

Labour and Industry (Shop Trading) Bill

NOTES ON CLAUSES

Clause 1 contains the usual citation provisions.

Clause 2 provides that the several provisions of the Bill shall come into operation on days to be proclaimed.

Clause 3 (1) makes consequential amendments to the table contained in section 1 of the Principal Act.

Clause 3 (2) repeals the interpretation of "handicraft" and makes consequential amendments to the interpretation of "manufacturing process" in section 3 (1) of the Principal Act.

Clause 4 (1) amends section 80 of the Principal Act by amending the exception in sub-sections (1), (2), (2B) and (2E) by substituting for the reference to the Fifth Schedule reference to shops referred to in sub-section (2F) and (2I) and by inserting the following sub-sections:

Sub-section (2F) provides that a shop of a class or kind mentioned in the Fifth Schedule may be open on weekends or on public holidays (a relevant period) if at all times during the preceding seven days the number of persons employed in all shops by the occupier or manager and related companies is less than 20.

Sub-section (2G) defines the situations when a body corporate is a related body corporate for the purposes of sub-section (2F): this sub-section mirrors a similar provision in the Payroll Tax Act.

Sub-section (2H) gives the Governor in Council power to declare by order that sub-section (2F) does not apply to a shop or shops: this would have the effect of requiring the shops covered by the order to close on weekends from 1 p.m. on Saturdays.

Sub-section (2I) gives the Governor in Council power to declare that sub-sections (1), (2), (2B) and (2E) do not apply to shops of a class or kind where a shop of that class or kind has regularly opened on weekends for a period of two years prior to the commencement of this clause: it will have the effect of allowing these shops to continue to open on weekends and public holidays in accordance with their established practice.

Sub-section (2J) gives the Governor in Council power to declare what goods may or may not be sold by shops subject to an order made under sub-section (2I).

Sub-section (2K) allows the Governor in Council to vary or revoke a declaration made under sub-section (2I).

Clause 4 (2) amends section 80 (3) of the Principal Act by inserting the meaning of the expression "relevant period" which is used in sub-sections (2F), (2I) and (2J).

Clause 5 amends section 80 (3) of the Principal Act by extending the "Geelong Urban Area" to include the township of Leopold.

Clause 6 amends section 82 (7) of the Principal Act by inserting a definition of accessories.

Clause 7 (1) amends section 91 of the Principal Act by inserting a new sub-section which deems a trade of a particular kind to be carried on in a shop if an article is sold in that shop which is usually sold in shops where a trade of that kind is carried on.

Clause 7 (2) amends section 91 (3) of the Principal Act by making that section subject to any declaration made which limits the goods that may be sold.

Clause 8 (1) amends section 98 of the Principal Act by:

creating it an offence if a shopkeeper fails to keep his shop closed in accordance with the Act;

restating sub-section (1A) which now creates it an offence to fail to close a shop within a specified period after having been warned;

inserts the following new sub-sections:

Sub-section (2) which provides for penalties which commence at a penalty of not more than \$500 for the first offence and lead up to a penalty of \$50 000 for the tenth and subsequent offence; consequential amendments have been made to sub-sections (1), (1A) and (1B) by deleting reference to the actual penalties.

Sub-section (3) which provides that offences against this section prior to the commencement of this clause are deemed to be offences against this section and earlier offences by related body corporates are deemed to be offences committed by an offending body corporate.

Sub-section (4) which provides the meaning of "related body corporate" and includes related body corporates that existed at different times.

Clause 8 (2) amends section 98 of the Principal Act by renumbering sub-sections (2), (3) and (4) as sections 99, 100 and 101 and by making other consequential amendments.

Clause 9 repeals paragraph (p) of section 192 (1) of the Principal Act and results from the amendment contained in clause 7.

Clause 10 amends section 194 of the Principal Act by inserting new sub-sections which clarify the intent of the present sub-section (1A) and by extending its scope through a definition of officer contained in sub-section (1C).

Clause 11 amends the Fifth Schedule of the Principal Act by:

- (a) inserting the meaning of accessories in relation to boats, caravans or trailers; and
- (b) substituting the words "or handicraft" for "and handicraft" in relation to art and handicraft shops.