

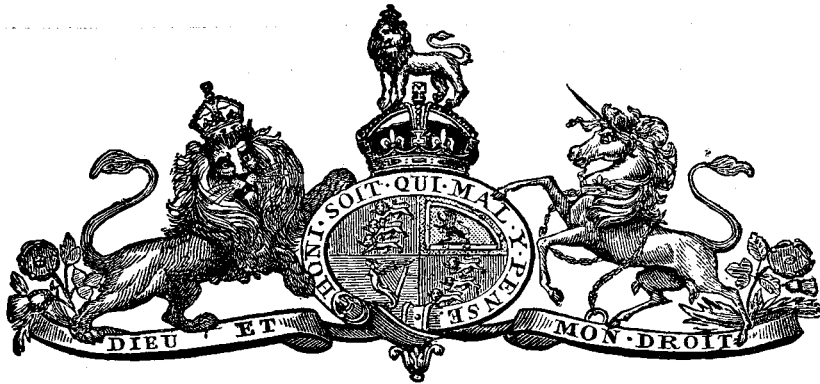
# THE SUNDAY OBSERVANCE ACT.

## ANALYSIS.

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| <ol style="list-style-type: none"><li>1. Short title.</li><li>2. Imperial Acts in schedule not to apply to this State.<br/>Repeal of certain sections of "The Police Act, 1905."</li><li>3. Interpretation.<br/>"Sunday."<br/>"Person."<br/>"Vessel."<br/>"Railway."<br/>"Performance."<br/>"Employer."</li><li>4. Passenger traffic not prohibited.</li><li>5. Commencement of Act.</li><li>6. No sales to be made or business or work done on Sunday.</li><li>7. Games and performances.<br/>Charge for conveyance to performance.<br/>Municipal council may make by-laws regulating or prohibiting exhibition or entertainment at which no charge made for admission.<br/>Divine worship not to be interfered with.</li><li>8. Advertisements of prohibited performances, &amp;c., declared unlawful.</li><li>9. Shooting on Sunday.</li><li>10. Service of process on Sunday shall be void.</li><li>11. Works of necessity or mercy not prohibited.<br/>Divine worship.</li></ol> | <ol style="list-style-type: none"><li>Relief of sickness.</li><li>Fires and repairs to any continuous industry.</li><li>Fires, pumping, &amp;c., in protection of life and property.</li><li>Continuous supply of light, heat, &amp;c.</li><li>Conveying travellers.</li><li>Trains and vessels in transit.</li><li>Repairs, &amp;c., in case of railways.</li><li>Milk, cheese, and live animals.</li><li>Newspapers.</li><li>Sale of milk.</li><li>Sale of fruit.</li><li>Opening of restaurants, tea-rooms, tea-gardens.</li><li>Domestics, &amp;c.</li><li>Public officers.</li><li>Saving property.</li><li>Work authorised by Minister for Lands in connection with railway freight traffic.</li><li>Work proclaimed work of necessity or mercy upon Parliamentary resolution.</li><li>12. Violation of Act.<br/>Penalty.</li><li>13. Employer authorising.<br/>Penalty.</li><li>14. Corporation directing or permitting violation of this Act.<br/>Penalty.</li><li>15. Limitation of action.</li><li>16. Procedure.</li></ol> |
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TASMANIA



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 36.

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AN ACT to regulate *Sunday* Observance. A.D. 1908.  
[14 *December*, 1908.]

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 *Sunday* Observance Act.” Short title.
- 2 From and after the commencement of this Act—
  - i. The Imperial Acts specified in the schedule to this Act shall not extend or apply to this State : Imperial Acts in schedule not to apply to this State.
  - ii. Sections One hundred and ninety-five, One hundred and ninety-six, One hundred and ninety-seven, One hundred and ninety-eight, and One hundred and twenty of “The Police Act, 1905,” shall be repealed. Repeal of certain sections of “The Police Act, 1905.”
- 3 In this Act, unless the context otherwise requires—
  - “*Sunday*” means the period of time which begins at midnight on *Saturday* and ends at midnight on the following day : Interpretation. “Sunday.”
  - “Person” includes His Majesty and all public bodies, bodies corporate, societies, companies, and inhabitants of cities or municipalities : “Person.”
  - “Vessel” includes any kind of vessel or boat used for conveying passengers or freight by water : “Vessel.”

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“Railway.”  
 “Performance.”  
 “Employer.”

“Railway” includes steam railway, electric railway, street railway, and tramway:  
 “Performance” includes any game, match, sport, contest, exhibition, or entertainment:  
 “Employer” includes every person to whose orders or directions any other person is by his employment bound to conform.

Passenger traffic  
 not prohibited.

**4** Nothing in this Act shall—

- i. Be deemed to prevent passenger-traffic of any kind on *Sunday* not prohibited by law:
- ii. Affect or prevent the operation or application of any law for the time being in force relating to passenger traffic.

Commencement  
 of Act.

**5** This Act shall commence and come into force on the First day of *January*, One thousand nine hundred and nine.

*Prohibitions.*

No sales to be  
 made or business  
 or work done on  
*Sunday*.

**6** It shall not be lawful for any person on *Sunday*, except as provided in this Act—

- i. To sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate: or
- ii. To carry on or transact any business of his ordinary calling, or in connection with such calling: or
- iii. For gain to do, or employ any other person to do, on that day any work, business, or labour.

Games and  
 performances.

**7—(1.)** It shall not be lawful for any person on *Sunday* to—

- i. Engage in any public game or contest for gain, or for any prize or reward, or to be present thereat: or
- ii. Provide, engage in, or be present at any performance or public meeting at which any fee is charged, directly or indirectly, either for admission to such performance or meeting, or to any place within which the same is provided, or for any service or privilege thereat except performances or public meetings sanctioned by the mayor or warden of the city or municipality in which the same take place.

Charge for  
 conveyance to  
 performance.

(2.) Any charge made by or by the direction of any person providing or managing a performance, in respect of the conveying of any other person to the performance, shall be deemed to be a fee charged indirectly for admission to the performance, within the meaning of paragraph ii. of Subsection (1.), in every case where no other fee is charged for admission to the performance.

Municipal  
 council may  
 make by-laws  
 regulating or  
 prohibiting

(3.) The municipal council of any city or municipality may from time to time make by-laws to take effect in the city or municipality—

- i. Regulating the holding on *Sunday* of any exhibition or entertainment at which no fee is charged, directly or

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indirectly, either for admission to such exhibition or entertainment or to any place within which the same is provided, or for any service or privilege thereat :

- ii. Prohibiting the providing, engaging in, or being present at any specified exhibition or entertainment, or any specified class of exhibition or entertainment, on *Sunday* at which no fee is so charged as aforesaid.

(4.) This section shall not operate so as to prevent, impede, or interfere with divine worship in any way whatever.

**8** It shall not be lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.

**9**—(1.) No person shall without legal cause discharge any firearm on *Sunday* within, or within Three miles of, any town, or within One mile of any place of worship where divine service is being held.

(2.) Any constable who sees any such offence committed may seize any firearm so discharged as aforesaid, and may apprehend every such offender without warrant.

**10** No person on *Sunday* shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree (except in cases of treason, felony, misdemeanor, or breach of the peace).

The service on *Sunday* of every such writ, process, warrant, order, judgment, or decree shall be void to all intents and purposes whatsoever ; and the person so serving or executing the same shall be as liable to the suit of the party grieved, and to answer damages to him for the doing thereof, as if he had done the same without any writ, process, warrant, order, judgment or decree at all.

*Works of Necessity and Mercy excepted.*

**11** Notwithstanding anything herein contained, any person may on *Sunday* do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression "work of necessity or mercy," it is hereby declared that it shall be deemed to include the following classes of work :—

- i. Any necessary or customary work in connection with divine worship :
- ii. Work for the relief of sickness and suffering, including the sale of drugs, medicines, and surgical appliances by retail :
- iii. Starting or maintaining fires, making repairs to furnaces and repairs in cases of emergency, and doing any other work when such fires, repairs, or work are essential to any industry or industrial process of such a continuous nature that it cannot be stopped without serious injury to such

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exhibition or entertainment at which no charge made for admission.

Divine worship not to be interfered with.

Advertisements of prohibited performances, &c., declared unlawful.

Shooting on Sunday.

Service of process on Sunday shall be void. Cf. 29 Car. II. c. 7, s. 6.

Works of necessity or mercy not prohibited.

Divine worship.

Relief of sickness.

Fires and repairs to any continuous industry.

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Fires, pumping,  
&c., in protection  
of life and  
property.Continuous  
supply of light,  
heat, &c.Conveying  
travellers.Trains and vessels  
in transit.Repairs, &c., in  
case of railways.Milk, cheese, and  
live animals.

Newspapers.

Sale of milk.

Sale of fruit.

Opening of  
restaurants, tea-  
rooms, tea-  
gardens.

Domestics, &amp;c.

Public officers.

Saving property.

industry or its product, or to the plant or property used in such process :

- iv. Starting or maintaining fires when any such work is essential to the protection of property, life, or health :
- v. Any work without the doing of which on *Sunday* electric current, light, heat, cold air, water, or gas cannot be continuously supplied :
- vi. The conveying of travellers or passengers, and work incidental thereto :
- vii. The continuance to their destination of trains and vessels in transit when *Sunday* begins, and work incidental thereto :
- viii. Making repairs in cases of emergency, or doing any other work of a like incidental character necessary to keep the railway lines open on *Sunday* :
- ix. The caring for milk, cheese, perishable products, and live animals :
- x. Any work in the preparation of the regular *Monday* morning edition of a daily newspaper :
- xi. The sale of milk for domestic use : Provided that the municipal council of each city or municipality shall from time to time, by resolution, fix and declare the hours within which, and the conditions subject to which, milk may be sold within the city or municipality in every case where the milk is not delivered by the milk vendor or his servant, in the usual way, at the home of the consumer :
- xii. The sale within the city or municipality of fruit to the public during such hours and subject to such conditions as the municipal council of the city or municipality, having due regard to the object of this Act, shall by resolution from time to time fix and declare :
- xiii. The opening within any city or municipality of such *bonâ fide*—
- Restaurants ;  
Tea-rooms ;  
Tea-gardens—
- for the proper purposes thereof, for the convenience of the public, and during such hours and subject to such conditions as the municipal council of the city or municipality, having due regard to the object of this Act, shall by resolution from time to time fix and declare :
- xiv. The work of domestic servants and watchmen :
- xv. Work done by any person in the public service of His Majesty while acting therein under any regulation or direction of any department of the Government :
- xvi. Any unavoidable work on *Sunday* to save property in cases of emergency, or where such property is in danger of destruction or serious injury :

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| <p>xvii. Any work which the Minister for Lands and Works and Railways, having regard to the object of this Act, and with the object of preventing undue delay, deems necessary to permit in connection with the freight traffic of any State or other railway :</p> | <p>A.D. 1908.<br/>Work authorised by Minister for Lands in connection with railway freight traffic.</p> |
| <p>xviii. Any work declared by a resolution passed by both Houses of Parliament to be a work of necessity or mercy, and as such proclaimed by the Governor.</p>   | <p>Work proclaimed work of necessity or mercy upon Parliamentary resolution.</p>                        |

*Offences and Penalties.*

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| <p><b>12</b> Any person who violates any of the provisions of this Act, or of any regulation thereunder, shall for each offence be liable, on summary conviction, to a fine not exceeding Ten Pounds.</p>  | <p>Violation of Act.<br/>Penalty.</p>  |
| <p><b>13</b> Every employer who authorises or directs anything to be done in violation of any provision of this Act, or of any regulation thereunder, shall for each offence be liable, on summary conviction, to a fine not exceeding Ten Pounds.</p>                           | <p>Employer authorising.<br/>Penalty.</p>                                      |
| <p><b>14</b> Every corporation which authorises, directs, or permits its employees to carry on any part of the business of such corporation in violation of any of the provisions of this Act shall be liable, on summary conviction, to a penalty not exceeding Ten Pounds.</p> | <p>Corporation directing or permitting violation of this Act.<br/>Penalty.</p> |

*Procedure.*

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| <p><b>15</b> No action or prosecution for a violation of this Act, or of any regulation thereunder, shall be commenced without the leave in writing of the Attorney-General for the State, nor after the expiration of Sixty days from the time of the commission of the alleged offence.</p>   | <p>Limitation of action.</p>          |
| <p><b>16</b> All informations for offences against any of the provisions of this Act or the regulations, and all penalties or fines imposed under the provisions of this Act or the regulations, may be summarily heard, determined, and recovered by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."</p> | <p>Procedure.<br/>19 Vict. No. 8.</p> |



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## SCHEDULE.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
1 Car. I., c. 1 (Sports) (A.D. 1625)	"The Sunday Observance Act, 1625"
3 Car. I., c. 2 (A.D. 1627) (Carriers and Butchers)	An Act for the further Reformation of Sundry Abuses committed on the Lord's Day, commonly called Sunday
29 Car. II., c. 7 (A.D. 1677) (Work generally)	"The Sunday Observance Act, 1677"
21 Geo. III., c. 49 (Public Entertainments)	"The Sunday Observance Act, 1780"