowed a half-holiday from One o'clock in the afternoon on some One week-day of every week till Six o'clock a.m. on the next week-day. Half-holiday to assistants in exempt shops.

(2) In the case of assistants employed in public-houses, hotels, railway refreshment-rooms, restaurants, or eating-houses, the half-holiday shall be allowed from half-past Two o'clock in the afternoon.

(3) Any shopkeeper or other person making default in compliance with the provisions of this section shall be guilty of an offence against this Act.

11 Every shop in Tasmania shall, except as hereinafter provided, be closed at Six o'clock p.m. on Four week-days, and on One week- Early closing.

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day at Ten o'clock p.m., other than the weekly statutory half-holiday. Every shopkeeper making default in the observance of this section shall be deemed to be guilty of an offence against this Act.

Exemptions from early closing.

12 The preceding section shall not apply to small shops, tobacconists, tea-rooms, restaurants, railway refreshment-rooms, photographers (for the purpose of taking photographs by appointment only), licensed hotels, public-houses, cooked-meat shops, fish and oyster shops, bakers, pastrycooks and confectioners, fruit shops, and vegetable shops.

Hairdressers' and chemists' shops.

13 Notwithstanding anything heretofore contained in this Act—

i. Hairdressers' shops shall close on Four days of the week at Eight o'clock p.m., on One day at Ten o'clock p.m., and on the half-holiday at One o'clock p.m. Such half-holiday shall be observed on either Wednesday or Saturday, at the individual option of each hairdresser :

ii. Chemists and druggists, including friendly societies' dispensaries, shall be permitted to supply medicines or necessities in urgent cases during the statutory closing hours.

Provided that Sections Three and Eleven of this Act shall not apply to friendly societies' dispensaries which supply medicines only, prescribed by a medical practitioner, and such medicines to no other than members thereof, or to chemists and druggists between the hours of Seven and Eight p.m. on the statutory half-holiday and on Sundays :

Butchers' shops.

iii. Butchers' shops in Hobart and Launceston shall close on Mondays, Tuesdays, and Thursdays at Five o'clock p.m., on Fridays at Six o'clock p.m., and on Saturdays at Nine o'clock p.m. Wednesday shall be the statutory half-holiday for butchers' shops, when they shall close at One o'clock p.m. :

iv. Any shopkeeper making default in compliance with the provisions of this section shall be guilty of an offence against this Act.

Mixed trades.

14—(1) The sale of fresh uncooked meat is prohibited after the statutory hours of closing, as provided by this Act, in any auction-mart, or in any shop in which any other trade or business is carried on in conjunction with the sale of such meat. Any person selling fresh uncooked meat in contravention of this section shall be deemed to be guilty of an offence against this Act.

(2) In the case of any shop specially exempted under any of the provisions of this Act or schedule hereto, it shall be deemed an offence to sell or deliver goods, not being of the class properly belonging to such shop, during the hours when shops which have like goods for sale are compelled by this Act to close.

Registration of small shops.

15 Small shops and the shopkeepers thereof shall be registered annually by the Chief Inspector of Factories.



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- 16** Any person entering a shop, not specially exempted under any provisions of this Act, after One o'clock p.m. on the half-holiday, or after Six p.m. on Four days, or after Ten o'clock p.m. on One day of the week when late closing is allowed, and purchasing any article or thing, shall be guilty of an offence against this Act; but any person having entered the shop before the closing hour shall be allowed to complete his purchases before leaving the shop: Provided that the supplying of duplicate parts of broken machinery during the hours fixed for closing shall not be deemed an offence against this Act. A.D. 1911.
Liability of purchaser.
- 17** No shop assistant shall be employed during the statutory closing hours, as provided under this Act, for the purpose of collecting accounts or canvassing for orders; and any person making default in accordance with the provisions of this section shall commit an offence against this Act. Collectors and canvassers.
- 18** Any person who is guilty of an offence against this Act shall be liable for the First offence to a penalty of Five Pounds, and on a Second or subsequent conviction to a penalty of Ten Pounds. Penalties.
- 19** Every member of the police force of or above the rank of sergeant shall, without any further appointment, be an inspector to carry out the provisions of this Act. Police officers to be inspectors.
- 20** An inspector, or any inspector appointed under the provisions of "The Factories Act, 1910," may— Powers of inspectors.
- i. Enter at any reasonable hour any shop or any place which he has reason to believe is used as a shop:
 - ii. 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 employed in or about a shop, and require him to truthfully answer such questions: and
 - iii. Exercise such powers as may be necessary for carrying out the provisions of this Act.
- 21** Any person who wilfully obstructs an inspector in the exercise of any powers 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 inspectors.
- 22** In any proceedings for an offence against this Act or for breach of any regulations— Information for offences.
- i. The information shall be laid in the name of an inspector or of any shopkeeper or shop assistant within One month from the committing of the offence, and shall be heard and determined, and all penalties imposed shall be recoverable in a summary way, by and before a police magistrate or any Two or more justices of the peace who are not shopkeepers

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or shop assistants, in the mode prescribed by "The Magistrates Summary Procedure Act":

- ii. It shall be sufficient to allege in the information that the shop was a shop within the meaning of this Act:
- iii. An appeal shall lie from any conviction for any such offence in the mode prescribed by "The Appeals Regulation Act."

Exception of bazaars, &c.

23 Nothing in this Act shall apply 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, nor to any persons authorised to sell goods at any regatta, race, sports, place of public amusement, or show meeting.

Regulations.

24—(1) The Governor may from time to time make such regulations as may be deemed necessary to carry out the objects and purposes of this Act, and may in these regulations authorise any penalty not exceeding Five Pounds to be imposed for any breach of the same.

(2) All such regulations shall be published in the "Gazette," and the production of a copy of the "Gazette" containing any such regulations shall be conclusive evidence of the validity thereof.

Christmas and New Year period.

25 The operation of this Act shall be suspended during the period of Three week-days immediately preceding Christmas Day, and on One week-day preceding New Year's Day; and whenever a public holiday or half-holiday is observed in any municipality this Act shall be suspended in respect of a compulsory half-holiday in that municipality during the week in which such public holiday or half-holiday is observed.

SCHEDULES.

(1.)

QUESTION TO BE SUBMITTED TO ELECTORS.*"Shops Closing Act, 1911," Weekly Half-holiday.*

Upon what day shall the half-holiday be observed?

Monday.
Tuesday.
Wednesday.
Thursday.
Friday.
Saturday.

(2.)

Shops which shall be closed from One p.m. till Seven p.m. on the weekly half-holiday:—

Florists.
Newsvendors.
Fish and oyster shops.

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(3.)

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Shops which are entirely exempt from the statutory half-holiday—

Vegetable shops.
Fruit shops.
Confectioners.
Licensed hotels and public-houses.
Railway refreshment-rooms.
Restaurant and tea-rooms.
Milkvendors.
Cooked-meat shops.
Undertakers.

