



ANNO DECIMO SEXTO

GEORGII V REGIS.

A.D. 1925.

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**No. 1687.**

An Act to amend the Early Closing Acts, 1911 to 1924,  
and for other purposes.

[Assented to, December 10th, 1925.]

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

1. (1) This Act may be cited as the "Early Closing Act Amend- Short titles.  
ment Act, 1925."

(2) The Early Closing Acts, 1911 to 1924, and this Act may be  
cited together as the "Early Closing Acts, 1911 to 1925."

(3) The Early Closing Act, 1911, is hereinafter called "the No. 1062 of 1911.  
principal Act."

2. This Act is incorporated with the Early Closing Acts, 1911 to Incorporation.  
1924, and those Acts and this Act shall be read as one Act.

*Amendments of the Principal Act.*

3. Section 4 of the principal Act is amended by striking out the Amendment of  
principal Act, s. 4—  
Exempted shops.  
definition of "exempted shop" therein and inserting in lieu thereof  
the following definition :—

"Exempted shop" means a shop which is registered in the  
register of shops kept by the Registrar of Shops pursuant  
to section 35 of this Act, as belonging to a class mentioned  
in the First Schedule.

*Early Closing Act Amendment Act.—1925.*

Amendment of  
principal Act, s. 5—  
Evidence of  
exposure for sale.

4. Section 5 of the principal Act (as amended by section 4 of the Early Closing Act Amendment Act, 1923) is further amended—

- (a) by inserting after the word “which” in the sixth line of subsection (4) thereof the words “window, cupboard, show case, or container”; and
- (b) by striking out all the words after “shall be” in the ninth line of subsection (4) thereof and inserting in lieu of those words the following:—

“conclusive evidence that such goods were exposed for sale”.

Alteration and  
extension of  
Metropolitan  
Shopping District.

5. From the commencement of this Act the Metropolitan Shopping District shall consist of the following areas, namely:—

- (a) the Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, St. Peters, Thebarton, and Unley:
- (b) the District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, Yatala North, and Yatala South:
- (c) the Garden Suburb.

Amendment of  
principal Act, s. 12  
(1)—  
Constitution of  
Shopping District.

6. Subsection (1) of section 12 of the principal Act (which subsection was re-enacted by section 6 of the “Early Closing Act Amendment Act, 1912,” and amended by section 5 of the “Early Closing Act Amendment Act, 1923”) is hereby further amended by striking out subdivisions II. and III. thereof, and inserting in lieu of those subdivisions the following:—

- II. Shall be a continuous territory and shall, unless it consists of or comprises a municipality or municipalities, be at least thirty-six square miles in extent: Provided that no area consisting of part only of a municipality, or comprising part only of a municipality shall be constituted a Shopping District.

Amendment of  
principal Act,  
s. 23—  
Restriction on  
further petitions  
for change of  
half-holiday.

7. Subsection (2) of section 23 of the principal Act (which subsection was amended by section 12 of the Early Closing Act Amendment Act, 1912) is amended by substituting the following subdivision for subdivision (c) thereof, namely:—

- (c) Shall not be presented within three years of the day of the presentation of any other petition which has been presented with regard to such district under this section or section 22B of this Act and which has been granted, nor within one year of the day of the presentation of any other petition which has been presented with regard to such district under this section or section 22B of this Act and which has not been granted.

8. Section

*Early Closing Act Amendment Act.—1925.*

8. Section 25 of the principal Act (as amended by section 13 of the "Early Closing Act Amendment Act, 1912") is hereby further amended by striking out all the words therein after the word "counter-petition" in the penultimate line thereof, and inserting in lieu of those words the following:—

Amendment of principal Act, s. 25—  
Counter-petitions for different day for half-holiday.

"may be presented praying that the half-holiday be not changed, or that the half-holiday be changed to some other day than the day mentioned in the petition".

9. Section 28 of the principal Act (as amended by section 18 of the Early Closing Act Amendment Act, 1912) is hereby amended so as to read as follows:—

Amendment of principal Act, s. 28—  
Effect of counter-petitions.

28. (1) If within the time fixed under section 25 there is duly presented to the Minister a counter-petition in the prescribed form signed by as large a number of electors residing in the Shopping District as the number who signed the petition, praying that the half-holiday be not changed, then the petition shall not be granted.

(2) If no such counter-petition signed as mentioned in subsection (1) hereof, and praying that the half-holiday be not changed, is duly presented to the Minister within the time fixed under section 25, but within that time there is duly presented to him a counter-petition signed by a greater number of electors than the number who signed the petition, praying that the half-holiday be changed to some other day than the day mentioned in the petition, the compulsory half-holiday shall be changed as prayed by the counter-petition.

(3) Such change shall come into force on a date to be declared by the Minister by notice in the prescribed form published in the *Gazette* and in two newspapers circulating in the Shopping District. The date declared under this subsection shall be not earlier than fourteen days from the date of the publication of the *Gazette* containing such notice.

(4) If in such a case as provided for in subsection (2) hereof two or more counter-petitions each signed as therein mentioned are duly presented as therein mentioned, and such counter-petitions specify different days to which the half-holiday should be changed, then the day specified in such one of the said counter-petitions as is most numerously signed shall be the compulsory half-holiday.

10. Notwithstanding the provisions of subsection (2) of the section 23 of the principal Act as to the time within which petitions may be presented, a petition, praying that the compulsory weekly half-holiday for shops in the Mount Gambier Shopping District be changed, may be presented in accordance with the provisions of the principal Act relating to such petitions, at any time within six months after the commencement of this Act; but after

Petitions for change of holiday in Mount Gambier Shopping District.

the

*Early Closing Act Amendment Act.—1925.*

the presentation of one such petition no further petition for the change of half-holiday in the said district shall be presented except as allowed by subsection (2) of the said section 23.

Notice of class of shop by tobacconists.

**11.** Subsection (3) of section 31 of the Early Closing Act Amendment Act, 1912, shall not apply to any person who has delivered a notice stating that his shop belongs to the class of (heretofore) exempted shops consisting of tobacconists' shops.

Amendment of principal Act, Part IV.—

Determination of class of shop.

**12.** Part IV. of the principal Act is amended by inserting therein a new section as follows:—

35B. (1) Every applicant for registration or renewal of registration of a shop shall furnish the Registrar with such particulars as the Registrar requires or as are prescribed, in order to enable the Registrar to determine to what class the shop belongs; and the Registrar shall register every shop as belonging to the class so determined.

(2) The determination of the Registrar as to the class to which any shop belongs shall be final; and a document purporting to be a certificate under the hand of the Registrar stating the class to which any shop mentioned in the certificate belongs shall be conclusive evidence of the facts certified.

Amendment of principal Act s. 38—

Consequential amendment.

**13.** Section 38 of the principal Act (as amended by section 14 of the Early Closing Act Amendment Act, 1923) is amended by striking out the words in the third to seventh lines thereof "who, on such holiday, keeps his shop closed and fastened against the admission of the public, and does not require or permit or suffer any shop assistant to work for him either in or about such shop or elsewhere or to remain in or about the business portion of such shop".

Amendment of principal Act, s. 39—  
Duty to close shops on public holidays.

**14.** Section 39 of the principal Act is amended by adding at the end thereof (the first portion thereof being read as subsection (1)) the following subsection:—

(2) Whenever a public holiday occurs, every shopkeeper shall keep his shop closed and fastened against the admission of the public from the closing time on the day preceding the public holiday, or if the public holiday falls on a Monday from the closing time on the previous Saturday, until the morning of the day following the public holiday. Penalty—For first offence, Ten Pounds; for any subsequent offence, Twenty-five Pounds.

Amendment of principal Act, s. 40—  
Prohibition of sales on public holidays.

**15.** Section 40 of the principal Act (as amended by section 19 of the Early Closing Act Amendment Act, 1912, and section 15 of the Early Closing Act Amendment Act, 1923), is further amended by inserting after the words "on Sunday" in the second line thereof the words "or on any public holiday".

**16.** Section

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16. Section 46 of the principal Act (as amended by section 18 of the Early Closing Act Amendment Act, 1923) is amended by inserting after the word "Sunday" therein "or on any public holiday."

Amendment of principal Act, s. 46—  
Consequential amendment.

17. Section 47 of the principal Act is amended by inserting after the word "Sunday" in the first and seventh lines thereof the words "or any public holiday" in each case.

Amendment of principal Act, s. 47—  
Consequential amendment.

*New Provisions.*

18. (1) When any class of shops has ceased to be exempted pursuant to Division IV. of Part V. of the principal Act, and closing times with or without re-opening and re-closing times have been fixed for those shops pursuant to the said Part, a petition may be presented to the Minister by a majority of the aggregate number of shopkeepers of and shop assistants employed in or about or engaged in connection with those shops praying that the closing times and if desired the re-opening and re-closing times shall be altered to those mentioned in the petition.

Petition for change of closing time in shops which have ceased to be exempt.

(2) Every such petition shall be in the prescribed form and shall be verified in the prescribed manner.

(3) If a petition presented under this section with regard to any class of shops is granted no further petition with regard to the same class of shops situated in the same Shopping District shall be presented within three years of the presentation of the petition presented as aforesaid.

(4) If a petition presented under this section with regard to any class of shops is not granted no further petition with regard to the same class of shops situated in the same Shopping District shall be presented within one year of the date of the petition as aforesaid.

(5) The closing times specified in a petition under this section shall not be later than those in force in the Shopping District to which the petition relates at the time of the presentation of such petition.

19. (1) Upon the presentation of a petition under the next preceding section the Minister shall refer the same to the Registrar for the Shopping District, who shall examine the signatures thereto.

Procedure when petition presented.

(2) If the Registrar is of opinion that the petition has been signed by a majority of the shopkeepers of the class of shops specified therein which are situated in the Shopping District, he shall certify to the Minister in writing that it has been so signed.

(3) If the Registrar is of opinion that the petition has not been signed as mentioned in subsection (2) hereof, but that it has been signed as required by the next preceding section, he shall certify to the Minister in writing that it has been so signed.

20. (1) If

*Early Closing Act Amendment Act.—1925.***Effect of petition.**

**20.** (1) If the Registrar certifies as mentioned in subsection (2) of the next preceding section, the Minister shall, by a notice in the prescribed form published in the *Gazette* and in two newspapers circulating in the Shopping District declare that the closing times, and if the case requires, the re-opening and re-closing times of the shops mentioned in the petition shall be altered as prayed by the petition.

(2) If the Registrar certifies as mentioned in subsection (3) of the next preceding section the Minister shall publish in the *Gazette* and in two newspapers circulating in the Shopping District—

(a) the Registrar's certificate ; and

(b) a notice in the prescribed form,

fixing a time, being not less than one month from the latest of such publications, within which a counter-petition, signed by shop-keepers of the class of shops specified in the petition, which are situated in the Shopping District, and praying that the petition be not granted, may be presented to the Minister.

**Procedure on and effect of counter-petition.**

**21.** (1) If within the time fixed by the notice under the next preceding section a counter-petition as mentioned in that section, and in the prescribed form, is presented to the Minister, he shall refer such counter-petition to the Registrar.

(2) The Registrar shall thereupon examine the signatures to the counter-petition, and shall certify in writing to the Minister whether it has, or has not been signed by at least three-fifths of the shop-keepers of shops of the class specified in the petition, which are situated within the Shopping District.

(3) If the Registrar certifies that the counter-petition has been signed as mentioned in subsection (2) the petition shall not be granted.

(4) If the Registrar certifies that the counter-petition has not been so signed, or if no counter-petition as mentioned in the next preceding section, and in the prescribed form, is presented to the Minister within the time fixed by the notice under that section, the Minister shall, by a notice in the prescribed form, published in the *Gazette* and in two newspapers circulating in the Shopping District, declare as provided by the next preceding section.

**Persons entitled to sign petitions under this Act.**

**22.** The provisions of section 31 of the Early Closing Act Amendment Act, 1912, shall apply with respect to petitions and counter-petitions under sections 19 and 21 of this Act.

**Restriction on persons who signed petition signing counter-petition.**

**23.** (1) Where any person has signed any petition under the principal Act or any Act amending the same, and the same person has signed a counter-petition relating to the same matter as the petition, the signature of such person to the counter-petition shall be regarded as a nullity for all purposes: Provided that if the person signing the counter-petition as aforesaid append to his  
signature

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signature the word "reversing" then in such a case the signature of such person to the petition shall be regarded as a nullity for all purposes.

(2) This section shall not apply where the counter-petition is one presented under section 14 of the principal Act praying that a week day other than the day stated in the petition shall be the compulsory half-holiday in a proposed Shopping District.