

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XVI.

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**No. 1 of 1904.**

AN ACT to amend the Early Closing Act,  
1902.

[Assented to 16th January, 1904.]

**B**E it enacted by the King'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. (1.) THIS Act may be cited as the *Early Closing Act Amendment Act*, 1904, and shall be read as one with the Early Closing Act, 1902, hereinafter referred to as the principal Act. Short title.

(2.) In all copies of the principal Act hereafter printed by the Government Printer, all repeals and amendments of the provisions of the principal Act made by this Act shall be omitted and inserted as the case may be, and reference shall be made in the margin of the principal Act to the sections of this Act by which such repeals or amendments are respectively made. Manner of showing amendments.

The remaining sections of this Act shall be inserted in the principal Act, and when so inserted shall respectively bear the numbers set against each of them in square brackets, and the existing sections of the principal Act, so far as may be necessary, shall be renumbered and the references to the same amended accordingly, under the supervision of the Clerk of the Parliaments.

Amendment of  
1 & 2 EDW. VII.,  
No. 24, s. 2.

**2.** SECTION two of the principal Act is amended by omitting the definition of the word "shop," and by inserting in lieu thereof the following:—

"Shop" means any building or place, or portion of a building or place, or any stall, tent, vehicle, or boat in or from which goods are sold or exposed or offered for sale by retail, and includes any premises in which any business described in Schedule One is carried on. Where two or more descriptions of business are carried on in different parts of the same premises separated by a substantial partition, the occupier shall, in respect of each business, be deemed to occupy a separate shop.

Amendment of s. 3.

**3.** SECTION three of the principal Act is amended by striking out all the words after the word "municipality," and inserting in lieu thereof: "or road district, or any part thereof respectively, to be, or cease to be, a district for the purposes of this Act; and this Act shall only have effect in proclaimed districts.

The municipalities of Claremont, East Fremantle, Fremantle, Guildford, Leederville, Midland Junction, North Fremantle, North Perth, Perth, South Perth, Subiaco and Victoria Park, and the road districts of Bayswater, Belmont, Buckland Hill, Claremont, Cottesloe, Fremantle, Peppermint Grove and Perth, shall be deemed to have been proclaimed districts for the purposes of this Act."

Amendment of s. 4.

**4.** SECTION four of the principal Act is amended by inserting, after the words "Schedule One," the words "and except registered small shops," and by inserting after the words "New Year's Day," in subsection three, the words "or Good Friday."

Closing time for  
small shops.

**5.** [5.] (1.) THE closing time for small shops (not being shops mentioned in Schedule One) situate in any district shall be, in every week—

On one week-day, one o'clock ;

On one week-day, ten o'clock ;

On the other four week-days, eight o'clock ;

and all such shops shall close on those days not later than the hours above mentioned, which shall be the hours after the hour of noon in each day, and shall continue closed until seven o'clock in the morning of the week-day next following.

(2.) The days on which such shops shall close at one o'clock, and ten o'clock respectively shall be Wednesday and Saturday, according to the choice of the shopkeeper, to be made on registration as hereinafter provided.

(3.) When any such shop is closed during the whole of any week-day set apart in any week as a bank holiday or public holiday, such shop may be kept open until eight o'clock in the evening of the day of such week on which the closing time is one o'clock; and where such holiday as aforesaid is Christmas Day, New Year's Day, or Good Friday, such shop may also be kept open until ten o'clock in the evening of the week-day next preceding.

(4.) "Small shops" are those which are annually registered as such in accordance with the regulations, and wherein only one assistant (whether paid or unpaid) is engaged or employed, and the shopkeeper whereof and the assistant (if any) are registered. Definition of "small shops."

6. [6.] THE registration of a shop as a small shop, and of the shopkeeper thereof, and of any person as an assistant therein, shall be in the absolute discretion of the Minister. Registration of small shops.

No person shall be registered or employed as an assistant unless such person is the husband, wife, child, grandchild, sister, niece, grandparent, or parent of the shopkeeper.

No person of Asiatic, African, or Polynesian race shall be registered as the keeper of or an assistant in a small shop.

In relation to small shops, the term shopkeeper shall not include the manager of a shop.

7. [7.] EVERY shopkeeper of a small shop who is assisted by or employs an unregistered assistant, or any assistant contrary to section six, commits a breach of this Act, and, on a second conviction, his registration shall be cancelled. Penalty.

8. [8.] THE provisions of this Act relating to small shops shall apply within such districts only as may be declared from time to time by the Governor by notice in the *Government Gazette*. Application of provisions relating to "small shops."

9. SECTION six of the principal Act is hereby repealed. Repeal of s. 6.

10. [10.] THE closing time for all shops mentioned in Parts I. and II. respectively of Schedule One shall be not later than nine o'clock and ten o'clock respectively in the evening of every day except Saturday, and the week-days next preceding Christmas Day, New Year's Day, and Good Friday, and every such shop shall be kept closed for the remainder of the day. Closing time for certain exempted shops.

The closing time on Saturday and the week-days next preceding Christmas Day, New Year's Day, and Good Friday shall be not later than eleven o'clock at night.

Hairdressers' assistants.

**11.** [11.] THE closing time for all hairdressers' shops shall be not later than--

- (1.) Half-past six o'clock in the evening of any day except Wednesday or Saturday and of the week-days next preceding Christmas Day, New Year's Day, and Good Friday;
- (2.) Ten o'clock in the evening of Saturday, and of the week days next preceding Christmas Day, New Year's Day, and Good Friday; and
- (3.) One o'clock in the afternoon of every Wednesday, except in any week in which there is a public or bank holiday falling on a day other than Wednesday, and allowed to the assistants as a holiday or half-holiday, in which case the closing time on the Wednesday shall be half-past six o'clock in the evening,

and every such shop shall be kept closed until the opening time in the morning of the week-day next following.

Amendment of Section 7.

**12.** SECTION seven of the principal Act is amended by omitting the words "until the opening time in the morning of the next following week-day," and inserting in lieu thereof the words "in accordance with this Act."

Employment of assistants in shops mentioned in Parts I. and II. of Schedule One.

**13.** [15.] NO shop assistant shall be employed in or about the business of any shop mentioned in Parts I. and II. of Schedule One, or in or about the business of a hairdresser's shop, after the closing time fixed by this Act for the remainder of the day.

Amendment of Section 12.

**14.** SECTION twelve of the principal Act is amended by omitting the words "twelve hours" and inserting "ten hours and a half," and by omitting the words "fifty-three" and inserting "fifty-two."

Hours of employment for barmen and waiters and waitresses.

**15.** [19.] NO person shall employ in a public house, hotel, restaurant, or coffee palace--

A barman or waiter for a longer period than fifty-six hours in any one week; or

A waitress or a boy under the age of sixteen years for a longer period than fifty-two hours in any one week,

exclusive of such time as may be allowed for meals.

Amendment of Section 21.

**16.** SECTION twenty-one of the principal Act is amended by inserting after the word "police" the words "constable or."

Repeal of Schedule One.

**17.** SCHEDULE One of the principal Act is hereby repealed, and the Schedule to this Act is inserted in lieu thereof.

## Schedule One.

## PART I.

Butchers' Shops.  
Bakers' Shops.  
Newsagents' Shops.  
Stationers and Booksellers.  
Railway Bookstalls.  
Florists.

## PART II.

Confectioners.  
Fruit Shops.  
Vegetable Shops.  
Milk Shops.  
Dairy Produce Shops.  
Tobacconists.

## PART III.

Chemists or Druggists.  
Restaurants, Coffee Palaces, and Refreshment Shops.  
Cooked Meat Shops.  
Fish and Oyster Shops.  
Hairdressers.  
Premises in respect of which a Publican's General License or Wayside House License, a Wine and Beer License or Hotel License has been or may hereafter be granted.  
Undertakers.  
Newspaper Offices.