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[1905.]

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## EARLY CLOSING ACT, 1902.

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### REGULATIONS.

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*Department of Labour,*

*Perth, 3rd March, 1905.*

**H**IS Excellency the Governor in Executive Council has been pleased to approve of the following Regulations, made under the provisions of "The Early Closing Act, 1902," and its amendments.

EDGAR T. OWEN,  
Secretary for Labour.

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Regulations under "The Early Closing Act, 1902" (1 & 2 Edwd. VII.,  
No. 24, as amended by Acts No. 1 and No. 52 of 1904).

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In pursuance of the powers and authorities conferred by "The Early Closing Act, 1902," and its amendments, and of every other power and authority enabling him in that behalf, His Excellency the Governor of Western Australia, by and with the advice of the Executive Council thereof, doth repeal all existing Regulations under the said Acts and make the following Regulations, that is to say:—

1. In the following regulations and forms the term "the Act" shall mean "The Early Closing Act, 1902," as amended by "The Early Closing Amendment Act, 1904," and "The Early Closing Amendment Act, 1904" (No. 2).

TABLE I.—SHOWING THE CLOSING AND OPENING TIME ON WEEK DAYS AND WORKING HOURS IN SHOPS AND SMALL SHOPS.

Class of Shop.	Description.	Authority.	Closing Time.				Working Hours (exclusive of meals) for Employees in Shops.		Opening Time.
			Monday, Tuesday, Thursday, and Friday.	Wednesday (1)	Saturday.	Day preceding Christmas Day, New Year's Day, and Good Friday.	Young Persons under 16 and Women : per week.	Other Employees : per week.	
A	Shops not included in the Classes B to H below	E.C. Act, 1902, ss. 4 and 9, and E.C. Act, 1904, s. 14	} 6 p.m.	1 p.m. (2)	10 p.m. (2)	10 p.m.	52 hours (5) ... ..	56 hours (5) ...	8 a.m.
B	Hairdressers ... ..	E.C. Act, 1904, ss. 11 and 14		6.30 p.m.	1 p.m.	10 p.m.	10 p.m.	52 hours ... ..	56 hours ...
C	Small shops ... ..	E.C. Act, 1904, ss. 5 and 14, and E.C. Act, 1904 (2), s. 2	8 p.m.	1 p.m. (2)	10 p.m. (2)	10 p.m.	... ..	... ..	7 a.m.
D	Butchers, Bakers, Newsagents, Stationers and Booksellers, Railway Bookstalls, Florists	E.C. Act, 1902, s. 10; E.C. Act, 1904, ss. 10 and 14; and E.C. Act, 1904 (2), s. 2	} 9 p.m. (3)	9 p.m. (3)	11 p.m.	11 p.m.	52 hours ... ..	56 hours ...	{ Not specified
E	Vegetable Shops, Milk Shops, Dairy Produce Shops, Tobacconists	E.C. Act, 1902, s. 10; E.C. Act, 1904, ss. 10 and 14; and E.C. Act, 1904 (2), s. 2		10 p.m. (3)	10 p.m. (3)	11 p.m.	11 p.m.	52 hours ... ..	56 hours ...
F	Fruit Shops, Confectioners ...	E.C. Act, 1902, s. 10; E.C. Act, 1904, ss. 10 and 14; and E.C. Act, 1904 (2), ss. 2 and 3.	} 11 p.m.	11 p.m.	11 p.m.	11 p.m.	52 hours ... ..	56 hours ...	{ Not specified
G	Chemists and Druggists, Undertakers, Newspaper Offices	E.C. Act, 1902, s. 10; E.C. Act, 1904, s. 14; and E.C. Act, 1904 (2), s. 2		{ Not specified	Not specified	Not specified	Not specified.	52 hours (3) ... ..	56 hours (3) ...
H	Restaurants, Coffee Palaces, Refreshment Shops, Cooked Meat Shops, Fish and Oyster Shops, Public Houses, and Hotels	E.C. Act, 1902, s. 10; E.C. Act, 1904, ss. 14 and 15; and E.C. Act, 1904 (2), s. 2	} Not specified	Not specified	Not specified	Not specified.	52 hours (4) ... ..	56 hours (4) ...	{ Not specified

## CLOSING AND OPENING TIME AND WORKING HOURS.

Sections 4, 9, 10, 11, and 12 of 1902 Act, Sections 5, 10, 11, 13, 14, and 15 of 1904 Act and 1904 Act (No. 2).

2. The closing and opening time and working hours in shops and small shops, in every district within which the provisions of the Act relating to shops and small shops are applicable, are as set forth in the following Table:—

(1) When the shop is closed during the whole of another day in same week, the usual half-holiday need not be observed.

(2) The times of closing on Wednesday and Saturday may be exchanged in these classes of shops, subject to the limitations provided in the Act. (See in this matter Regulation 11.)

(3) All shop assistants in these shops, and in wholesale or commission agents' places of business, must have a half-holiday in every week from 1.30 p.m.

(4) All shop assistants in these shops must have a half-holiday in every week from 9.30 p.m.

## SMALL SHOPS.

*Section 5 of 1904 Act.*

3. A small shop is a shop in which the shopkeeper is not engaged in any one of the businesses included in either the Classes B, D, E, F, G, and H set forth in Table I. above, and which complies with the following condition (c) and also with either (a) or (b):—

- (a.) Where the shopkeeper employs no assistant ; or
- (b.) Where the shopkeeper employs one assistant only, that assistant being the husband, wife, child, grandchild, sister, niece, grandparent, or parent of the shopkeeper.
- (c.) Where neither the shopkeeper nor the assistant is a person of the Asiatic, African, or Polynesian race.

## REGISTRATION OF SMALL SHOPS.

*Sections 5, 6, and 7 of 1904 Act.*

4. An application for registration of a shop as a "small shop," and of the shopkeeper thereof, and of the assistant (if any) therein, shall be made to the Chief Inspector, Perth:—

- (a.) When not more than one class of business is carried on, the application shall be in Form A in the schedule annexed hereto.
- (b.) When more than one class of business is carried on, the application shall be in Form B in the schedule annexed hereto.

5. The certificate of registration of a small shop shall be in Form C in the schedule annexed hereto, and remain in force until the first day of January next following the year in which it was issued ; provided that it shall cease to exist prior to that date:—

- (a.) Upon being cancelled.
- (b.) When any change takes place in either the address of the shop, the nature of the business carried on therein, the name of the shopkeeper, or the name of the shop assistant.

## SHOPS HAVING MORE THAN ONE BUSINESS.

*Section 2 of 1904 Act.*

6. In any shop where a shopkeeper carries on more than one business he must, if he desires to exercise the privileges of the several classes of business in regard to closing time, have the several classes of business separated from each other by a substantial partition.

## WEDNESDAY OR SATURDAY HALF-HOLIDAY, WHEN OPTIONAL.

*Section 4 of 1902 Act.*

7. In businesses under Classes A and C the closing at 1 p.m. on the one day and at 10 p.m. on the other day may be decided by the shopkeeper, in the manner following:—

- (a.) With regard to businesses of Class A, any individual shopkeeper may, by sending to the Chief Inspector a notice in Form D in the schedule annexed hereto, choose between Wednesday and Saturday which day he shall close at 1 p.m. and which day he shall close at 10 p.m. *Once having made such a choice, he cannot make another choice until after the expiration of three months.* Until he makes a choice in the manner set forth above, he shall be deemed to have chosen 1 p.m. for Wednesday and 10 p.m. for Saturday.

- (b.) With regard to businesses of Class C (small shops), the choice by an individual shopkeeper must be made on Form A or B, as the case may be, when application is being made for registration as a small shop.
- (c.) Where the majority of the shopkeepers who are carrying on businesses of Class A in any district desire to fix for their district the days in each week to close at 1 p.m. and 10 p.m. respectively, different to Wednesday and Saturday, they must proceed by addressing to the Minister a memorial in the form set forth in Form E in the schedule annexed hereto.

#### INSPECTORS.

*Sections 13 and 14 of the 1902 Act.*

8. The certificate of appointment of an Inspector shall be in Form F in the schedule annexed hereto. An Inspector shall, if required, on entering any shop or any place which he has reason to believe is used as a shop, produce to the shopkeeper his certificate.

9. A requisition by an Inspector shall be in writing, and in the Form G in the schedule annexed hereto.

#### RECORD TO BE KEPT IN SHOP.

*Section 16 of the 1902 Act.*

10. In every shop there shall be kept by the shopkeeper a record containing the particulars set forth in Form H in the schedule annexed hereto. This record shall at all times be exposed in some position visible and accessible to all shop assistants, and shall be produced to any Inspector on demand.

#### INSPECTION OF DOCUMENTS.

*Section 20 of the 1902 Act.*

11. Documents relating to any shop in the custody of the Chief Inspector may be inspected on application made by any person entitled to inspect the same during office hours, and on the payment of fees prescribed in Regulation 12, subject in every case to his approval.

#### FEEs.

*Section 20 of the 1902 Act.*

12. The following fees shall be payable under the Act:—For every inspection on the same day of documents (whether one or more) in the custody of the Chief Inspector, relating to one and the same shop, 1s. For every copy or extract of any document in the custody of the Chief Inspector, not exceeding 216 words, 1s.; and if exceeding that number, 4d. per folio of 72 words. For a copy of the Act, 9d. For a copy of the Regulations, 6d.

13. No fee is payable for the registration of a small shop; the cancellation of the registration of a small shop; any document or copy of document supplied to a public department, and any document in respect of which a fee is already chargeable under or by virtue of the Act or of any other Statute. The fee for inspection of documents in cases may be dispensed with if it is considered for the public interest so to do.

14. All fees, fines, and penalties which may be received under or by virtue of the Act and these Regulations shall be paid into the Treasury to the credit of the general revenue.

#### PENALTY FOR BREACH OF REGULATIONS.

*Section 20 of the 1902 Act.*

15. Every person guilty of any breach of these Regulations shall, for every such breach, be liable to a penalty not exceeding Five pounds.

MODIFICATION OF FORMS.

Section 20 of the 1902 Act.

16. When anything is required to be in any of the forms in the schedule annexed hereto, it shall be sufficient if it be to the like effect, and any such forms may be modified by authority to suit particular cases, and further evidence may be required by statutory declaration, in addition to that prescribed by these Regulations, in any case in which it may seem expedient.

SCHEDULE.

FORM A (Reg. 4).

The Early Closing Act, 1902.

APPLICATION FOR REGISTRATION OF SMALL SHOP WITH ONE BUSINESS ONLY.

Full name of Shopkeeper.....  
 Address of Shop.....  
 Description of business carried on in the shop .....

To the Chief Inspector, Perth.

- (1.) I, the above-named shopkeeper, hereby make application to register the above-described shop as a *small shop* under the above-named Act.
- (2.) I choose ..... as the day in every week on which the shop is to be closed at one o'clock, p.m., and ..... as the day in every week on which the shop may be kept open until ten o'clock, p.m.
- (3.) I am not managing the shop for an employer.
- (4.) \* I have no shop assistant.
- (5.) \* I have one shop assistant only, whose full name is ..... and who is my †.....
- (6.) The only business carried on or conducted on the premises is the one described above.
- (7.) Neither I nor the above-named assistant is a person of any Asiatic, African, or Polynesian race.

Dated this ..... day of ....., 190 .

Signature of Shopkeeper.....

\* Strike out the clause which does not apply. † Husband, wife, child, grandchild, sister, niece, grandparent or parent.

FORM B (Reg. 4).

The Early Closing Act, 1902.

APPLICATION FOR REGISTRATION OF SMALL SHOP WITH MORE THAN ONE BUSINESS.

Full name of shopkeeper.....  
 Address of shop.....

To the Chief Inspector, Perth.

- (1.) I, the above-named shopkeeper, hereby make application to register the above shop as a *small shop* under the above-named Act.
- (2.) I choose.....as the day in every week on which the shop is to be closed at one o'clock, p.m., and.....as the day in every week on which the shop may be kept open until ten o'clock, p.m.
- (3.) I am not managing the shop for an employer.
- (4.) \* I have no shop assistant.
- (5.) \* I have one shop assistant only, whose full name is....., and who is my †.....
- (6.) The only businesses carried on or conducted on the premises are (a)..... ; (b)..... ; (c).....
- (7.) If required by an Inspector, I am prepared to separate the several classes of business the one from the other by a substantial partition.
- (8.) Neither I nor the above-named assistant is a person of any Asiatic, African, or Polynesian race.

Dated this.....day of....., 190 .

Signature of Shopkeeper.....

\* Strike out the clause which does not apply. † Husband, wife, child, grandchild, sister, niece, grandparent, or parent.

## FORM C (Reg. 5).

*The Early Closing Act, 1902.*

## CERTIFICATE OF REGISTRATION OF SMALL SHOP.

Department of Labour, Office of Chief Inspector, Perth.

1. I hereby certify that the shop situated at....., in which..... carries on the business of....., is registered as a Small Shop under the above-named Act.

2. That the said..... is registered as the shopkeeper of the shop.

3. That..... who is stated to be the \* ..... of the said shopkeeper is registered as the assistant in the shop.

4. That the day in every week on which the shop is to be closed at one o'clock p.m. is....., and that the day in every week on which the shop may be kept open until 10 o'clock p.m. is.....

5. That this certificate shall expire on the 31st day of December, 190 , and it shall cease to be in force at any time prior thereto, when it is cancelled or when any change takes place in either the address of the shop, the nature of business carried on therein, the name of the shopkeeper or the name of the shop assistant (if any).

Dated this.....day of....., 190 .

.....  
Chief Inspector.

\* Husband, wife, child, grandchild, sister, niece, grandparent, or parent.

## FORM D (Reg. 7).

*The Early Closing Act, 1902.*

## NOTICE OF CHOICE BY SHOPKEEPER OF CLOSING TIME ON WEDNESDAY AND SATURDAY.

To the Chief Inspector, Perth.

I or We hereby give notice that I or We have chosen one o'clock p.m. on \*..... and ten o'clock p.m. on..... as the closing times for  $\frac{\text{my}}{\text{our}}$  shop, situate at..... Street, in the..... District.

Dated this.....day of....., 190 .

Signature of Shopkeeper.....

Description of Shop.....

\* Wednesday or Saturday.

## FORM E (Reg. 7).

*The Early Closing Act, 1902.*

## MEMORIAL.

To the Honourable the Minister for Labour.

We, the undersigned, being a majority of the shopkeepers in the Municipality \* of....., ask that the days in every week for the closing of shops in the said Municipality \* at one o'clock and ten o'clock respectively may be altered to the days following :—

Days.	Closing time.
.....	One o'clock.
.....	Ten o'clock.

Dated the.....day of....., 190 .

Signature of Shopkeepers..... Addresses.....

\* Or District.

## FORM F (Reg. 8).

*The Early Closing Act, 1902.*

## INSPECTOR'S CERTIFICATE.

This is to certify that..... has been appointed to be an Inspector under the provisions of "The Early Closing Act, 1902," and that..... is duly authorised to exercise all the powers of an Inspector conferred by the said Act and the Regulations made thereunder.

Given under my hand this.....day of....., 190 .

.....  
Minister for Labour.

FORM G (Reg. 9).

*The Early Closing Act, 1902.*

REQUISITION BY INSPECTOR.

To....., shopkeeper of the shop situated at.....

As Inspector under the above-named Act, I give you notice that you are hereby required within.....days after the date hereof to (*state nature of requisition*).

Dated this.....day of....., 190 .

.....  
Inspector.

FORM H (Reg. 10).

*The Early Closing Act, 1902*

(*Secs. 9 and 16*).

RECORD OF EXTRA HOURS OF EMPLOYMENT.

For half year ending.....

Name of shopkeeper .....  
Trading name.....  
Situation of shop.....  
Nature of business.....

Name of Assistant.	Date.	Extra hours employed.	Signature of Assistant.

N.B.—This record is to be kept exposed in some position visible and accessible to all shop assistants, and to be produced to any inspector on demand.

I certify that the above is a correct record.

.....Signature of Shopkeeper.

