



ANNO NONO

ELIZABETHAE II REGINAE

A.D. 1960

No. 48 of 1960

An Act to amend the Early Closing Act, 1926-1954.

[Assented to 24th November, 1960.]

BE 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 Amendment Act, 1960". Short titles.
 (2) The Early Closing Act, 1926-1954, as amended by this Act may be cited as the "Early Closing Act, 1926-1960".
 (3) The Early Closing Act, 1926-1954, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 4 of the principal Act is amended— Amendment of principal Act, s. 4.
 - (a) by deleting from paragraph (b) of the definition of "shop" the passage "of an undertaker,";
 - (b) by striking out the word "and" at the end of paragraph 1 of the definition of "shop assistant" and inserting in lieu thereof the following passage—"or
 (d) as a hairdresser ; and"
4. Subsection (2) of section 5 of the principal Act is amended by striking out the passage "industrial exhibition, agricultural, horticultural, or other similar show, so long as no goods other than goods of the prescribed kind are sold at that shop" and Amendment of principal Act, s. 5.

inserting in its place the passage, "industrial, agricultural or horticultural exhibition or show, or at any other exhibition or show approved by the Minister".

Amendment of
principal Act,
s. 6.

5. Subsection (2) of section 6 of the principal Act is amended by inserting after the words "or districts" in paragraph (a) thereof the words "or such part or parts of such district or districts".

Amendment of
principal Act,
s. 8.

6. Section 8 of the principal Act is amended by striking out subsection (3) thereof and inserting in its place the following subsection :—

(3) The Metropolitan Shopping District shall consist of the area comprising, for the time being :—

(a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens, Woodville; and

(b) the Garden Suburb.

Amendment of
principal Act,
s. 14.

7. Section 14 of the principal Act is amended by striking out subsection (2) thereof and inserting in its place the following subsection :—

(2) Except as provided by subsection (1) of section 15 of this Act a petition referred to in section 10 of this Act shall be deemed to have been finally dealt with upon the publication of the proclamation.

Repeal of s. 16
of principal
Act.

8. Section 16 of the principal Act is repealed.

Enactment of
s. 18a of
principal Act—

9. The following section is enacted and inserted in the principal Act after section 18 thereof :—

Power to
redefine
boundaries of
shopping
district in
certain cases.

18a. In order to facilitate the identification of the limits of any shopping district, the Governor, whenever in his opinion the boundaries of that district are or have become at any time uncertain, whether by reason of the annexure to or excision from that district of any area pursuant to this Act or for any other reason, may by proclamation redefine those boundaries in accordance with the limits of that shopping district for the time being.

10. Section 25a of the principal Act is amended—Amendment of
principal Act,
s. 25a.

- (a) by adding after the word “abolished” in the second line of subsection (1) thereof, the passage “or that any part of a shopping district be excised from that district”;
- (b) by striking out paragraph (b) of subsection (2) thereof and inserting in its place the following paragraph :—
- (b) if the petition is for the abolition of a shopping district, be signed by a quorum of the electors residing in that shopping district, or, if the petition is for the excision from a shopping district of a part thereof, be signed by a quorum of the electors residing in the part sought to be excised from such district.;

and

- (c) by adding after subsection (2) thereof the following subsection :—

(3) Subsections (1) and (2) of this section shall not be construed as authorizing the presentation of a petition praying that any part of a shopping district be excised from that district, and no action shall be taken under this Act on the presentation of such a petition, unless both the part sought to be excised and that part of the shopping district that would continue as the shopping district if the part sought to be excised were so excised—

- (a) consists of or comprises the whole of any municipality or municipalities ; or
- (b) lies outside a municipality and comprises a continuous area at least thirty-six square miles in extent.

11. Section 25b of the principal Act is amended by substituting for the passage “section 25A” where it occurs in subsection (1) and in subsection (2) thereof the passage “section 25a”.Amendment of
principal Act,
s. 25b.**12.** Section 25c of the principal Act is amended—Amendment of
principal Act,
s. 25c.

- (a) by substituting for the passage “section 25B” in the second line thereof the passage “section 25b”;
- (b) by inserting after the word “district” in the fifth line of paragraph (b) thereof the passage “or for the

excision therefrom of a part thereof, as the case may be, a description of such part being included in the notice,";

- (c) by striking out the word "four" in the sixth line of paragraph (b) thereof and inserting in its place the word "eight"; and
- (d) by inserting after the word "abolished" in the last line of paragraph (b) thereof the passage "or that the part be not so excised".

Amendment of
principal Act,
s. 25d.

13. Section 25d of the principal Act is amended—

- (a) by striking out subsection (1) thereof and inserting in its place the following subsection:—

(1) A counter-petition referred to in section 25c signed—

(a) if the petition to which the counter-petition relates is for the abolition of a shopping district—by a quorum of the electors residing in the shopping district sought to be abolished; or

(b) if the petition is for the excision from a shopping district of a part of that district—by a quorum of the electors residing in that part of that district,

and in the prescribed form, may be presented to the Minister within the time fixed under section 25c.; and

- (b) by inserting after the word "district" in the fourth line of subsection (2) thereof the passage "or in the part thereof, as the case may be,".

Amendment of
principal Act,
s. 25e.

14. Section 25e of the principal Act is amended—

- (a) by substituting for the passage "by section 25c" in the first line of subsection (1) thereof the passage "under section 25c";

- (b) by inserting after the word "district" in the fourth line of subsection (1) thereof the words "or the part of the district";

- (c) by striking out the passage "abolish the shopping district, and thereupon the area comprised within the shopping district shall from the date fixed in the proclamation cease to be a shopping district" in the last four lines of subsection (1) thereof and inserting in its place the following passage; " , as the

case requires, abolish the shopping district or excise therefrom the part sought to be so excised”;

(d) by inserting after subsection (1) thereof the following subsection :—

(1a) On and after the date appointed for the purpose and specified in the proclamation—

(a) the area comprised within a shopping district abolished in accordance with subsection (1) of this section shall cease to be a shopping district, and

(b) any part of a shopping district that is excised from that district in accordance with that subsection shall cease to be part of that district, and such part of that district as remains after such excision shall continue to be a shopping district by such name as is assigned to it by that proclamation, or if no name is so assigned, by the name originally assigned thereto when the district was constituted a shopping district.; and

(e) by striking out subsection (2) thereof and inserting in its place the following subsection :—

(2) Except as provided by section 25f of this Act a petition referred to in section 25a of this Act shall be deemed to have been finally dealt with upon the publication of the proclamation.

15. Section 25f of the principal Act is repealed and the following section is enacted in lieu thereof :—

25f. If a counter-petition referred to in section 25c of this Act, signed by a larger number of electors residing in the shopping district sought to be abolished or in the part of the shopping district sought to be excised, as the case may be, than the number of electors who signed the petition, is presented to the Minister in accordance with subsection (1) of section 25d of this Act, the petition shall not be granted, and shall be deemed to have been finally dealt with.

Repeal of s. 25f
of principal
Act and
re-enactment
thereof with
amendment—
Counter-
petitions.

16. Section 25g of the principal Act is amended by adding at the end thereof the following new subsection (the preceding part of the section being re-designated as subsection (1) thereof) :—

Amendment of
principal Act,
s. 25g.

(2) A petition for the excision from a shopping district of a part thereof shall not be presented—

- (a) within three years after the day upon which the shopping district was constituted; or
- (b) within three years after the presentation of any previous petition to the Minister for the abolition of the district or for the excision of that part from the district.

Amendment of
principal Act,
s. 26.

17. Section 26 of the principal Act is amended—

- (a) by striking out the passage “which by the petition is proposed to be abolished” in the sixth and seventh lines of subsection (1) thereof and inserting in its place the passage “the abolition of which is sought by the petition, or is comprised within the part of any shopping district sought by the petition to be excised from that district”; and
- (b) by substituting for the words “the principal Act” in the sixth line of subsection (2) thereof the words “this Act”.

Amendment of
principal Act,
s. 29,
[Cf. Industrial
Code, ss. 228
and 296.]

18. Section 29 of the principal Act is amended by inserting after subsection (1) thereof the following subsections :—

(1a) An inspector or member of the police force, when entering, inspecting or examining a shop or place referred to in subsection (1) of this section may take with him an interpreter.

(1b) Any question asked on behalf of such inspector or member of the police force by such interpreter shall be deemed to have been asked by the inspector or member, and any answer to such question given to the interpreter shall be deemed to have been given to the inspector or member, as the case may be.

Amendment of
principal Act
s. 30.

19. Section 30 of the principal Act is amended—

- (a) by inserting after the word “force” in the second line of paragraph (a) thereof the words “or an interpreter”;
- (b) by inserting after the words “asked by” in the second line of paragraph (b) thereof the words “or on behalf of”;

- (c) by inserting after the words "questioned by" in the third line of paragraph (c) thereof the words "or on behalf of"; and
- (d) by striking out the word "Five" in the last line thereof and inserting in its place the word "Fifty".

20. Section 31 of the principal Act is amended by inserting after subsection (4) thereof the following subsection:—

Amendment of
principal Act,
s. 31.

(4a) Where application for the registration of a shop has not been made in accordance with subsection (2) of this section, the registrar may, in his discretion, determine the class to which the shop belongs and shall serve or cause to be served on the occupier of the shop a notice in writing of his determination, and upon the service thereof the provisions of Part V of this Act shall apply to that shop as if it belonged to the class so determined, notwithstanding that the shop has not been registered under this section.

21. Section 34 of the principal Act is amended—

Amendment of
principal Act,
s. 34.

- (a) by inserting after the word "shop" in the first line of subsection (1) thereof the passage "or sell in, about, or from any shop any goods whatsoever";
- (b) by striking out the passage "Two pounds for every day during which the unregistered shop is occupied or used" in the last two lines of subsection (1) thereof and inserting in its place the passage "Five pounds for every day during which the shop is occupied or used or for each occasion on which any goods are sold in contravention of this subsection";
- (c) by inserting after the word "shop" in the first line of subsection (2) thereof the passage "or sell in, about, or from any shop any goods whatsoever"; and
- (d) by striking out the passage "Two pounds for every day during which the shop is occupied or used without renewal as aforesaid after the time for such renewal" in the last three lines of subsection (2) thereof and inserting in its place the passage "Five pounds for every day during which the shop is occupied or used or for each occasion on which any goods are sold in contravention of this subsection"

Amendment of
principal Act,
s. 37.

22. Section 37 of the principal Act is amended—

- (a) by striking out the word “ten” where it occurs in the penultimate line of subsection (1) and in the penultimate line of subsection (2) thereof and inserting in its place in each of those subsections the word “twenty”; and
- (b) by striking out the word “twenty-five” where it occurs in the last line of subsection (1) and in the last line of subsection (2) thereof and inserting in its place in each of those subsections the word “fifty”.

Amendment of
principal Act,
s. 37a.

23. Subsection (1) of section 37a of the principal Act is amended—

- (a) by inserting after the passage “shopping district,” in the third line thereof the passage “whether or not the shop is an exempted shop,”; and
- (b) by striking out the passage “and has within six hours previously travelled from his residence to the shop” in paragraph (a) thereof.

Amendment of
principal Act,
s. 38.

24. Section 38 of the principal Act is amended—

- (a) by striking out the word “section” in the first line of subsection (1) thereof and inserting in its place the passage “sections 37a and”;
- (b) by striking out the passage “or, except as permitted by subsection (3) hereof or section 41, deliver any goods or cause or permit any goods to be delivered” in the fourth, fifth and sixth lines of subsection (1) thereof;
- (c) by striking out the word “ten” in the penultimate line of subsection (1) thereof and inserting in its place the word “twenty”;
- (d) by striking out the word “twenty-five” in the last line of subsection (1) thereof and inserting in its place the word “fifty”; and
- (e) by striking out subsection (3) thereof.

Amendment of
principal Act,
s. 39.

25. Section 39 of the principal Act is amended—

- (a) by striking out the word “Every” being the first word of the section and inserting in its place the passage “Except as provided in section 40 of this Act, every”;

- (b) by striking out the word "ten" in the penultimate line thereof and inserting in its place the word "twenty"; and
- (c) by striking out the word "twenty-five" in the last line thereof and inserting in its place the word "fifty".

26. Section 40 of the principal Act is repealed and the following section is enacted in lieu thereof:—

Repeal of
s. 40 of
of principal
Act and
re-enactment
thereof with
amendment—

40. A shopkeeper is, on one compulsory weekly half-holiday in each year, not obliged to allow to each shop assistant employed in or about or engaged in connection with a shop occupied, managed or under the control of the shopkeeper the compulsory half-holiday if the shop assistant's services are required by the shopkeeper on that day for the purpose of stocktaking or assisting in stocktaking in connection with the shop and the shopkeeper complies with such conditions as may be prescribed with respect to the employment of shop assistants for that purpose.

Exception to
compulsory
half-holiday.

27. Sections 41, 43 and 44 of the principal Act are repealed.

Repeal of
ss. 41, 43 and
44 of
principal Act.

28. Section 45 of the principal Act is amended by striking out the word "Five" in the last line thereof and inserting in its place the word "Ten".

Amendment of
principal Act,
s. 45.

29. Subsection (1) of section 46 of the principal Act is amended—

Amendment of
principal Act,
s. 46.

- (a) by striking out the word "ten" in the penultimate line thereof and inserting in its place the word "twenty"; and
- (b) by striking out the word "twenty-five" in the last line thereof and inserting in its place the word "fifty".

30. Section 47 of the principal Act is repealed and the following section is enacted in lieu thereof:—

Repeal of
s. 47 of
principal
Act and
re-enactment
thereof with
amendment—

47. (1) No provision of this Part of this Act shall be construed as precluding—

Trading
permitted
after closing
time for
certain
purposes.

- (a) the exposing for sale, or the sale and delivery, of goods after the closing times where the proceeds thereof are to be devoted to any benevolent, charitable, religious, or public purpose; or

- (b) a *bona fide* commercial traveller or agent representing a wholesale house from exposing after the closing times samples for the sole purpose of securing wholesale orders for goods ; or
- (c) the sale and delivery after the closing times of goods for provisioning any ship.

(2) The provisions of Part IV of this Act shall not apply in respect of any place where goods are, with the approval of the Minister, offered or exposed for sale on special occasions for the purpose of raising funds for any purpose specified in paragraph (a) of subsection (1) of this section.

Amendment of
principal Act,
s. 48.

31. Subsection (3) of section 48 of the principal Act is amended by striking out the passage “two shillings and sixpence” in the first line thereof and inserting in its place the words “one pound”.

Amendment of
principal Act,
s. 49.

32. Section 49 of the principal Act is amended—

- (a) by inserting after the word “lubricants” in the third line of subsection (1) thereof the passage “and spare parts and accessories” ;
- (b) by striking out the word “Sunday” being the last word of subsection (1) thereof and inserting in its place the passage “Sundays and public holidays” ;
- (c) by inserting after subsection (1) thereof the following subsection :—
 - (1a) Subject to the other provisions of this section a licence so granted may, if it is so stated therein, authorize the holder of the licence to sell the motor spirit, lubricants, spare parts and accessories, or such of them as may be specified in the licence, in any one or more of the following ways :—
 - (a) by means of coin-operated machines or self-service pumps ;
 - (b) in accordance with such roster system as the Minister determines ;
 - (c) in such other manner as the Minister thinks fit. ;
- (d) by inserting after the word “lubricants” in the third line of subsection (3) thereof the passage “and spare parts and accessories for motor vehicles, or such of them as have been specified in the licence,” ; and

- (e) by striking out the passage "sections 39, 41 and 43" in the first line of subsection (5) thereof and inserting in its place the passage "section 39".

33. Section 50 of the principal Act is amended—

Amendment of
principal Act,
s. 50.

- (a) by striking out the word "ten" where it occurs in the penultimate line of subsection (1) and in the penultimate line of subsection (2) thereof and inserting in its place in each of those subsections the word "twenty";
- (b) by striking out the word "twenty-five" where it occurs in the last line of subsection (1) and in the last line of subsection (2) thereof and inserting in its place in each of those subsections the word "fifty"; and
- (c) by striking out the word "Two" in the last line of subsection (3) thereof and inserting in its place the word "Five".

34. Section 72 of the principal Act is amended—

Amendment of
principal Act,
s. 72.

- (a) by inserting after the word "Sunday" in the fourth line of subsection (1) thereof the words "or on a public holiday";
- (b) by striking out the word "ten" in the penultimate line of subsection (1) thereof and inserting in its place the word "twenty";
- (c) by striking out the word "twenty-five" in the last line of subsection (1) thereof and inserting in its place the word "fifty";
- (d) by inserting after the word "in" in the first line of paragraph (b) of subsection (3) thereof the words "or about"; and
- (e) by inserting before the word "were" in the fourth line of paragraph (b) of subsection (3) thereof the passage " , unless the Chief Inspector has in writing specially approved of the goods being so covered or screened, that the goods".

35. Section 90 of the principal Act is amended by striking out the passage "at the Minister's office, to the Minister or the secretary or acting secretary to the Minister" in the last two lines thereof and inserting in its place the passage "at the office of the Minister or of the Secretary for Labour and Industry, to any responsible officer employed therein".

Amendment of
principal Act,
s. 90.

Amendment of
principal Act,
second
schedule.

36. The second schedule to the principal Act is amended—

(a) by striking out paragraph 1 thereof and inserting in its place the following paragraph :—

1. Cooked food ; butter, cheese and margarine ; tea, coffee and cocoa, in solution ; cooked meat and cooked fish (not being meat and fish in unopened and airtight containers) ; bread, rolls, cake, tarts and pies ; fresh fish, smoked fish and oysters ; spirituous and fermented liquors (as allowed by licence under the Licensing Act, 1932, as amended, and not otherwise) ;

(b) by inserting after the word “Flowers” in paragraph 5 thereof the passage “, seeds, fertilisers and substances for use as garden pesticides in quantities not exceeding twenty-eight pounds or, if in liquid form, not exceeding twelve ounces ;”

(c) by striking out the words “and shaving soaps” being the last three words of paragraph 8 thereof and inserting in their place the passage “razor blades, shaving creams, toothpaste, shaving and toilet soaps, toilet tissues, sanitary napkins, hot water bags, and films for use in cameras”.

(d) by inserting before the word “magazines” in paragraph 9 thereof the passage “greeting cards and envelopes for greeting cards,” ;

(e) by adding after paragraph 11 thereof the following paragraph :—

12. Eggs, bacon, sausages, uncooked rabbits and uncooked poultry.

Amendment of
principal Act,
third schedule.

37. The third schedule to the principal Act is amended by inserting after the passage “Book shops,” in paragraph 9 thereof the passage “greeting-card shops,”.

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

J. M. NAPIER, Lieutenant-Governor.