



Western Australia.

ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXXVI.

AN ACT for limiting the Hours of Business
in Shops.

[Assented to, 28th October, 1898.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Early Closing Act, 1898. It is divided into two parts—

Short title.

PART I.—PRELIMINARY AND INTERPRETATION.

PART II.—PROVISIONS IN FORCE AFTER PROCLAMATION OF ACT.

62° VICTORIÆ, No. 36.

Early Closing.

PART I.—PRELIMINARY AND INTERPRETATION.

- 2.** IN this Act, unless the context otherwise indicates, the following terms shall have the meaning, and include the matters following, that is to say:—
- Interpretation. “Shop” means any building or place, or portion of a building or place, in which goods are sold or exposed or offered for sale by retail, and shall include stall, tent, vehicle, and boat:
- Shop. “Closed” means closed against the admission of the public, and the transaction of business for the remainder of the day:
- Closed. “Half-holiday” means closed, and remaining closed against the admission of the public and the transaction of business for the remainder of the day after one o’clock in the afternoon:
- Half-holiday. “Minister” shall mean the Colonial Secretary or other Minister of the Crown administering this Act for the time being:
- Minister. “Inspector” means any inspector appointed under this Act:
- Inspector. “Shop assistant” means any person who works in a shop, and includes persons engaged as clerks, but does not include any person engaged solely as a carter or night watchman:
- Shop assistant. “District” shall mean a district constituted for the purposes of this Act:
- District. “Shopkeeper” means the person, company, or association, corporate or incorporate, or partnership employing any person in any shop, or occupying any shop, building, or place intended to be used as a shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the management or control of any such shop.
- Shopkeeper.
- 3.** THE provisions of sections seven to ten of this Act shall not apply to shopkeepers of shops, or to shops or premises included in the Schedule to this Act.
- Act not to apply to certain shops.
- Provided that if any shopkeeper shall in any such shop also carry on any business of the class usually carried on in shops not so included, then in every such case the provisions of this Act shall apply to such shop.
- 4.** THE Minister may from time to time appoint and dismiss so many inspectors as may be necessary for carrying this Act into effect.
- Appointment and removal of inspectors.
- 5.** THE Governor may from time to time, by proclamation in the *Government Gazette*, define and declare the boundaries of places
- Act to be in operation only in proclaimed districts.

62° VICTORIÆ, No. 36.

Early Closing.

or districts other than the Metropolitan, Geraldton, Coolgardie, Kalgoorlie, Boulder, Kanowna, Bulong, Menzies, and Broad Arrow districts, and declare such places or districts to be, or to cease to be, districts for the purposes of this Act, and shall, by the proclamation proclaiming a district, fix the time (such time being not earlier than six a.m. nor later than seven-thirty p.m.) for the opening and closing of shops within such district on every day of the week excepting on Sundays and public holidays, and (as to the hour for closing shops) excepting on days whereon a later hour than seven-thirty p.m. is provided by this Act for the closing of shops; and on and after such proclamation the provisions of this Act shall come into operation within such district.

6. THIS Act shall come into operation within the Metropolitan, Geraldton, Coolgardie, Kalgoorlie, Boulder, Kanowna, Bulong, Menzies, and Broad Arrow districts on the 1st day of January, 1899.

Act to be in operation in Metropolitan District on 1st January, 1899.

- “The Metropolitan District” includes and is comprised within the boundaries for the time being of the Municipality of Perth and Municipality of Fremantle;
- “The Geraldton District” includes and is comprised within the boundaries for the time being of the Municipality of Geraldton; and
- “The Coolgardie District” includes and is comprised within the boundaries for the time being of the Municipality of Coolgardie; and
- “The Kalgoorlie District” includes and is comprised within the boundaries for the time being of the Municipality of Kalgoorlie; and
- “The Boulder District” includes and is comprised within the boundaries for the time being of the Municipality of the Boulder; and
- “The Kanowna District” includes and is comprised within the boundaries for the time being of the Municipality of Kanowna; and
- “The Bulong District” includes and is comprised within the boundaries for the time being of the Municipality of Bulong; and
- “The Menzies District” includes and is comprised within the boundaries for the time being of the Municipality of Menzies; and
- “The Broad Arrow District” includes and is comprised within the boundaries for the time being of the Municipality of Broad Arrow.

Early Closing.

PART II.—PROVISIONS IN FORCE AFTER PROCLAMATION OF ACT.

All shops to be closed at 6 p.m.

7. SUBJECT to the provisions of this Act all shops within the Metropolitan, Geraldton, Coolgardie, Kalgoorlie, Boulder, Kanowna, Bulong, Menzies and Broad Arrow districts shall be closed on week days every evening at the hour of six o'clock until eight o'clock in the morning of the following week-day, and all shops within districts proclaimed after the passing of this Act shall be opened and closed at the hour or hours fixed and proclaimed by the Governor for such districts respectively until eight o'clock in the morning of the following week-day: Provided that any shopkeeper may keep his shop open on the evening of either Wednesday or Saturday in every week up to the hour of ten o'clock: Provided that the day whereon the shopkeeper so keeps open shall not be the same as that upon which his shop is closed for a half-holiday.

Substituted half-holiday allowed.

Every shop shall be closed for one half-holiday per week.

8. EVERY shop shall be closed for a half-holiday on at least one week day in each week, excepting any week during which a public holiday intervenes.

The Minister shall forthwith, after the coming into operation of this Act in any district, declare by proclamation in the *Government Gazette* not less than two week days, on one of which days such half-holiday shall be observed by all shops and places of business aforesaid throughout such district.

The days so declared to be observed may be altered or changed from time to time by the Minister, by proclamation as aforesaid.

Penalty for keeping shop assistants after hours.

9. IF any shop assistant be employed or allowed to be or remain in any shop on any day later than three-quarters of an hour after the hours fixed for closing by section seven of this Act, or by Proclamation, or after the hour of one forty-five p.m. in the afternoon on one of the days proclaimed for a half-holiday as aforesaid, or subject as hereinafter provided earlier than the hour of eight o'clock in the morning, the shopkeeper shall be liable to a penalty not exceeding Five pounds for each offence: Provided that shop assistants engaged in or about dairies, and butchers', greengrocers', fruiterers', and bakers' shops may be employed before the hour of eight o'clock in the morning.

Provided that the shop assistants in any shop may be employed after such closing hours for a period not exceeding three hours in any day (not being a half-holiday) on not more than twenty-four days in any one year, but during such hours the shop shall be closed.

62° VICTORIÆ, No. 36.

Early Closing.

10. ALL shops shall be closed in accordance with the provisions of section seven of this Act, and on the half-holiday aforesaid, and if any shopkeeper fails or neglects so to close his shop he shall be liable to a penalty not exceeding Twenty pounds for each occasion upon which he fails or neglects so to do.

Penalty for keeping shop open after prescribed hour.

Provided that on the week days preceding Christmas Day, New Year's Day, and Good Friday, and a public holiday which falls on a Saturday respectively, all shops may be kept open up to the hour of ten o'clock in the evening.

11. NO shopkeeper shall employ any woman or any person under the age of sixteen years in or about his shop for a longer period than forty-eight hours in any one week, exclusive of such time as may be allowed for meals.

Hours of employment for women and children.

12. ALL shop assistants and clerks in shops and hotels mentioned in the Schedule hereto, and in all wholesale and commission agents' places of business in the Colony, and all assistants in the trade or business of a barber or hairdresser shall have a half-holiday from the hour of one forty-five o'clock in the day on some one working day in the week, excepting any week during which a public holiday intervenes.

Shop assistants in exempted shops, and employees in hotel bars to be allowed a half-holiday in each week.

If any shopkeeper, hotelkeeper, or wholesale merchant, or commission agent shall not arrange for or grant to every such shop assistant, clerk, or employee one such half-holiday in any week, he shall be liable for every such offence to a penalty not exceeding Five pounds.

13. IT shall be the duty of every inspector to see that the provisions of this Act are properly carried out, and every inspector shall have power to prosecute any person guilty of any breach of this Act or of any regulations made under the provisions of this Act.

Inspector or person aggrieved may prosecute for breaches of Act or regulations.

14. FOR the purposes of carrying out the provisions of this Act, and enforcing any regulation made thereunder, every inspector shall have the following powers, that is to say:—

Powers of inspector.

- (1.) To enter, inspect, and examine at all reasonable times a shop when open for or apparently carrying on business; but in so doing he shall not unnecessarily interfere with the business legally carried on therein.

If any shopkeeper shall refuse to allow, or shall wilfully obstruct or attempt to obstruct, any such entry or inspection, or examination by the inspector, the shopkeeper shall be liable to a fine not exceeding Five pounds for every such offence.

62° VICTORIÆ, No. 36.

Early Closing.

Inspector to obtain authority to enter building in actual use as a dwelling.

15. EVERY inspector before entering (in pursuance of the powers conferred by this Act) any shop, without the consent of the occupier, shall in each case obtain a written authority to do so from the nearest Police Magistrate, who, if satisfied that there is good cause to suppose that any provision of this Act has been or is being contravened in any such shop, may grant an authority in writing, signed under his hand, authorising the inspector, at any time within fourteen days from the date thereof, to enter (in pursuance of this Act) the shop named in the authority, and to exercise therein the powers of inspection and examination conferred by this Act.

Production of certificate when required.

16. EVERY inspector shall be furnished with a certificate of his appointment signed by the Minister, and, on applying for admission to any shop, shall, if required, show the certificate to the shopkeeper.

If any person forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in such certificate, or falsely pretends to be an inspector under this Act, he shall, on conviction therefor, be liable to be imprisoned for a period not exceeding six months with or without hard labour.

Record of trading name and hours of work and meals to be kept.

17. IN every shop there shall be kept by the shopkeeper a record of the trading name of the shopkeeper ; a record of the hours during which the shop is kept open ; a record of the hours during which the shop assistants are kept at work ; a record of the extra hours worked under section nine ; and a record of the day or days on which the assistants and employees are entitled to a half-holiday under the provisions of section twelve. Such records shall be exposed in some position visible and accessible to all employees and assistants.

Such records shall be produced for examination by the inspector when reasonably demanded by him. For any breach of the provisions of this section the shopkeeper shall be liable to a penalty not exceeding Forty shillings for every day these provisions, or any of them, are not complied with, and for every neglect or refusal to produce such records for examination of an inspector.

Penalty for false declaration.

18. IF any shopkeeper or shop assistant or employee shall wilfully make any false declaration, having reference to the provisions of this Act or any regulations made thereunder, he shall be liable to a penalty not exceeding Five pounds.

Limitation of hours in respect of hair-dresser's business.

19. NO person, company, association, or partnership carrying on or conducting the trade or business of a barber or hairdresser, or in the charge or management thereof, shall employ or allow to remain in

Early Closing.

the shop or premises wherein such trade or business is carried on any employee or assistant later than seven-thirty o'clock in the evening on week days (except on Saturdays and the days hereinafter provided) and ten o'clock in the evening on Saturday and the week day immediately preceding Christmas Day, New Year's Day, and Good Friday, and a public holiday which falls on a Saturday respectively; and if any person, company, association, or partnership, or person carrying on or conducting the trade or business aforesaid, or in the charge or management thereof, fails to comply with the requirements of this section, he, it, or they shall, for each offence in respect of each and every employee, be liable to a penalty not exceeding Ten pounds.

20. WHERE an offence for which any shopkeeper or other person is liable to a penalty under the provisions of this Act has been in fact committed by an agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same penalty in lieu of the shopkeeper or other person.

Agent liable for offences.

Provided that no proceedings shall be taken against the shopkeeper or other person, and also against the agent, servant, workman, or other person in respect of the same offence.

21. THIS Act shall remain and be in force for the period of three years from the 1st day of November, 1898.

Duration of Act.

22. THE following provisions shall have effect in proceedings before a Court of Summary Jurisdiction for offences against this Act or any regulations made thereunder:—

Legal procedure.

- (1.) Sections A and B of the Shortening Ordinance, 1853, shall apply;
- (2.) The information may be laid by and in the name of the inspector or police constable, or any shop assistant or employee aggrieved;
- (3.) It shall be sufficient to allege in the information that the shop is a shop within the meaning of the Act;
- (4.) The production of a copy of the record or records mentioned in section seventeen of this Act, certified in writing by the inspector, shall be *prima facie* evidence of the facts recorded therein;
- (5.) Every person guilty of an offence against the provisions of this Act, or the regulations made thereunder, for which no other penalty is provided, shall be liable to a penalty not exceeding Five pounds.
- (6.) Judicial notice shall be taken of every proclamation issued under section five or section eight of this Act, and of the appointment of every inspector.

62° VICTORIÆ, No. 36.

Early Closing.

Hours for meals.

23. SHOP assistants shall, every day, be entitled to one hour (between the hours of twelve noon and three o'clock in the afternoon) for dinner, and on Saturday evenings to one hour for tea between the hours of five and seven o'clock in the evening.

Regulations.

24. THE Minister may from time to time make, repeal, or alter all such regulations and forms as may be necessary for the carrying out of the provisions of this Act, and all such regulations and forms, when published in the *Gazette*, shall have the force of law.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.

SCHEDULE.

Section 3.

Chemists and Druggists' Shops
Tea and Coffee Houses or Stalls
Fish and Oyster Shops
Confectioners' Shops
Tobacconists
Restaurants

News Agents, Stationers, and Book-
sellers' Shops
Undertakers' Shops
Florists' Shops
Butchers' Shops.

Shops or premises respecting which a Publican's General Wayside House or Hotel License within the meaning of the Wines, Beer, and Spirit Sale Act, 1880, or any Act in amendment or substitution thereof, has been granted.