



ANNO PRIMO

EDWARDI VII REGIS.

A.D. 1901.

No. 778.

An Act to amend the "Early Closing Act, 1900."

[Assented to, December 21st, 1901.]

BE 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 Amendment Act, 1901," and shall be read and construed and be concurrent with the "Early Closing Act, 1900" (hereinafter referred to as the principal Act), and shall come into force on a day to be fixed by Proclamation.

Short title, incorporation, and duration.

2. The word "shopkeeper" as defined in the principal Act shall include any person having the management of any shop.

Definition.

3. The whole of sub-section (2) of section 7 of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

Repeal of sub-section (2) of section 7, principal Act.

(2) The choice of a shopkeeper as to the closing time on the Wednesday in respect of any shop occupied by him shall be made by sending to the Minister a notice in the form prescribed, and affixing and keeping affixed a copy of such notice in a conspicuous position in his shop front window, and such choice shall apply to all shops in which he has any proprietary interest, situate within a radius of one hundred yards from the shop in respect of which such choice has been made.

Substituted sub-section.

A shopkeeper desirous of making another choice shall give one month's written notice of such other choice to the Minister, which notice shall not determine at any time prior to three months from the date of his former choice, and at the expiration of such month a

copy

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copy of such substituted notice shall be affixed and shall be kept affixed in a conspicuous place in his shop front window, and any prior notice shall be removed.

All notices of choice made or purporting to be made by any shopkeeper or his agent shall be *prima facie* evidence of the fact of such choice having been made.

Effect of repeal.

4. The repeal hereby effected shall not affect anything lawfully commenced or done under any part of the principal Act so repealed, and all choices made, notices given, and copies affixed thereunder shall be as valid and effectual for all purposes as if made, given, or affixed hereunder, and shall continue in full force and effect.

Shopkeeper may sell after the closing time.

5. A shopkeeper, whether within a metropolitan or a country shopping district, or the husband or wife of such shopkeeper, may keep his shop open and, with the assistance of one member of his family, sell goods therein until nine of the clock on any week night for which the closing time chosen, fixed, or appointed is not earlier than six of the clock: Provided that not more than one person shall be deemed to be the shopkeeper in connection with the same shop for the purpose of this section: Provided also that for the purpose of this section "shopkeeper" shall not include manager of a shop.

Repeal of section 5, principal Act.

6. Section 5 of the principal Act is hereby repealed.

Amendment of section 13 of Act 749 of 1900.

7. Section 13 of the principal Act is hereby amended as follows:—Every shopkeeper shall, not later than the closing time chosen, fixed, or appointed in respect thereof, close his shop by ceasing, for the remainder of the day, to sell or offer goods for sale therein, except exempted goods, subject, however, to the provisions contained in section 5 of this Act.

Exception in case of refreshment rooms' employes.

8. Section 14 of the principal Act is hereby amended by the addition of the following proviso, viz:—Provided that assistants employed in preparing and serving up meals and refreshments may continue doing so until two of the clock on any day.

Exemption.

9. The persons conducting, carrying on, occupying, or having the management or control of any shop of the classes of shops mentioned in the First Schedule of the principal Act shall, save as provided, be exempt from the provisions of this Act.

Exemption in case of public holiday.

10. Every shopkeeper who keeps his shop closed on the whole of any public holiday which is kept on a Monday shall be exempt from closing his shop at one of the clock in the afternoon of Wednesday of the same week to which the closing time of one of the clock in the afternoon applies; and when a public holiday is kept on any other week day than Monday then all shopkeepers who shall close their shops

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shops during the whole of such holiday shall be exempt from closing their shops at one of the clock on Wednesday and one of the clock on Saturday in that week.

11. The word "Milkmen" shall be included in the First Schedule to the principal Act. "Milkmen" added to First Schedule.

12. Every shopkeeper shall allow a half holiday to every person employed in his shop from one of the clock in the afternoon of the day fixed for closing the shop at that hour, and shall not employ any of such persons after the closing time so fixed: Provided that a shopkeeper shall not be liable for employing any person within half an hour after the closing time for the purpose of serving customers already in the shop at the closing time, or for adjusting the goods and closing the shop. Half holiday.

13. The Governor may by Proclamation temporarily suspend the operation of this Act in so far as it applies to the closing time fixed or appointed for any shop or shops. Governor may suspend operation of Act as to closing time.

14. No person under the age of sixteen years shall be employed for more than fifty-two hours in one week in a shop, or more than nine hours in any one day except on one day in a week, when not more than eleven hours may be worked: Provided that with the written consent of the Minister any of such persons may be employed for not more than twelve hours or a less time in one day, but such consent shall not apply to more than forty days in any one year. Limitation of hours of employment of young persons.

15. The Second Schedule of the principal Act shall be read as if in the last line thereof the words "and description of shop" were added. Amendment Second Schedule Act 749 of 1900.

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

TENNYSON, Governor.