

WESTERN AUSTRALIA.



ANNO SECUNDO

GEORGI QUINTI REGIS,

IX.

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No. 1 of 1912.

AN ACT to further amend the Early Closing Act, 1902.

[Assented to 8th January, 1912.]

**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. This Act may be cited as the *Early Closing Act Amendment Act*, 1911, and shall be read as one with the Early Closing Act, 1902 (hereinafter called the Principal Act), and its amendments. Short Title.

2. The following definition is substituted for the definition of "District" in Section two of the Principal Act, that is to say— Amendment of Section 2.

“‘District’ means a shop district established under this Act.”

3. Sections three, four, and five of the Principal Act are hereby repealed, and the following sections shall stand in lieu thereof, that is to say— Substitution of new sections for Sections 3, 4, and 5.

3. (1.) The Governor may, by Proclamation, declare any electoral province, or district, or any municipal or road district, or any part of a municipal or road district, or any two or more municipal, or two or more road, or two or more electoral districts, or two or more electoral provinces, forming one continuous area, to be a shop district for the purposes of this Act. Shop districts.

Metropolitan Shop District.

(2.) The following Electoral Provinces, namely—the Metropolitan Province, the Metropolitan-Suburban Province, and the West Province, are hereby united into one Shop District, by the name of the *Metropolitan Shop District*, and shall be deemed to have been established by Proclamation under this Act.

Districts already proclaimed.

(3.) Every district heretofore proclaimed or deemed to have been proclaimed shall be deemed to have been established as a shop district by Proclamation issued under this section, provided that any such district comprised in the Metropolitan Shop District shall cease to exist as a separate district.

Abolition of Districts.

(4.) The Governor may at any time declare by proclamation that any shop district, except the Metropolitan Shop District, shall be abolished; and thereupon the portion of the State comprised therein shall cease to be a shop district accordingly.

Effect of abolition and alteration.

(5.) If any shop district is abolished, and by the same proclamation such district or any part thereof becomes a new district, or a portion of another district, the alteration shall not of itself abrogate any choice or proclamation or resolution of electors theretofore made or issued or carried, except in respect of any area which is no longer either a shop district or comprised in a shop district, and no such alteration shall of itself render any area subject to any proclamation or resolution of electors.

Proclamations and choices now in force in Metropolitan Shop District.

(6.) Every proclamation or choice in force in any part of the Metropolitan Shop District shall, subject to this Act, continue in force until altered, nullified or abrogated under this Act.

Closing times.

4. (1.) Subject as hereinafter provided the closing time for all shops (except those mentioned in Schedule One, and except registered small shops) situate in any district shall be in every week—

On one week day, One o'clock ;

On one week day, Nine o'clock ;

On the four other week days, Six o'clock ;

and all such shops shall close on those days not later than the hours mentioned above, which shall be the hours after noon in each day, and shall continue closed until eight o'clock, or such earlier hour as may from time to time be fixed by proclamation (in respect either of all shops affected or of any class or classes of such shops) in the morning of the week-day next following.

Days on which shops to close at one and nine.

(2.) Subject to this Act the day on which all shops affected by this section shall close at one o'clock shall be Wednesday, and the day on which all such shops shall close at nine o'clock shall be Saturday; provided that the Governor may at any time and from time to time, on the petition (according to the form in Schedule Three) of the majority of the keepers of such shops in any district, substitute in that district for those days or either of them any other week days or day and may at any time on the like petition revoke

any such substitution; provided further that any shopkeeper may interchange such days and, by choice made as hereinafter set out, decide to close any such shop kept by him at nine o'clock on the day fixed by this Act or by proclamation for closing at one o'clock, and at one o'clock on the day so fixed for closing at nine o'clock, and he shall be entitled to keep his shop open till the hours mentioned and bound to close such shop not later than those hours accordingly.

(3.) The choice of the shopkeeper shall be made by sending to the Minister, or to any person authorised by the Minister to receive such notice, a notice according to the form in Schedule Two.

Choice of shopkeeper.

(4.) When a shopkeeper has made any such choice in respect of any shop he shall not (unless a proclamation affecting the shop has been subsequently issued hereunder) make another choice in respect of that shop until after the expiration of three months from the day when the former choice was made.

Change of choice.

(5.) Every such proclamation or choice heretofore issued or made shall be deemed to have been made under this section, and shall be construed and have effect as if "nine o'clock" were substituted for "ten o'clock" whenever occurring therein.

Choice or proclamation already made or issued.

5. (1.) In any shop district polls of electors qualified to vote as hereinafter mentioned shall be taken as hereinafter provided.

Alteration of days by poll of electors.

(2.) The electors qualified to vote shall be those persons who are resident in the district, and are at the issue of the writ for the taking of the poll duly registered electors who would be entitled to vote in such district at an election of a member of the Legislative Assembly and each such elector shall be entitled to one vote.

Qualification of electors.

(3.) At every poll a resolution shall be submitted to the electors in the form of a question as follows:—

Resolution.

Do you vote that shops generally throughout the district shall close at one o'clock, p.m., on Saturdays?

and the voting papers shall be according to the form in Schedule Four.

(4.) If in any district the question is answered in the affirmative by a majority of the electors voting on the question, the resolution shall be deemed to be carried, and after the publication of the result in the *Government Gazette* and (notwithstanding anything in Section four) until the question is again submitted and answered in the negative the closing time for all shops (except those mentioned in Schedule one and except registered small shops) throughout the district shall be one o'clock after noon on Saturdays, and nine o'clock after noon on Fridays, and six o'clock after noon on all other week days, and all such shops shall close on those days not later than the hours above mentioned, and shall continue closed until eight o'clock or such earlier hour as may from time to time be fixed by proclamation (in respect either of all shops affected or of any class or classes of such shops), in the morning of the week day next following.

Effect of affirmative answer.

Effect on small shops.

(5.) In any district in which such resolution has been carried and is in force the day on which registered small shops shall close at one o'clock shall be Saturday, and the day on which such shops shall close at ten o'clock shall be Friday.

Effect of negative answer.

(6.) If the question is answered in the negative by a majority of the electors voting on the question, then the resolution shall be rejected, and in every district and area affected by the rejection, the provisions of section four shall become or remain operative.

Result of poll to be gazetted.

(7.) The result of every poll shall be notified in the *Government Gazette* by the Minister, and such notification shall be conclusive evidence of the result and of the regularity of all antecedent proceedings and of due compliance with all necessary conditions.

Petition necessary.

(8.) If a petition in writing, signed by not less than one-tenth in number of the duly registered electors who would be entitled to vote at an election of a member of the Legislative Assembly in or for any district, is presented to the Minister requesting that a poll be taken therein within six months after the presentation of the petition, a poll shall, subject to this Act, be taken accordingly; but a poll shall not be taken in any district unless a petition is presented pursuant to this subsection: Provided that one poll shall be taken in the Metropolitan Shop District on a day to be fixed by proclamation without the necessity for the presentation of any such petition.

Governor to fix date.

(9.) The Governor may at any time and from time to time, subject as herein provided, by notice in the *Government Gazette*, appoint, for any district, the date for the taking of a poll hereunder.

Intervals between polls.

(10.) No poll shall be taken in and for any district within two years of the taking of a previous poll therein and therefor, nor shall any place or area be affected by any poll taken within two years of the previous poll affecting such place or area.

Returning officer to be appointed and writ issued.

(11.) At least fourteen days before the day fixed for the taking of a poll in a district the Governor shall appoint a returning officer, and shall, by his warrant, direct the Clerk of the Writs to issue a writ to the returning officer for the taking of the poll, and the writ shall be issued accordingly, and a copy thereof shall be forthwith published in a newspaper circulating in the district, and such poll shall be taken as hereinafter provided, and the result shall be certified by the returning officer to the Minister.

Provisions as to taking poll.

(12.) The following provisions shall apply to the taking of a vote under this Act—

(a.) The vote shall be taken at the polling places appointed by the Governor and notified in the *Government Gazette*.

(b.) A returning officer appointed by the Governor shall conduct the taking of the vote in each district, and shall, with respect to such poll, have all the powers possessed by a returning officer under the law for the time being regulating the conduct of elections for the Legislative Assembly;

- (c.) For the purpose of taking such vote the Governor may appoint such deputy returning officers and other officers as may be deemed necessary.
- (d.) Subject to any regulations made hereunder, the manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly, but the voting paper shall be marked as prescribed thereon; provided that if an elector shall indicate his vote by making a cross opposite the word "yes" or "no" instead of inserting the numeral 1 the vote shall nevertheless be counted.
- (e.) Subject as aforesaid the provisions of any law for the time being regulating the conduct of elections for the Legislative Assembly shall, so far as they can be made applicable, *mutatis mutandis*, apply to the taking of a vote under this Part.

(13.) The Governor may make any regulations which may appear to him to be necessary for carrying out the provisions of this section. Regulations.

4. The following section is hereby inserted in the principal Act, immediately after section five thereof:—

[9A.] (1.) The provisions of sections four and five shall apply to chemists' and druggists' shops, situated in any district, subject to the following provisions:—

- (a.) On any day when other shops subject to those sections are required to close not later than six o'clock after noon, chemists' and druggists' shops shall close at eight o'clock after noon;
- (b.) On Sundays chemists' and druggists' shops may open at ten o'clock before noon, and remain open until one o'clock after noon, and may open at half-past six o'clock after noon, and remain open till eight o'clock after noon;
- (c.) On any day on which a chemist's or druggist's shop is required to close at one o'clock after noon, it may be re-opened at six o'clock, but shall be closed again at eight o'clock after noon.

Provided that the prescriptions of duly qualified medical practitioners may be dispensed, and medicines and surgical appliances required in any emergency may be supplied in a chemist's or druggist's shop after the hours of closing applicable to such shop.

(2.) If in any prosecution against a keeper of a chemist's or druggist's shop for a breach of this Act, the question shall arise whether any medicine or surgical appliance proved to have been

supplied was so supplied in an emergency, the Court shall decide the question as one of fact after taking into consideration all the circumstances of the case.

(3.) Subject, as aforesaid, the provisions of this Act applicable generally to shops mentioned in Part III. of Schedule one (except the provisions relating to half-holidays in exempted shops) shall apply to chemists' and druggists' shops.

(4.) A public or private dispensary shall be deemed to be a chemist's shop within the meaning of this Act.

Amendment of Section 9.

5. Section nine of the Principal Act is hereby amended by the insertion of the words "nine or" immediately after the words "one or."

Amendment of Section 5.

6. Section five of "The Early Closing Act Amendment Act, 1904," is hereby amended by the insertion at the beginning of subsection (2) of the words:—"Subject to the effect of any resolution carried at a poll of electors."

Substitution of new section for Section 8.

Closing of exempted shops carrying on other trades.

7. Section eight of the Principal Act is hereby repealed, and the following section substituted therefor—

[13.] (1.) If in any exempted shop any article, not being an article appropriate to that description of shop, is on any day sold or offered or exposed for sale, such shop shall, after the general time of closing of shops, be deemed not to be an exempted shop, and the provisions of this Act shall apply thereto accordingly.

(2.) "Exempted shop" means a shop of a description mentioned in Schedule 1.

(3.) An article shall not be deemed to be appropriate to any description of shop unless the sale of that class of article—

(a.) strictly forms part of the business of shops of that description; or

(b.) has been expressly authorised by proclamation in shops of that description.

(4.) Nothing in this section shall affect any special right of dispensing the prescriptions of medical practitioners or supplying medical or surgical appliances in cases of emergency given to keepers of chemists' or druggists' shops under any other section of this Act; but, with this exception, the provisions of subsection one shall have effect with regard to any chemists' or druggists' shop to which they are for the time being applicable as if it were not a shop of that description.

Schedule.

8. Schedule one of the principal Act is hereby repealed, and the following Schedule shall stand as Schedule one of such Act:—

SCHEDULE ONE.

PART I.

Bakers' Shops.  
 News Agents' Shops.  
 Stationers and Booksellers.  
 Railway Book Stalls.  
 Florists.

## PART II.

Confectioners.  
Fruit Shops.  
Vegetable Shops.  
Milk 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, Wayside  
House License, Australian Wine and Beer License, or Hotel License  
has been or may hereafter be granted.  
Undertakers.  
Newspaper Offices.

9. The following Schedule is hereby added to the principal Act:— Addition of  
Schedule 4.

## SCHEDULE FOUR.

*The Early Closing Act, 1902.*

VOTING PAPER ON POLL CONCERNING CLOSING HOURS OF SHOPS.

.....Shop District.

Do you vote that shops generally		YES.
throughout the district shall close at		
one o'clock, p.m., on Saturdays?		NO.

*Directions to Voter.*

If you vote "yes," insert the numeral 1 in the square opposite the word "yes."  
If you vote "no," insert the numeral 1 in the square opposite the word "no."

10. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act and the previous amending Acts under the supervision of the Clerk of Parliaments, and all necessary references to the amending Acts made in the margin. Manner of showing  
amendments.

Any section (in this or any other amending Act) which has any number or number and letter placed in square brackets at the beginning thereof shall have the same placed against it in the reprint, and shall stand therein in the order indicated by such number or number and letter, and all other sections shall be renumbered and all cross references adjusted so far as may be necessary.