



ANNO SEXAGESIMO TERTIO ET SEXAGESIMO  
QUARTO

# VICTORIÆ REGINÆ.

A.D. 1900.

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## No. 749.

An Act in Aid of Early Closing.

[*Assented to, December 5th, 1900.*]

**B**E it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows :

**1.** This Act may be cited as the "Early Closing Act, 1900," and shall come into force on a day to be fixed by proclamation. Short title.

**2.** In this Act the following terms have the following meanings, that is to say : Interpretation.

"Shop" means any portion or the whole of any building, stall, tent, vehicle, or pack in which goods are offered or exposed for sale by retail :

"Shopkeeper" means any occupier, directly or indirectly, as principal of any shop, or any licensed hawker :

"Exempted goods" means goods dealt in by and strictly pertaining to the classes of shops and trades included in the First Schedule and declared by regulation to be exempted goods :

"Minister" means the Minister of Industry :

"Proclamation" means Proclamation by the Governor published in the *Government Gazette*, and in two newspapers circulating in the district :

"Closing time" means closing time fixed or appointed pursuant to this Act.

**3.** Where

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**Hour.** 3. Where any hour by the clock is mentioned in this Act it means in the afternoon or evening.

**Parts.** 4. This Act is divided into Parts, as follows:—

PART I. The Metropolitan Shopping District:

PART II. Country Shopping Districts:

PART III. Closing of shops:

PART IV. Miscellaneous.

**Non-application.** 5. This Act shall not apply to the classes of shops mentioned in the First Schedule.

## PART I.

## PART I.

## THE METROPOLITAN SHOPPING DISTRICT.

**Metropolitan Shopping District.**

6. The electoral districts of North Adelaide, East Adelaide, West Adelaide, East Torrens, West Torrens, Sturt, and Port Adelaide are hereby constituted the Metropolitan Shopping District.

**Closing times.**

7. (1) The closing times for all shops within the Metropolitan Shopping District shall be in every week as follows:—

On Monday and Tuesday, six o'clock:

On Wednesday, one o'clock or six o'clock, whichever of these times is chosen by the shopkeeper in pursuance of this Act:

On Thursday, six o'clock:

On Friday—

(a) Six o'clock, where the closing time on the preceding Wednesday was one o'clock:

(b) Nine o'clock, where the closing time on the preceding Wednesday was six o'clock:

On Saturday—

(a) One o'clock, where the closing time on the preceding Wednesday was six o'clock:

(b) Nine o'clock, where the closing time on the preceding Wednesday was one o'clock:

Provided that this clause shall not apply to Christmas Eve or in so far as it fixes the closing time before nine o'clock to the weekday immediately preceding any public holiday, but so that no shop shall remain open for trade after six o'clock on more than one day in any week.

(2) The choice of the shopkeeper as to the closing time on the Wednesday may be made in respect of any shop occupied by him, and shall be made by sending to the Minister, or to any person authorised

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authorised by the Minister in that behalf, a notice in the form prescribed, and affixing a copy of the notice in a conspicuous position in his shop: And until he makes such choice in the manner aforesaid the shopkeeper shall be deemed to have chosen one o'clock as the closing time for his shop on Wednesday.

When a shopkeeper has made, or is deemed to have made, any such choice he shall not make another choice until after the expiration of three months from the day when the former choice was made, or is deemed to have been made, and that one month's notice shall be given to the Minister by such shopkeeper of his intention to alter the day of closing at one o'clock.

Any shopkeeper who, having made, or having been deemed to have made, any such choice, fails to keep the copy of the notice affixed as heretofore directed shall be guilty of an offence against this Act.

Any choice made by any shopkeeper shall apply to all shops situate within one hundred yards of any other shop in which he has any proprietary interest and in which the same class of goods is offered for sale.

## PART I.

## PART II.

## COUNTRY SHOPPING DISTRICTS.

## PART II.

8. Every Municipal Corporation or town or township in a District Council, as defined by the memorial mentioned in section 9, outside the Metropolitan Shopping District, shall constitute a Country Shopping District.

Country Shopping Districts.

9. The majority of shopkeepers resident in any Country Shopping District may, by memorial to the Governor in Council, propose that certain times shall be fixed or altered for the closing of all shops in the shopping district specified in the memorial: Provided that the boundaries of such shopping district shall be defined in the memorial.

Memorial.

10. The Governor may, on a memorial by a majority of shopkeepers resident in any Municipal Corporation, or town, or township in a District Council or Country Shopping District, as the case may be—

Proclamation of shopping districts and closing times.

- i. Declare any such Municipal Corporation, or town, or township to be a Country Shopping District:
- ii. Define the boundaries of such district:
- iii. Fix the closing times for all shops in such district:
- iv. Alter the closing times for all shops in Country Shopping Districts.

11. Every

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Effect of Proclamation.

**11.** Every Proclamation under this part of this Act shall take effect from a date to be therein specified, and shall have effect as if the closing times therein fixed had been fixed and enacted by this Act, and no closing time fixed by Proclamation shall be altered until after the expiration of one year from the time when the same was so fixed.

Limitation.

**12.** No closing time shall be appointed earlier than six o'clock, except for one half holiday on some work day in each week, when not earlier than one o'clock may be appointed.

**PART III.****PART III.****CLOSING OF SHOPS.**

Closing.

**13.** Every shopkeeper shall, not later than the closing time fixed or appointed in respect thereof, close his shop by ceasing for the remainder of the day to sell or offer goods therein, except exempted goods.

Half holiday, exempted shops.

**14.** All shop assistants employed in any shop mentioned in the First Schedule shall be allowed a half holiday from one o'clock in the afternoon on some one weekday of every week, except in a week in which there is a public holiday allowed to such assistants as a holiday.

Exemption.

**15.** No shopkeeper shall be liable to any penalty by reason only of his serving, within half an hour after closing time, any customer who at closing time was in such shop waiting to be served.

Responsibility of managers.

**16.** Where an offence for which the shopkeeper is liable under this Act to a fine has in fact been committed by some manager, agent, servant, workman, or other person, such manager, agent, servant, workman, or other person shall be liable to the same fine as if he were the shopkeeper.

Occupier of shop may lay information against actual offender.

**17.** Where a shopkeeper is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Justices at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the shopkeeper proves to the satisfaction of the Justices that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person may be summarily convicted of such offence, and fined accordingly, and the shopkeeper shall, on such conviction and fine, be exempt from any conviction or fine.

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## PART IV.

## PART IV.

## MISCELLANEOUS.

**18.** If any shopkeeper or person shall in any particular make default in compliance with any provision of this Act he shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding Two Pounds, and in case of a second or subsequent conviction not exceeding Five Pounds. Penalties.

**19.** The forms contained in the Second Schedule hereto, with such modifications as circumstances may require, shall be sufficient for all purposes. Forms.

**20.** The production of the *Government Gazette* containing anything purporting to be a copy of a Proclamation issued under the authority of this Act shall be conclusive evidence of the issue of such Proclamation and of the validity thereof, unless the Minister shall certify to the contrary. Evidence.

**21.** Where any person is charged with an offence against this Act such charge shall be heard before a Special Magistrate or two or more Justices who are not shopkeepers or employés in any shop. Procedure courts.

**22.** All fines imposed by this Act shall be recoverable summarily. Summary procedure.

**23.** Any party aggrieved by a summary conviction under this Act, or dissatisfied with any order dismissing any information under this Act, may appeal therefrom to the nearest Local Court of full jurisdiction; and all appeals shall be conducted in manner prescribed by law for the conduct of appeals from Courts of summary jurisdiction. Appeal.

**24.** The Governor may make regulations for carrying this Act into effect. Regulations.

**25.** All regulations made during three months after the Governor's assent has been given to this Act shall take effect from the date of their publication in the *Government Gazette*, unless otherwise provided in such regulations, and copies of such regulations shall be laid before Parliament within fourteen days from the making thereof if Parliament be then in Session, and if not, then within fourteen days after the commencement of the next Session. After the expiration of three months hereto referred to all further regulations made under this Act shall be laid before Parliament for thirty days, and if not disallowed by Parliament within such time may be gazetted and forthwith have effect. In all legal proceedings the production of the *Government Gazette* containing any regulations purporting to have been made under this Act shall be *prima facie* evidence that such regulations have been made. Publication of regulations.

**26.** This

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**PART IV.**

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**Duration of Act.**

**26.** This Act shall continue in force only until December thirty-first, one thousand nine hundred and three.

In the name and on behalf of Her Majesty, I hereby assent to  
this Bill.

TENNYSON, Governor.

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## SCHEDULES.

## THE FIRST SCHEDULE.

Chemists and druggists.  
 Restaurants, eating-houses, and refreshment shops.  
 Cooked meats and butchers' and bakers' small goods, fish and oyster shops.  
 Fruit, flower, and vegetable shops.  
 Tobacconists.  
 Hairdressers.  
 Confectioners.  
 News agents and book-stalls at railway stations.  
 Undertakers.  
 Public-houses.  
 Licensed wine shops.

## THE SECOND SCHEDULE.

*Form of Notice of Choice by Shopkeeper of Closing Time on Wednesday.*

To the Minister of Industry—

I (*or we*) hereby give notice that I (*or we*) have chosen            o'clock in the afternoon as the closing time for Wednesday at our (*or my*) shop, situate at [*number, if any, and name of street*], in [*name of town*], in the Metropolitan Shopping District.

Dated the            day of            , 19   .            [*Signature of shopkeeper.*]

[*Signature of witness.*]

*Memorial to the Governor to Declare a Country Shopping District and to Fix Closing Times for all Shops in such District.*

To His Excellency the Governor—

We, the undersigned, being a majority of shopkeepers in the town of [*set out name of town*] the boundaries whereof are as follows [*set out boundaries*], and which said town is situated outside the Metropolitan Shopping District, humbly request your Excellency—

1. To declare the town of [*set out name of town*] to be a Country Shopping District.
2. To fix the times hereunder set out as the closing times for all shops in such Country Shopping District.

Closing Times.	Days to which Closing Times are to Apply.
Six o'clock .....	Monday, Tuesday, Thursday, and Friday. Wednesday. Saturday.
Nine o'clock .....	
One o'clock .....	
Dated the            day of            19   .	
Signature of Shopkeeper.	Address.

*Memorial*

*Early Closing Act.—1900.**Memorial to the Governor to Alter the Closing Times for Shops in a Country Shopping District.*

To His Excellency the Governor—

We, the undersigned, being a majority of shopkeepers in the town of \_\_\_\_\_, such town being a Country Shopping District, humbly pray your Excellency—

1. To alter the closing times for shops now in force in the said town, as follows:—

Closing Times now in Force.	Days to which Closing Times Apply.
Six o'clock .....	Monday, Tuesday, Thursday, and Friday. Wednesday. Saturday.
One o'clock .....	
Nine o'clock .....	

## PROPOSED TO BE ALTERED TO—

Closing Times.	Days to which Closing Times Apply.
Six o'clock .....	Monday, Tuesday, Thursday, and Friday. Saturday. Wednesday.
One o'clock .....	
Ten o'clock .....	

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signature of Shopkeeper.	Address.