

TASMANIA.

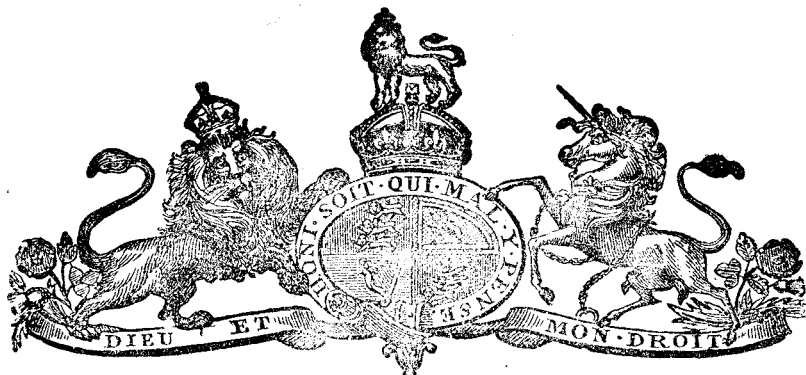
THE SHOPS ACT, 1925.

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T A S M A N I A .



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ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 29.



AN ACT to consolidate and amend the Law relating to the Regulation and Closing of Shops. [9 December, 1925.]

A.D. 1925.

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 (1)--This Act may be cited as "The Shops Act, 1925."
(2) This Act shall come into operation on a date to be proclaimed by the Governor.

Short title and commencement.

2 The enactments set forth in the Schedule (1) hereto are hereby repealed to the extent therein specified.

Shops.

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Interpretation.

3 In this Act, unless the context otherwise requires—

“ Chief Inspector ” means the Chief Inspector of Factories under the Factories Act, 1910 :

“ Closed, ” used with reference to a shop, means shut up in such a way as to exclude all persons from entering therein for the purchase or removal of any goods kept for sale therein ; and the verb “ to close ” has a corresponding meaning :

“ Family, ” used in relation to a shopkeeper, means the husband, wife, children, step-children, grand-children, parents, and grand-parents of the shopkeeper :

“ Inspector ” means an inspector appointed by or under this Act :

“ Section ” means section of this Act :

“ Shop ” means place, building, or a portion of a building separated from the rest thereof, stall, vehicle, or tent in which goods are offered or exposed for sale by retail to the public or in which the business of a hairdresser is carried on :

“ Shop Assistant ” means any person employed by a shopkeeper in, or in connection with, the sale, manufacture, or delivery of goods in a shop, and includes a clerk employed in a shop, but does not include any person so employed only when the shop is closed :

“ Shopkeeper ” means the person, partnership, or corporation occupying a shop directly or indirectly as principal, and any person acting, or apparently acting, in the management or control of a shop, and includes a hawker, but not a merchant or warehouseman who sells only by wholesale :

“ Week ” when used alone means the period between midnight on Saturday and midnight on the following Saturday.

Appointment of officers.

1 Geo. V. No. 57.

4—(1) All Inspectors under the Factories Act, 1910, and all members of the Police Force shall be inspectors under this Act.

(2) The Governor may, from time to time, appoint such additional inspectors and other officers as may be required for the purposes of this Act.

Compulsory half-holiday.

5—(1) Except as in this Act otherwise provided every shop shall be closed at one of the clock in the afternoon of every Saturday, and shall remain closed until six of the clock in the forenoon of the following Monday.

Special holidays.

(2) All shops shall be closed during the whole of Christmas Day, Good Friday, April the twenty-fifth in each year, and, except as provided in Subsection (2) of Section Nine and Subsection (9) of Section Twelve, Easter Saturday.

Excepted shops.

(3) This Section shall not apply to shops of the kinds mentioned in the Schedule (2) to this Act.

Florists' shops.

(4) Florists' shops may be reopened at seven of the clock in the afternoon of Saturday (not being Christmas Day or Easter Saturday.)

Shops.

6—(1) Except as provided in Subsection (2) hereof every shop assistant in all shops mentioned in the Schedule (2) to this Act shall be allowed a half-holiday on one day in each week, from one of the clock in the afternoon until six of the clock in the morning of the next week-day.

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Half-holiday for assistants in exempted shops.

(2) In hotels, public-houses, railway refreshment-rooms, and eating-houses, such half-holiday may commence at half-past two of the clock, instead of one of the clock, in the afternoon.

Hotels, &c.

(3) For the purposes of this section every person employed in whatever capacity in any of the shops herein mentioned shall be deemed to be a shop assistant.

7 All shop assistants shall be dismissed within fifteen minutes after the hour for closing each day or after the time fixed for the commencement of their half-holiday on the day upon which they are entitled to a half-holiday, as the case may be.

Time for assistants to be dismissed.

8 (1)—Except as hereinafter provided every shop shall be closed at six of the clock in the afternoon on the first four week-days, and at nine of the clock in the afternoon of Friday, in each week, and shall remain closed until six of the clock in the following morning.

Early closing.

(2) The provisions of Subsection (1) of this Section shall not apply to shops of the kinds mentioned in the Schedule (2); nor to small shops; nor to photographers' shops open only for the purpose of the taking of photographs by appointment.

Exemptions.

(3) It shall be lawful for any shop to be opened at any time for the purpose only of supplying motor spirit to any person stating that he requires the same for the purpose of continuing a journey.

9—(1) Butchers' shops in Hobart and in Launceston shall close at five of the clock in the afternoon of each of the first four week days in each week, and at nine of the clock on Fridays, and the several classes of shops hereunder enumerated shall close in the afternoon of each of the first four week days in each week at the respective hours hereunder set forth in each case, namely—

Closing hours in special cases.

City butchers.

i. Hairdressers' shops at seven of the clock; and

Hairdressers.

ii. Tobacconists' shops at eight of the clock—

Tobacconists.

and in all other respects the provisions of Section Eight shall apply to all such shops.

(2) Newsvendors' shops shall close—

i. At nine of the clock in the afternoon of each of the first four week days:

ii. At ten of the clock in the afternoon of Friday: and

iii. At eleven of the clock in the afternoon of Saturday—

in each week, and shall also close at one of the clock in the afternoon of Saturday in each week, and remain closed until half-past six of the clock in the afternoon of the same day, and in all other respects the provisions of Section Eight shall apply to such shops.

Shops

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Chemists may
supply medicines,
&c.Sale of other
articles an offence.

Onus of proof

Friendly
societies.

Small shops.

10—(1) Chemists' and druggists' shops may be kept open between the hours of half-past seven and half-past eight of the clock in the afternoon of any day; and may be opened at any time for the purpose of supplying only medicine or surgical requirements for so long only as may be necessary for such purpose in each particular case.

(2) The sale of any article or thing other than those mentioned in Subsection (1) hereof, at any time when such shops would, but for that subsection be required to be closed, shall be an offence against this Act.

Penalty: Minimum: Ten Pounds; maximum: Twenty-five Pounds.

(3) In any prosecution under this section, proof that any such shop was open only for the purpose mentioned in Subsection (1), shall be upon the defendant.

11 Any Friendly Society's dispensary may be opened at any time for the purpose of supplying only medicine or surgical requirements upon a doctor's prescription to members of such society only.

12—(1) Any shop, wherein no shop assistant or not more than two shop assistants (such assistants being members of the shopkeeper's family) are engaged or employed, may be registered under this Act, and while so registered shall be a "small shop" within the meaning of this Act: Provided that one of such assistants shall not be over the age of eighteen years.

(2) Small shops shall be registered annually with the Chief Inspector at the times and in the manner prescribed, and if a shop-assistant is employed in a small shop such assistant shall be registered with the Chief Inspector as may be prescribed.

(3) No shop-assistant shall be employed in a small shop unless he is the holder of a licence for that purpose under this Act.

(4) The Chief Inspector may issue licences to the keepers of small shops and their assistants respectively upon payment of the prescribed fees.

(5) No person shall be licensed as a shop-assistant in a small shop who is employed elsewhere than in such shop; and, if any person so licensed shall be employed elsewhere than in the small shop in respect of which he is licensed, his licence shall be forfeited.

(6) No shop shall be registered as a small shop, the shopkeeper whereof is a partnership or firm or is acting directly or indirectly as the agent of any other person, or is employed or engaged in any other business than the keeping of such shop.

(7) Notwithstanding the provisions of Subsections (5) and (6), a person may be licensed as a shop assistant or registered as the keeper of a small shop respectively, although such person is employed or engaged in any other business, if, in the opinion of the Chief Inspector, such person, by reason of age, infirmity, or other disability is unable to earn a living otherwise.

Shops.

(8) Every small shop shall be closed from nine of the clock in the afternoon of every week-day, other than Saturday, until six of the clock in the morning of the next week-day. A.D 1925.

(9) Small shops may be kept open between the hours of seven and nine of the clock in the afternoon of every Saturday (not being Christmas Day).

13 No fresh uncooked meat shall be sold in any shop during the hours in which butcher's shops are required by this Act to be closed. Fresh meat.

For the purposes of this section the expression "fresh uncooked meat" shall be deemed to include corned pork, and corned beef, if the same are uncooked, but not bacon, ham, or sausages.

14—(1) No tobacco, cigars, or cigarettes shall be sold at any shop during the hours in which tobacconists' shops are required by this Act to be closed: Provided that this subsection shall not apply to small shops except between the hours of seven and nine of the clock in the afternoon of Saturday. Tobacco, &c

(2) No person shall sell tobacco, cigars, or cigarettes, unless he is the holder of a licence for that purpose.

(3) The Chief Inspector may issue, annually, licences in such form and manner, and upon payment of such fees as may be prescribed, and every such licence shall authorise the holder and his assistants (if any) to sell tobacco, cigars, and cigarettes.

(4) If the holder of a licence under this section shall be convicted of selling tobacco, cigars, or cigarettes in contravention of this Act, after having been twice previously convicted of any such offence, his licence shall be forfeited.

15—(1) If, in any shop, goods of different classes are sold or kept for sale, such shop shall be closed at the earliest closing hours prescribed by this Act for any class of shops in which any of such classes of goods is sold or kept for sale. Mixed trade shops to close at earliest hours fixed for any class of goods sold.

(2) This section shall not apply to hotels, public-houses, restaurants, tea-rooms, newsvendors' shops, chemists' and druggists' shops, or small shops. Exceptions.

(3) For the purposes of this section tinned meats shall be deemed to be groceries. Tinned meats.

16—(1) No person shall, in any shop, carry on the business of a newsvendor unless he is the holder of a licence for that purpose under this Act. Newsvendors to be licensed.

(2) The Chief Inspector may issue, annually, licences in such form and manner, and upon payment of such fees as may be prescribed, and every such licence shall authorise the holder to carry on the business of a newsvendor.

Shops.

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(3) If the holder of a licence under this Section, in or from any shop in respect of which he holds such licence, sells goods, of any class other than those authorised by such licence to be sold, after the hour of—

i. One of the clock in the afternoon of Saturday :

ii. Nine of the clock in the afternoon of Friday : or

iii. Six of the clock in the afternoon of any other day—

he shall be guilty of an offence against this Act.

Penalty : Ten Pounds.

(4) If any person is twice convicted of selling goods contrary to the provisions of Subsection (3) hereof his licence shall be forfeited, and he shall be incapable of holding a licence under this section until the expiration of two years after such forfeiture.

(5) The goods, of which any such licence shall authorise the sale as aforesaid, shall include only newspapers, magazines, periodicals, and stamps.

(6) A licensee under this Section may sell any such goods as aforesaid and books in any book-stall or paper-stall upon any railway platform at any time from thirty minutes before the scheduled time of departure of a passenger train up to the time of the departure of such train therefrom notwithstanding that the same may not be within the hours hereinbefore prescribed.

Hours of
employment for
females and
children.

17—(1) Except as hereinafter provided, no female or child under the age of Sixteen years (each of whom is in this section referred to as "such person") shall be employed in any shop—

i. For more than fifty-two hours in any week :

ii. For more than nine hours in any day :

iii. For more than five hours continuously without an interval of not less than three-quarters of an hour for a meal.

(2) On one day in each week twelve hours may be worked by any such person.

(3) If a shop is closed for a public holiday on any day other than Saturday, twelve hours may be worked by any such person on two days in the week in which such holiday occurs.

(4) To meet any unusual press of business a shopkeeper may employ any such person for a period exceeding the hours mentioned in Subsection (1), subject to the following conditions:—

i. The time worked by any such person shall in no case exceed twelve hours in any day :

ii. Such excess time shall not be worked on more than forty days in any one calendar year :

iii. The shopkeeper shall within twenty-four hours after the commencement of any such extra working give notice in the prescribed form to the Chief Inspector of having availed himself of the provisions of this subsection.

(5) Any such person who has been employed on any day in a factory as defined by the Factories Act, 1910, shall not be employed in a shop on that day if the time of such employment in both such places on that day exceeds, in the aggregate, eight hours.

Shops.

(6) In computing the hours specified in this section all times allowed for meals shall be excluded. A.D. 1925.

(7) Any shopkeeper employing any person in contravention of this section shall be guilty of an offence against this Act.

Penalty: For a first offence, Five Pounds.

For any subsequent offence, Twenty Pounds.

18 Every shopkeeper who employs any females in his shop shall provide such seating accommodation as may be prescribed in convenient places for all such employees, and shall make the same available for such employees at all times, and permit them to use the same at all reasonable times. Seating accommodation.

19 Every inspector may—

- i. Enter at any reasonable hour any shop or any place reasonably believed by him to be a shop :
- ii. Make such enquiries as may be reasonably necessary to ascertain whether the provisions of this Act have been complied with in such shop, and for such purpose ask all reasonable questions of the shopkeeper, and any person employed in or about such shop, and all such persons are hereby required to answer all such questions truthfully :
- iii. Exercise such other powers as may be necessary or prescribed for carrying out the provisions of this Act.

Powers of inspectors.

20—(1) Any person who wilfully obstructs an inspector in the exercise of any powers conferred upon him by this Act, or fails to answer any question lawfully put to him by such inspector, shall be guilty of an offence against this Act. Obstructing officers.

(2) No person shall be required under Section Nineteen or this Section to answer any question tending to criminate himself.

21 Every shopkeeper who—

- i.—(a) Fails to close his shop : or
 - (b) Fails to keep his shop closed : or
 - (c) Fails to dismiss his shop-assistants—
- in accordance with the provisions of this Act : or
- ii. Employs an unlicensed assistant in a small shop : or
 - iii. Contravenes any express provision of this Act—
- shall be guilty of an offence against this Act.

Offences.

22 Every person who is guilty of an offence against this Act shall, where no other penalty is provided, be liable on conviction to a penalty of Five Pounds. Penalties.

23 All proceedings in respect of offences against this Act shall be heard and determined by a police magistrate, and all penalties shall be imposed, recovered, and enforced, in accordance with the provisions of the Justices' Procedure Act, 1919. Proceedings.

10 Geo. V. No. 55.

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Exception of
bazaars, &c.

24 Nothing in this Act shall apply to any bazaar or fair where goods are sold or offered for sale in order that the nett proceeds of the sale may be devoted to religious, charitable, or public purposes only, nor to persons authorised to sell goods at any regatta, race, sports, place of public amusement, or show meeting.

Christmas and
New Year.

25 The operation of this Act shall be suspended during the two week-days immediately preceding Christmas Day, and the one week-day immediately preceding New Year's Day and Good Friday respectively.

Cases in which
Chief Inspector
may exempt.

26 In any rural district, and in cases of shopkeepers who are cripples or invalids, or are otherwise subject to any special disability the Chief Inspector may exempt any shopkeeper from all or any of the provisions of this Act, and may at any time withdraw any such exemption.

Regulations.

27—(1) The Governor may, from time to time, make such regulations as may be deemed necessary for carrying out the provisions and objects of this Act.

Penalty.

(2) Any such regulations may impose a penalty not exceeding Five Pounds for any breach thereof.

SCHEDULES.

(1)

Date of Act.	Title of Act.	Extent of Repeal.
1 Geo. V. No. 57	The Factories Act, 1910	Sections 59 to 61 inclusive and Section 72
2 Geo. V. No. 21	The Shops' Closing Act, 1911	The whole Act
4 Geo. V. No. 52	The Shops' Closing Act, 1913	The whole Act

(2)

Vegetable Shops.
Fruit Shops.
Confectioners' Shops.
Hotels and Public-houses.
Railway Refreshment-rooms.
Restaurants and Tea-rooms.

Cooked-meat Shops.
Milk-vendors' Shops.
Pastrycooks' Shops.
Fish and Oyster Shops.
Bakers' Shops.
Newspaper Offices.