

Shop Trading Bill

No.

TABLE OF PROVISIONS

PART 1—PRELIMINARY

Clause

1. Purpose.
2. Commencement.
3. Definitions.
4. Objectives.
5. Ordinary closing days.
6. Exempt shops.

PART 2—SHOP CLOSING HOURS

7. Shop closing hours.
8. Orders and exemptions.

PART 3—REGISTRATION OF SHOPS AND MARKET SITES

9. Application for registration of shops.
10. Registration as a shop.
11. Registration as an exempt shop.
12. Revocation of registration of exempt shop.
13. Registration of market site.
14. Period of registration as a shop or market site.
15. Period of registration as exempt shop.
16. Certificate of registration.
17. Shops at weekend markets.

PART 4—MISCELLANEOUS

18. Power of inspectors.
19. Assistance to inspectors.
20. Appointment of inspectors.
21. Second-hand dealers.
22. Offences.
23. Proceedings.
24. General provisions as to proceedings.
25. Prosecution of firms etc.
26. Regulations.

PART 5—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

27. Transitional registrations.
28. Transitional exemptions.
29. Amendment of *Labour and Industry Act 1958*.
30. Repeal of provisions in *Labour and Industry Act 1958*.
31. New section 104A inserted in *Penalties and Sentences Act 1985*.

32. Amendment of *Industrial Relations Act* 1979.
33. Amendment of *Liquor Control Act* 1968.
34. Repeal of *Shop Trading (Temporary Provisions) Act* 1986.

SCHEDULE 1

Exempt Shops

LEGISLATIVE ASSEMBLY

Read 1° 4 December 1986

(Brought in by Mr Fordham and Mr Cathie)

A BILL

to provide for the regulation of shop trading, to make consequential amendments to certain Acts and for other purposes.

Shop Trading Act 1986

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

- 5 1. The purpose of this Act is to provide for the regulation of shop trading hours and for the registration and classification of shops and for related matters.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Definitions.

- 10 3. (1) In this Act—
 “**Butcher’s shop**” means a shop in which meat, other than poultry, cooked meat or sausages, is sold or offered for sale or exposed for sale.
15 “**Exempt shop**”, subject to section 6, means a shop of a class or kind mentioned in Schedule 1.

- “**Inspector**” means an inspector appointed under the *Labour and Industry Act* 1958 or under this Act.
- “**Motor car**” has the same meaning as motor vehicle has in the *Road Safety Act* 1986.
- “**Municipality**” includes the City of Melbourne and the City of Geelong. 5
- “**Occupier**”, in relation to a shop, includes a person who is the employer of persons who work in business carried on in the shop.
- “**Relevant officer**”, in relation to a provision of this Act, means a person prescribed by the regulations as the relevant officer for the purposes of that provision. 10
- “**Shop**” means a building, structure or place or any part of a building, structure or place or any vehicle—
- (a) in or at which goods are sold or exposed or offered for sale by retail on one or more occasions; or 15
 - (b) in or at which the business of a hairdresser, shoe repairer, dry cleaner, tailor, dressmaker or photographer is carried on; or
 - (c) which is an undertaker’s establishment. 20
- (2) Nothing in this Act applies to hawkers and pedlers.

Objectives.

4. The objectives of this Act are as follows:
- (a) To provide a simple and rational regulatory scheme for shops and retail trading; 25
 - (b) To provide simple and effective measures for registration and classification of shops;
 - (c) In the interest of the public and of proprietors of and employees in shops, to regulate the trading hours of certain classes of shops; 30
 - (d) In the interest of the economic development of Victoria, to make provision for exemption from regulated trading hours in tourist and holiday areas or at markets or during festivals or events of special importance.

Ordinary closing days. 35

5. (1) In this Act, “**ordinary closing days**” means—
- (a) Sundays;
 - (b) New Year’s Day or, if New Year’s Day falls on a Sunday, the day after New Year’s Day;
 - (c) Good Friday; 40
 - (d) Easter Monday;

- (e) Anzac Day;
- (f) Christmas Day and the day after Christmas Day;
- (g) if Christmas Day falls on a Sunday, the Monday and Tuesday after Christmas;
- 5 (h) if Christmas Day falls on a Saturday, the Monday next after Christmas Day;
- (i) the Monday next after 26 January or, if that day is a Monday, that day;
- (j) the second Monday in March;
- 10 (k) the anniversary of the birthday of Her Majesty, being the day appointed annually by the Governor in Council under the *Public Service Act 1974*.

15 (2) If, under section 71 (3) of the *Public Service Act 1974*, the Governor in Council substitutes another day as a public holiday for any of the days referred to in sub-section (1), the reference to the day referred to in sub-section (1) shall be deemed to be a reference to the day so substituted.

Exempt shops.

20 6. (1) A shop is an exempt shop if no business is carried on in the shop other than—

- (a) a business that a reasonable person would expect to be carried on in a shop of a class or kind mentioned in Schedule 1; or
- 25 (b) a business of selling goods that a reasonable person would expect to be sold in a shop of such a class or kind and any other goods of a kind, and not exceeding a quantity, that a reasonable person would regard as appropriate to be sold as a sideline of the kind of business carried on in the shop.

30 (2) A shop is not an exempt shop at a particular time if, at any time during the period of seven days immediately before that time, the sum of—

- (a) the number of persons employed in the shop; and
- (b) the number of persons employed in shops of any kind in Victoria by the occupier or manager of the first-mentioned shop; and
- 35 (c) if the occupier or manager of the shop is a body corporate, the sum of the number of persons employed in shops of any kind in Victoria by the body corporate and the number of persons so employed by a related body corporate—

40 was 20 or more.

(3) For the purposes of sub-section (2), a body corporate is a related body corporate in relation to another body corporate if the body

corporate is, by reason of section 7 (5) of the *Companies (Victoria) Code*, deemed to be related to the other body corporate.

PART 2—SHOP CLOSING HOURS

Shop closing hours.

7. (1) Butcher's shops must be closed, and kept closed at all times— 5
- (a) on ordinary closing days; and
 - (b) on Saturdays between the hours of 1 p.m. and midnight; and
 - (c) subject to section 8, on Mondays, Tuesdays, Wednesdays and Thursdays between the hours of 6 p.m. and midnight; and 10
 - (d) subject to section 8, on Fridays between the hours of 9 p.m. and midnight.
- (2) A shop for the sale of motor cars must be closed, and kept closed at all times— 15
- (a) on ordinary closing days; and
 - (b) on Saturdays between the hours of 6 p.m. and midnight.
- (3) All other shops, except shops registered as exempt shops, must be closed, and kept closed at all times— 20
- (a) on ordinary closing days; and
 - (b) on Saturdays between the hours of 1 p.m. and midnight.

Orders and exemptions.

8. (1) The council of a municipality may apply to the Minister for an order permitting butcher's shops in the municipality, or in any part of the municipality, to remain open between the hours of 6 p.m. and 9 p.m. on Mondays, Tuesdays, Wednesdays or Thursdays, instead of on Fridays and the Minister may make such an order. 25
- (2) The council of a municipality may apply to the Minister for an order— 30
- (a) exempting shops in its municipal district; or
 - (b) exempting shops on a market site or sites in its municipal district; or
 - (c) exempting shops during the period of a festival in the municipal district—
- from any part of the provisions of section 7, other than the requirement that shops be closed and kept closed at all times on Good Friday and Anzac Day. 35
- (3) A person may apply to the Minister for an order exempting shops that are part of a bazaar or fair for benevolent or charitable purposes or of a public exhibition of works of industry or art from any 40

part of the provisions of section 7, other than the requirement that shops be closed and kept closed at all times on Good Friday and Anzac Day.

(4) The Minister may—

- 5 (a) make an order granting the exemption sought in an application under sub-section (2) or (3) either wholly or in part and subject to any terms and conditions the Minister thinks fit and specifies in the order; or
 (b) may refuse to grant the exemption.

10 (5) A person may apply to the Minister for an order declaring that section 6 (2) does not apply to a specified shop or class of shops.

(6) The Minister may—

- 15 (a) make an order sought in an application under sub-section (5) either wholly or in part and subject to any terms and conditions the Minister thinks fit and specifies in the order; or
 (b) may refuse to make the order.

(7) An order applying to a shop under this section—

- 20 (a) in the case of an exemption relating to a festival, bazaar, fair or public exhibition, continues in operation for the period specified in the order; and
 (b) in any other case, continues in operation until it is revoked; and
 25 (c) has effect as if the application of section 6 (2) or 7, as the case may be, to and in respect of that shop were modified in accordance with the order.

30 (8) The Governor in Council may, by proclamation published in the *Government Gazette*, exempt shops from any part of the provisions of section 7 specified in the proclamation if the Governor in Council is satisfied that it is expedient to do so by reason of events or circumstances occurring at that time.

(9) The Governor in Council may not, under sub-section (8), make proclamations in respect of more than four days in any year.

35 (10) A person to whom a condition of an order under this section applies must comply with the condition.

Penalty: 10 penalty units.

PART 3—REGISTRATION OF SHOPS AND MARKET SITES

Application for registration of shops.

40 9. (1) A person who occupies or manages, or proposes to occupy or manage, a shop may apply to the relevant officer in the prescribed form for the registration, or renewal of the registration, of the shop.

(2) The application must be accompanied by the prescribed fee.

(3) Sub-section (2) does not apply in the case of an application for registration of a shop if the premises are licensed under the *Business Franchise (Petroleum Products) Act 1979* and the prescribed fee under that sub-section would be less than \$100.

5

Registration as a shop.

10. If the relevant officer is satisfied that the application is in accordance with section 9, the relevant officer—

(a) must register, or renew the registration of, the shop; and

(b) must issue to the applicant a certificate of registration of the shop.

10

Registration as an exempt shop.

11. (1) A person entitled to apply for the registration of a shop may, at the same time as applying for registration or renewal of the registration of the shop or at any other time, apply to the relevant officer in the prescribed form for the registration, or renewal of the registration, of the shop as an exempt shop.

15

(2) The application must be accompanied by the prescribed fee.

(3) The relevant officer—

(a) if satisfied that the shop is an exempt shop, must register the shop as an exempt shop and make an endorsement in the prescribed form on the certificate of registration of the shop; or

20

(b) if not so satisfied, must notify the applicant accordingly, give the reasons why he or she is not so satisfied and give the applicant an opportunity to be heard.

25

(4) If, after giving the applicant an opportunity to be heard, the relevant officer is still not satisfied that the shop is an exempt shop, the relevant officer must notify the applicant in writing that the relevant officer refuses to register the shop as an exempt shop.

30

(5) A person aggrieved by a decision of the relevant officer to refuse to register a shop as an exempt shop may apply to the Administrative Appeals Tribunal for review of the decision.

Revocation of registration of exempt shop.

12. (1) If the Minister considers that a shop registered as an exempt shop ought not to be so registered, the Minister may, by notice in writing given to the relevant officer, direct that the registration of the shop as an exempt shop be revoked.

35

(2) Unless an application has been made to the Administrative Appeals Tribunal under sub-section (3), the registration of the shop as

40

an exempt shop is revoked at the expiration of 28 days after the Minister gives notice to the relevant officer.

5 (3) A person aggrieved by a direction of the Minister under subsection (1) may apply to the Administrative Appeals Tribunal for review of the decision of the Minister to give the direction.

(4) If the Administrative Appeals Tribunal determines that the registration of the shop as an exempt shop should be revoked, the registration is revoked when the determination is made.

Registration of market site.

10 13. (1) A person who, for profit or reward, and otherwise than for a public charitable purpose, engages in a business of promoting the use under the name or style of a market of premises or a place as a site for a market may apply to the relevant officer in the prescribed form for the registration, or renewal of the registration, of the market site.

15 (2) An application must be accompanied by the prescribed fee.

(3) If the relevant officer is satisfied that the application is in accordance with this section, the relevant officer—

(a) must register, or renew the registration of, the premises or place as a market site; and

20 (b) must issue to the applicant a certificate of registration of the market site.

Period of registration as a shop or market site.

14. A certificate of registration of a shop as a shop or of premises or a place as a market site ceases to be in force—

25 (a) at the expiration of one year after it is issued; or

(b) upon the person named in the certificate as the occupier or manager of the shop or promoter of the market ceasing to be the occupier or manager or promoter—

whichever first occurs.

30 Period of registration as exempt shop.

15. The registration of a shop as an exempt shop ceases to be in force—

(a) when the certificate of registration of the shop as a shop ceases to be in force; or

35 (b) if the shop ceases to be an exempt shop; or

(c) if the shop at any time ceases to be an exempt shop by reason of the circumstances set out in section 6 (2); or

(d) if the registration of the shop as an exempt shop is revoked under section 12.

Certificate of registration.

16. (1) The person to whom a certificate of registration is issued under section 10 or 11 must cause the certificate to be publicly displayed at the shop or market site at all times while the certificate is in force.

Penalty: 2 penalty units. 5

(2) If—

(a) a shop is registered as an exempt shop; or

(b) the registration of a shop as an exempt shop is revoked—

the relevant officer may request the person to whom a certificate of registration of the shop has been issued to produce the certificate for the making or cancellation of the endorsement, as the case may be. 10

(3) A person must comply with a request made to him or her under sub-section (2).

Penalty: 2 penalty units.

Shops at weekend markets. 15

17. A person who occupies or manages a shop at a market site must cause a notice of the name and address of the occupier or manager of the shop to be publicly displayed at the shop at all times while the shop is open for business.

Penalty: 2 penalty units. 20

PART 4—MISCELLANEOUS**Power of inspectors.**

18. (1) An inspector may with such assistance as he or she requires enter, inspect and examine at all reasonable times by day or night any shop or market site that he or she considers it is necessary to enter in the administration of this Act. 25

(2) An inspector must produce on demand to the occupier or manager of any shop or promoter of a market site that the inspector intends to enter or enters in the course of duty under this Act, a certificate or other evidence of his or her appointment as an inspector. 30

(3) If an inspector uses the assistance of an interpreter, any inquiry or requisition to a person made on behalf of the inspector by the interpreter in the presence of the inspector shall be deemed to have been made by the inspector and any answer made to the interpreter shall be deemed to have been made to the inspector. 35

(4) A person shall not be required under this section to answer any question or give any evidence tending to incriminate himself or herself.

Assistance to inspectors.

5 19. (1) The occupier of a shop and the promoter of a market site and the agents and employees of the occupier or promoter must furnish the means required by the inspector necessary for any entry, inspection, examination or inquiry or for the exercise of the powers of the inspector under this Act.

(2) A person must not—

- 10 (a) wilfully delay an inspector in the exercise of a power under this Act; or
- (b) fail to comply with a requisition of an inspector made under a power under this Act or to produce a document that he or she is required by or under this Act to produce; or
- 15 (c) conceal or prevent a person appearing before or being examined by an inspector in the performance of duties under this Act or attempt so to conceal or prevent a person; or
- (d) obstruct, hinder, impede, resist or oppose an inspector in the performance of duties under this Act; or
- 20 (e) refuse admission to any shop or market site to an inspector or person assisting an inspector or other person in the performance of duties under this Act.

Penalty: 10 penalty units.

(3) A person must not assault or directly or indirectly intimidate or threaten or attempt to intimidate or threaten an inspector.

Appointment of inspectors.

25 20. The Minister may appoint an officer of the public service employed in an administrative unit for which the Minister has responsibility as an inspector for the purposes of this Act.

Second-hand dealers.

30 21. A licensed second-hand dealer under the *Second-hand Dealers Act* 1958 may, subject to this Act, carry on business at a market site in respect of which a certificate of registration under this Act is in force as well as at the premises named in the dealer's licence.

Offences.

35 22. (1) An occupier of a shop or a person acting or apparently acting in the management of a shop or any other person must not—

(a) fail or neglect to close the shop and keep it closed in accordance with this Act; or

40 (b) after having been warned by an inspector of the obligation to close the shop and keep it closed, fail to close the shop within one hour after that warning, or such longer period as

the inspector may direct, and keep it closed in accordance with this Act.

(2) A person must not occupy or manage a shop if the person is not the holder of a current certificate of registration of the shop as a shop.

(3) A person must not, for profit or reward, or other than for a public charitable purpose, engage in a business of promoting the use under the name or style of a market of premises or a place as a site for a market if the person is not the holder of a current certificate of registration of the market site. 5

(4) A person who is the holder of a current certificate of registration of a market site must not authorise or permit or purport to authorise or permit a shop at the market site to be open at a time when the shop is required under this Act to be closed or kept closed. 10

Penalty:

- (a) for a first offence, a penalty not exceeding 5 penalty units; 15
- (b) for a second offence, a penalty of not less than 5 and not more than 10 penalty units;
- (c) for a third or subsequent offence up to and including a ninth offence, a penalty of not less than 10 and not more than 50 penalty units; 20
- (d) for a tenth or subsequent offence, a penalty of not less than 50 and not more than 100 penalty units.

Proceedings.

23. (1) Proceedings must not be taken for an offence against this Act except by— 25

- (a) direction in writing of the Minister;
- (b) direction in writing of the relevant officer if authorised in writing by the Minister either generally or in any particular case;
- (c) direction in writing of any other officer authorised in writing either generally or in any particular case by the Minister; or 30
- (d) a person whose business is affected by or who is specially aggrieved by a contravention or failure to comply with this Act or by the duly appointed agent of such a person.

(2) A direction whether given by the Minister or by a person authorised by the Minister may be revoked by the Minister at any time. 35

(3) Any proceedings directed to be taken by the Minister, the relevant officer or any other officer may be taken by a member of the police force or by an inspector and may be conducted before the court by any other member of the police force or any other inspector. 40

(4) Where proceedings have been so directed to be taken, if the court amends the information, warrant or summons the proceeding is sufficient authority for the continuation of the proceedings.

5 (5) All courts must take judicial notice of the signature of a person who is, or has been, the Minister or a relevant officer or a person who is, or has been, an officer authorised under this section to sign a direction to take proceedings.

General provisions as to proceedings.

10 24. (1) The following provisions have effect in respect of proceedings for offences against this Act:

- (a) The information for an offence must be laid within 12 months after the commission of the offence;
- 15 (b) Except in the case of offences against section 22, it is sufficient to allege that a shop is a shop for the purposes of this Act without further allegation;
- (c) It is sufficient to state the name of the ostensible occupier of any premises or the name or title by which the occupier is usually known;
- 20 (d) The onus of proof that a person named in a summons is not an occupier of the premises is on the defendant;
- (e) The onus of proof that the requirements of this Act with regard to the registration of shops have been complied with as to any particular shop is on the defendant;
- 25 (f) The onus of proof that a shop is not within a particular municipal district or locality mentioned in the summons is on the defendant;
- (g) It is not a defence that the occupier of a shop was not in the State when the alleged offence was committed;
- 30 (h) Service of a summons by leaving it with some person apparently of the age of 16 or more at the usual place of business in the State of the person named in the summons is deemed to be good and sufficient service;
- 35 (i) It shall be deemed that a shop was not closed within the meaning of this Act if it is proved with reference to the shop that at any material time—
 - (i) goods were sold or offered or exposed for sale; or
 - (ii) goods were available for inspection by persons within the shop; or
 - 40 (iii) the services of a hairdresser, shoe repairer, dry cleaner, tailor, dressmaker or photographer were sold or offered for sale;
 - (iv) goods which had previously been sold or ordered were delivered or were available for delivery at the shop to

the person who bought or ordered them or to some other person on behalf of that person; or

- (v) orders for goods or services were received by a person in attendance at the shop.

Prosecution of firms etc.

5

25. (1) Any person or body of persons may be prosecuted for any offence against any of the provisions of this Act or any regulation or by-law or determination in the true ostensible or reputed name of such person or body of persons and a conviction may be had and enforced by distress in that name against the actual person so offending.

10

(2) Where a body corporate is guilty of an offence against this Act, a person who was an officer of the body corporate when the offence was committed is also guilty of that offence and liable to the penalty for that offence unless he or she proves that the act or omission constituting the offence took place without his or her knowledge or consent and that he or she did not know and could not reasonably have known of the act or omission.

15

(3) When in any proceedings under this Act it is necessary to establish the intention of a body corporate it is sufficient to show that an officer of the body corporate had that intention.

20

(4) In this section “**officer**” in relation to a body corporate means—

(a) a director, secretary or executive officer of the body corporate;

(b) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act;

25

(c) a person concerned in the management of the body corporate; or

(d) in relation to the commission by the body corporate of an offence relating to a shop a person concerned in the management of the shop.

30

Regulations.

26. (1) The Governor in Council may make regulations for or with respect to prescribing any matter which is authorised or required to be prescribed for carrying out or giving effect to this Act.

35

(2) Regulations under this Act may be of general or of specially limited application and may differ according to differences in time, place or circumstance.

5 **PART 5—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS**

Transitional registrations.

27. A shop or market site registered under the *Labour and Industry Act* 1958 as a shop or market site immediately before the commencement of this section shall be deemed—

- 10 (a) to be registered as a shop or market site under this Act; and
 (b) to cease to be so registered—
 (i) at the expiration of the period for which it was registered under that Act; or
 15 (ii) upon there being a change in the occupation or management of the shop or market site—
 whichever first occurs.

Transitional exemptions.

20 28. (1) If an order under section 80A, 80C, 80D, 80E, 80F, 80G or 92 of the *Labour and Industry Act* 1958 is in force immediately before the commencement of this section in relation to a shop or market site, the shop or market site shall be deemed to be a shop or market site in respect of which an order under section 8 is in force granting an exemption to the same effect as the first-mentioned order.

25 (2) The order secondly referred to in sub-section (1) shall be deemed to cease to be in force when the registration of the shop or market site as a shop or market site ceases to be in force.

30 (3) An order made under section 80 of the *Labour and Industry Act* 1958 and in force immediately before the commencement of this sub-section has effect in relation to a shop mentioned in the order as if it were an order under section 8 (6) of this Act declaring that section 6 (2) does not apply to that shop and may be revoked or varied as if it were an order made under section 8 (6).

Amendment of *Labour and Industry Act* 1958.

29. (1) The *Labour and Industry Act* 1958 is amended as follows:

- 35 (a) In section 1, all words and expressions after “*Government Gazette*” are repealed;

- (b) In section 3 (1), the definitions of “Cooked meat”, “Division”, “Minister”, “Part”, “Prescribed”, “Regulation”, “Schedule” and “Shopkeeper” are repealed;
- (c) In section 49 (1), for paragraph (a) substitute—
“(a) shall before going into occupation of any factory; or”; 5
- (d) In section 49 (1) (b), omit “or shop” (where twice occurring);
- (e) In section 49 (1), paragraph (c) is repealed;
- (f) In section 49, sub-section (1A) is repealed;
- (g) In section 49 (2), paragraph (d) is repealed;
- (h) In section 49 (3), omit “shop or market site”; 10
- (i) In section 49 (4), omit “shop or market site”;
- (j) In section 49 (5), omit “or shop”;
- (k) In section 49, sub-section (6) is repealed;
- (l) In section 52—
(i) in sub-section (1), omit “shop or market site”; and 15
(ii) in sub-section (2), omit “or shop” (where twice occurring); and
(iii) in sub-section (2), omit “or shops”;
- (m) In section 53—
(i) in sub-section (1) (a) omit “or shop or market site”; 20
and
(ii) in sub-section (1) (b), omit “or shop”; and
(iii) in sub-section (2), omit “or shop or market site”;
- (n) Section 55 is repealed;
- (o) Part VI is repealed; 25
- (p) In section 139 (1)—
(i) omit “shop and”; and
(ii) omit “shop or” (wherever occurring);
- (q) In section 139 (2), omit “shops or”;
- (r) In section 186 (1)— 30
(i) in paragraph (a) omit “or shop”; and
(ii) in paragraph (da) omit “shop”;
- (s) In section 187, omit “shop”;
- (t) In section 191 (1) (a)—
(i) at the end of sub-paragraph (ii), insert “or”; and 35
(ii) at the end of sub-paragraph (iii), omit “or”; and
(iii) sub-paragraph (v) is repealed.
- (u) In section 192 (1), paragraphs (m) and (n) are repealed.
- (2) In the Fourth Schedule to the *Labour and Industry Act 1958*—
(a) in the heading, omit “SHOP OR MARKET SITE”; and 40
(b) omit “or shop” (where twice occurring); and

(c) omit "For every market site within the meaning of section 49 (1) (c).....353".

(3) In the *Labour and Industry Act 1958*, the Fifth Schedule and the Sixth Schedule are repealed.

5 (4) For the Seventh Schedule to the *Labour and Industry Act 1958* substitute—

"Seventh Schedule

1. Every factory or warehouse of any of the following classes or in which any of the following trades is usually carried on:

- 10 (a) Printing, publishing or distributing newspapers;
 (b) The manufacture, distribution or supply of gas or electric light or power;
 (c) Any necessarily continuous process of manufacture;
 (d) Milk supply.

15 2. Any factory in which the trade of a pastry cook is carried on.

3. Every bread factory while dough only is being prepared in the factory.

4. Every bread factory after 8 p.m. when Anzac Day falls on Friday.

20 5. Every factory or warehouse of any class or kind added by proclamation of the Governor in Council to this Schedule."

Repeal of provisions in *Labour and Industry Act 1958*.

30. The *Labour and Industry Act 1958* is amended as follows:

- 25 (a) Section 49 is repealed;
 (b) Section 52 is repealed;
 (c) Section 53 is repealed;
 (d) The Fourth Schedule is repealed.

New section 104A inserted in *Penalties and Sentences Act 1985*.

31. After section 104 of the *Penalties and Sentences Act 1985* insert—

30 **Conviction against *Shop Trading Act 1986* may be disregarded after 5 years.**

35 "104A. A conviction for an offence against the *Shop Trading Act 1986* or Part VI of the *Labour and Industry Act 1958* is not to be taken to be a conviction for any purpose (including the purposes of any enactment imposing or authorising or requiring the imposition of any disqualification or disability on convicted persons) after the expiration of five years after the conviction was made."

Amendment of *Industrial Relations Act 1979*.

No 9365
Reprinted to No
10200 and
amended by
Nos 16/1986,
21/1986 and
54/1986.

32. (1) In section 12 (1) (c) of the *Industrial Relations Act 1979*, omit "or shop or market site".

(2) In section 12 (1) of the *Industrial Relations Act 1979*, paragraph (c) is repealed. 5

Amendment of *Liquor Control Act 1968*.

33. In section 32 of the *Liquor Control Act 1968* for sub-sections (12) and (13) substitute—

No 7695.
Reprinted to No
10130 and
amended by Nos
10176, 10184,
10211, 10262,
16/1986, 49/1986
and 59/1986.

“(12) This section does not authorise a licensee to sell or dispose of liquor— 10

(a) at any time when, under the *Shop Trading Act 1986*, the licensee is required to close and keep closed the premises;
or

(b) on an ordinary closing day within the meaning of that Act.

(13) If an ordinary closing day within the meaning of the *Shop Trading Act 1986* is a Friday, a licensee is authorised to sell and dispose of liquor in accordance with this section between 6.30 p.m. and 9 p.m. on the last preceding day that is not an ordinary closing day.”. 15

Repeal of *Shop Trading (Temporary Provisions) Act 1986*.

34. The *Shop Trading (Temporary Provisions) Act 1986* is repealed. 20

SCHEDULE 1

Sections 3, 6, 11

Exempt Shops

- Booksellers' and newsagents' shops.
- Bread shops.
- Chemists' shops.
- Confectionery and pastry shops.
- Eating-houses and restaurants.
- Fish and oyster shops.
- Flower shops and retail plant nurseries.
- Fruit and vegetable shops.
- Petrol shops.
- Pet shops including shops for the sale of aviary and cage birds or aquarium fish.
- Photographers' shops.
- Saddlery shops.
- Shops for the sale of boats, caravans or other trailers or spare parts or accessories.
- Shops for the sale of foodstuffs and groceries (except meat, other than poultry, cooked meat or sausages).
- Shops for the sale of motor car spare parts or accessories.
- Shops for the sale of old goods, being furniture, plate, china, statuettes and other curiosities and odds and ends of an artistic or antiquarian interest.
- Shops for the sale of records, cassettes, tapes or video cassettes.
- Shops for the sale of swimming pools, swimming pool equipment or supplies for swimming pools.
- Shops for the sale of works of art or handicraft.
- Souvenir shops.
- Sporting goods shops located at sporting venues for the sale of goods appropriate for use at those venues.
- Stamp and coin shops.
- Undertakers' establishments.

)

)

)

)



)

)

)

)

