

(Reprint No. 1)

**SOUTH AUSTRALIA**

**SHOP TRADING HOURS ACT, 1977**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 15 January 1992.*

*It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since its last reprinting on 2 May 1988.*

**SUMMARY OF PROVISIONS**

## Section

1. Short title
4. Interpretation
5. Certificate of exemption
6. Application of Act
7. Inspectors
8. Powers of Inspectors
9. Inspector not to have interest, etc.
10. Protection for Inspectors
11. Proclaimed Shopping District
12. Variation of Proclaimed Shopping District
13. Closing times for shops
- 13a. Permit for certain hardware shops
14. Shops to be closed at closing time
- 14a. Advertising
15. Certain sales lawful
16. Prescribed goods
17. Licence to sell motor spirit and lubricants
18. Summary procedure
19. Regulations

**SCHEDULE OF TRANSITIONAL PROVISIONS**

# SHOP TRADING HOURS ACT, 1977

being

Shop Trading Hours Act, 1977, No. 35 of 1977 [Assented to 1 December 1977]<sup>1</sup>

as amended by

Shop Trading Hours Act Amendment Act, 1980, No. 115 of 1980 [Assented to 18 December 1980]<sup>2</sup>  
Shop Trading Hours Act Amendment Act, 1983, No. 120 of 1983 [Assented to 22 December 1983]<sup>3</sup>  
Shop Trading Hours Act Amendment Act, 1985, No. 48 of 1985 [Assented to 2 May 1985]<sup>4</sup>  
Statutes Amendment (Shop Trading Hours and Landlord and Tenant) Act, 1990, No. 50 of 1990 [Assented to 22 November 1990]<sup>5</sup>

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

**An Act to provide for and regulate the closing times for shops; and for other purposes.**

The Parliament of South Australia enacts as follows:

\* \* \* \* \*

## Short title

1. This Act may be cited as the *Shop Trading Hours Act, 1977*.

\* \* \* \* \*

\* \* \* \* \*

## Interpretation

4. (1) In this Act, unless the contrary intention appears—

“building” includes part of a building:

“caravan” means a caravan as defined for the purposes of the *Motor Vehicles Act, 1959*:

“the Central Shopping District” means the portion of the municipality of the City of Adelaide that lies within the Hundred of Adelaide:

“closing time” in relation to a shop, means the time at which the shop is required to be closed under this Act:

“council” means a municipal or district council:

\* \* \* \* \*

<sup>1</sup>Came into operation 1 December 1977: s. 2.

<sup>2</sup>Came into operation 2 March 1981: *Gaz.* 27 February 1981, p. 536.

<sup>3</sup>Came into operation 22 February 1984: s. 2.

<sup>4</sup>Came into operation 26 May 1985: *Gaz.* 16 May 1985, p. 1535.

<sup>5</sup>Came into operation 22 November 1990: *Gaz.* 22 November 1990, p. 1581.

“exempt shop” means—

(a) a shop (not being a hairdresser’s shop)—

- (i) the floor area of which does not exceed 200 square metres;
- (ii) which does not adjoin, and is not adjacent to, a building, with a floor area exceeding one-half the floor area of the shop, that is used as a storeroom for the purposes of the shop;

and

- (iii) in which not more than three persons are physically present at any one time for the purpose of carrying on, or assisting in carrying on, the business of the shop;

(b) subject to subsection (2), a shop the business of which is the retail sale of all or any of the goods set out in any one of the following subparagraphs:

- (i) antiques (other than coins or stamps);
- (ii) live fish, fish food, aquariums, accessories for aquariums;
- (iii) paintings, reproductions, drawings, etchings, pottery, sculptures, artifacts, wood carving, leatherware, weavings, hand-made goods of glass, iron, copper or silver;
- (iv) newspapers, books, periodicals, greeting cards, posters, wrapping paper, stationery;
- (v) pharmaceutical preparations, cosmetic and toilet requisites, first aid requisites, medical and surgical appliances;
- (vi) fresh flowers, living plants, floral arrangements, wreaths;
- (vii) non-alcoholic drinks, ice-cream, confectionery, light refreshments;
- (viii) household pets, pet foods or accessories;
- (ix) seeds, seedlings, shrubs, trees, fertilizers, pesticides, weedicides, fungicides, flower or shrub pots, garden stakes;
- (x) food—
  - for consumption on the shop premises;
  - or
  - prepared on the shop premises for consumption off those premises;
- (xi) souvenirs of a time, place or occasion, identified as such by inscription, stamping or marking;
  - or
- (xii) cigarettes, cigars, tobacco, smoker’s requisites;

(c) a hairdresser’s shop of which one natural person is the sole proprietor and in which no person other than the proprietor is employed or engaged in or about the business of that shop;

(d) subject to subsection (2), a shop—

(i) the business of which is the sale of foodstuffs;

(ii) which has a floor area—

(A) that does not exceed 200 square metres;

or

(B) that does not exceed 400 square metres and in which not more than three persons are physically present at any one time for the purpose of carrying on, or assisting in carrying on, the business of the shop;

and

(iii) which does not adjoin, and is not adjacent to, a building, with a floor area exceeding one-half the floor area of the shop, that is used as a storeroom for the purposes of the shop;

(e) a shop in relation to which a certificate of exemption, issued by the Minister, is in force;

or

(f) subject to subsection (2), a shop within the premises of a squash centre, ten pin bowling alley or golf club, the business of which is the retail sale of sporting goods of a kind used in the sport carried on in or about those premises,

but does not include any shop the business of which is solely or predominantly the retail sale of—

(g) meat;

(h) motor vehicles or boats;

or

(i) motor spirit or lubricants:

“floor area” in relation to a shop means the sum of—

(a) the area in which goods are displayed for inspection by the public;

(b) the area to which the public has access for the purpose of inspecting and purchasing goods;

and

(c) the floor area of any other shop (other than the floor area attributed to that shop by reason of this paragraph) that adjoins or is adjacent to the shop where—

(i) both shops sell substantially the same classes of goods, or the classes of goods sold by the shops are such as are usually available from a single shop;

and

(ii) the businesses of both shops are owned by the same person or by different persons who conduct the businesses as one business or substantially as one business:

“hardware and building materials” has the meaning prescribed by the regulations:

“Inspector” means an Inspector appointed under section 7:

“meat” means the flesh of a slaughtered animal intended for human consumption but does not include—

- (a) bacon;
- (b) cooked meat;
- (c) frozen meat;
- (d) fish;
- (e) poultry;
- (f) rabbits;
- (g) sausages and other smallgoods;
- (h) any other prescribed meat or prescribed product derived from meat:

“the metropolitan area” means the part of the State comprised of—

- (a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Gawler, Glenelg, Happy Valley, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Munno Para, Noarlunga, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Tea Tree Gully, Thebarton, Unley, Walkerville, West Torrens and Woodville;
- (b) the district council districts of East Torrens and Stirling;

\* \* \* \* \*

and

- (d) the portion of the Hundred of Willunga that lies within the district council district of Willunga:

“the Metropolitan Shopping District” means the portion of the metropolitan area that is not comprised in the Central Shopping District:

“motor vehicle” means a motor vehicle as defined for the purposes of the *Motor Vehicles Act, 1959*:

“motor spirit” means—

- (a) a distillate of crude oil commonly used as fuel for motor vehicles;
- (b) liquid petroleum gas or compressed natural gas that is sold, or is intended to be sold, as fuel for motor vehicles:

“Proclaimed Shopping District” means an area of the State for the time being declared by proclamation under section 11 to be a proclaimed shopping district:

“public holiday” means a public holiday under the *Holidays Act, 1910*:

“retail sale” means a sale of goods in the reasonable expectation that the goods will be used or consumed and not resold:

“sell” includes offer or expose for sale and “sale” and “sold” have corresponding meanings:

“shop” means the whole or any portion of a building, yard, place, structure, stall, tent or vehicle—

(a) in which goods are sold by retail (including sale by auction);

or

(b) in which the business of a hairdresser or pawnbroker is carried on:

“shopkeeper” means the person, or body of persons, whether corporate or unincorporate, that carries on the business of a shop, or acts or apparently acts in the general management or control of the business of a shop:

“shopping district” means—

(a) the Central Shopping District;

(b) the Metropolitan Shopping District;

or

(c) any Proclaimed Shopping District:

“trailer” means a trailer as defined for the purposes of the *Motor Vehicles Act, 1959*:

“weekday” means a Monday, Tuesday, Wednesday, Thursday or Friday.

(2) A shop is not an exempt shop by virtue of paragraph (b), (d) or (f) of the definition of “exempt shop” unless the aggregate price of goods—

(a) comprised in a class or classes of goods referred to in any one or more of those paragraphs;

and

(b) sold at the shop during any period of seven consecutive trading days,

is not less than 80 per cent of the aggregate price of all goods sold at the shop during that period.

(2a) The floor area of a shop from which motor spirit is sold does not include—

(a) areas in which the only goods displayed for inspection by the public are motor spirit or lubricants;

(b) areas to which the public has access for the purpose of inspecting or purchasing motor spirit or lubricants but not any other class or classes of goods.

(2b) When determining whether a shop from which motor spirit is sold is an exempt shop, any area used for the storage of motor spirit will not be taken into account.

(3) For the purposes of subsection (2), a “trading day” is a day on which the public has access to the shop for the purpose of purchasing goods.

### **Certificate of exemption**

5. (1) The Minister may issue a certificate of exemption to a shopkeeper in relation to a shop specified in the certificate.

(2) A certificate issued under this section will be subject to such restrictions and conditions as are specified in the certificate.

(3) Where, in the opinion of the Minister—

(a) there has been a breach of a restriction or condition to which a certificate is subject;

or

(b) it is desirable for any other reason to revoke the certificate, the Minister may, by notice in writing served personally or by post on the holder of the certificate, revoke the certificate.

#### **Application of Act**

6. (1) Subject to this section, this Act applies to and in relation to—
- (a) any shop the business of which is solely or predominantly the retail sale of meat;
  - and
  - (b) any shop situated within a shopping district.
- (2) This Act does not apply to or in relation to—
- (a) any shop conducted at an agricultural or horticultural exhibition or show;
  - (b) any shop conducted at an exhibition or show approved of by the Minister;
  - or
  - (c) any shop conducted for a period not exceeding one week, if the proceeds from sales made from that shop are devoted to a charitable, religious or benevolent purpose.

#### **Inspectors**

7. (1) For the purposes of this Act the Governor may appoint as many Inspectors as appear necessary or desirable.

(2) Every Inspector will be furnished by the Minister with a certificate of appointment which the Inspector must produce on request.

#### **Powers of Inspectors**

8. (1) For the purposes of ascertaining whether a provision of this Act has been complied with, an Inspector may—

- (a) enter at any time any building, yard, place, structure, stall or tent;
- (b) require the driver of a vehicle, suspected by the Inspector, on reasonable grounds, to be used as a shop or in connection with the business of a shop to stop the vehicle, and enter and inspect the vehicle or anything drawn by it;
- (c) inspect or take copies of any book, paper, document or record;
- or
- (d) require any person to answer any question put by the Inspector (whether directly or through an interpreter).

(2) In the exercise of powers under subsection (1), an Inspector may be accompanied by such other persons as seem necessary or desirable in the circumstances.

(3) A person must not refuse or fail to do all things necessary to facilitate the exercise by an Inspector of the powers conferred by this section.

Penalty: \$500.

(4) A person to whom a question is put pursuant to subsection (1)(d), must not refuse or fail to answer that question to the best of that person's knowledge, information and belief.

Penalty: \$500.



**Inspector not to have interest, etc.**

9. An Inspector must disclose to the Minister any direct or indirect financial interest in a shop that is or may be subject to his or her inspection.

Penalty: \$500.

**Protection for Inspectors**

10. No criminal liability attaches to an Inspector for any act or omission in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties, under this Act.

\* \* \* \* \*

**Proclaimed Shopping District**

11. (1) Subject to subsection (2), the Governor may by proclamation—

(a) declare any area other than the area comprised in the Central Shopping District or the Metropolitan Shopping District to be a Proclaimed Shopping District;

(b) vary the area comprising any Proclaimed Shopping District;

or

(c) abolish a Proclaimed Shopping District.

(2) A proclamation under subsection (1) cannot be made except to give effect to an application, made in accordance with section 12, in relation to which the Minister has given a certificate under section 12(6).

**Variation of Proclaimed Shopping District**

12. (1) Subject to this section, a council may, by instrument in writing under its common seal, make application to the Minister that—

(a) the whole or any part of the area of the council be declared to be a Proclaimed Shopping District;

(b) the area of a Proclaimed Shopping District be varied so that it includes or ceases to include the whole or any part of the area of the council;

or

(c) a Proclaimed Shopping District comprising the whole or a part of the area of the council be abolished.

(2) An application for the declaration of a Proclaimed Shopping District cannot be made unless the proposed Proclaimed Shopping District would comprise—

(a) a municipality;

or

(b) an area of not less than 90 square kilometres.

(3) An application to vary the area of a Proclaimed Shopping District cannot be made unless the area, as varied, would comprise—

(a) a municipality;

or

(b) an area of not less than 90 square kilometres.

(4) An application under this section may only be made in pursuance of a resolution of the council.

\* \* \* \* \*

(6) A council must not make an application to the Minister under this section unless it has first given interested persons an opportunity to express their views to the council on the proposal and has had regard to the views expressed to it by interested persons.

(7) In subsection (6)—

“interested persons” means persons resident in the area of the council, and shopkeepers and shop assistants resident outside the area, but employed or engaged in shops within it.

(8) If an unsuccessful application is made to the Minister under this section, a period of one year must elapse before the same, or a substantially similar, application is made.

### Closing times for shops

13. (1) Subject to this section, the closing time for a shop situated within the Central Shopping District, or any other shopping district, or part of a shopping district, to which this subsection applies by virtue of a proclamation under subsection (6), is—

(a) 6.00 p.m. on every weekday other than a Friday;

(b) 9.00 p.m. on a Friday;

and

(c) 5.00 p.m. on a Saturday.

(2) Subject to this section, the closing time for a shop situated in a shopping district, or part of a shopping district, other than a shopping district, or part of a shopping district, to which subsection (1) applies is—

(a) 6.00 p.m. on every weekday other than a Thursday;

(b) 9.00 p.m. on a Thursday;

and

(c) 5.00 p.m. on a Saturday.

(3) Notwithstanding any other provision of this section the closing time of a shop the business of which is solely or predominantly the sale of caravans, trailers or boats is, if the shop is situated in a shopping district—

(a) 6.00 p.m. on a Monday, Tuesday and Wednesday;

(b) 9.00 p.m. on a Thursday and Friday;

and

(c) 5.00 p.m. on a Saturday.

(3a) Notwithstanding any other provision of this section the closing time of a shop the business of which is solely or predominantly the sale of motor vehicles (other than caravans and trailers) is, if the shop is situated in a shopping district—

(a) 6.00 p.m. on a Monday, Tuesday and Wednesday;

(b) 9.00 p.m. on a Thursday and Friday;

and

(c) 1.00 p.m. on a Saturday or such later time (not being later than 5.00 p.m.) as is fixed by proclamation.

(4) Notwithstanding subsections (1) and (2), but subject to the other provisions of this section, the closing time for a shop the business of which is solely or predominantly the retail sale of meat is as follows:

(a) for a shop situated in a shopping district or part of a shopping district to which subsection (1) applies—

(i) 5.30 p.m. on every weekday other than a Friday;

(ii) 9.00 p.m. on a Friday;

and

(iii) 5.00 p.m. on a Saturday;

(b) for a shop situated in a shopping district or part of a shopping district to which subsection (1) does not apply—

(i) 5.30 p.m. on every weekday other than a Thursday;

(ii) 9.00 p.m. on a Thursday;

and

(iii) 5.00 p.m. on a Saturday;

(c) for a shop situated outside a shopping district—

(i) 5.30 p.m. on four weekdays in each week;

(ii) 9.00 p.m. on one weekday in each week;

and

(iii) 5.00 p.m. on a Saturday.

\* \* \* \* \*  
\* \* \* \* \*

(6) Subject to subsection (7), the Governor may, by proclamation, order that the closing times specified in subsection (1) or such other closing times as are specified in the proclamation apply, as from a time specified in the proclamation, in any shopping district or part of a shopping district specified in the proclamation and those closing times will apply accordingly—

(a) until the date (if any) specified in the proclamation as the date at which the proclamation is to cease to have effect;

or

(b) until the publication in the *Gazette* of a proclamation revoking that proclamation,

whichever occurs first.

(7) A proclamation under subsection (6) cannot be made unless the Minister—

(a) is satisfied that a majority of interested persons desire that the proposed proclamation be made;

and

(b) gives a certificate to that effect.

(8) In subsection (7)—

“interested persons” means—

(a) persons resident in the relevant shopping district, or part of a shopping district;

and

(b) shopkeepers and shop assistants who work in shops within that shopping district or part of a shopping district.

(9) The Governor may, by proclamation, authorize the opening of shops during hours, specified in the proclamation, when it would otherwise be unlawful to open those shops.

(10) A proclamation under subsection (9)—

(a) may relate to shops generally or to a specified shop or to specified classes of shops;

(b) may apply generally throughout the State or in specified shopping districts or in a specified part of a shopping district or in other parts of the State;

(c) cannot operate in respect of a period greater than one month;

and

(d) may be revoked by subsequent proclamation.

(11) Notwithstanding any other provision of this Act, it is lawful for a shop to be open in accordance with a proclamation under subsection (9).

(12) The Governor may, by proclamation, require shops to be closed at times when it would otherwise be lawful to open those shops.

(13) A proclamation under subsection (12)—

(a) will stipulate the times during which shops must be closed;

(b) may relate to shops generally or to a specified shop or to specified classes of shops;

(c) may apply—

(i) generally throughout the State;

(ii) in specified shopping districts;

(iii) in a specified part of a shopping district;

(iv) in other parts of the State;

and

(d) may be revoked by subsequent proclamation.

(14) Notwithstanding any other provision of this Act, it is unlawful for a shop to be open in contravention of a proclamation under subsection (12).

#### **Permit for certain hardware shops**

**13a.** (1) A shop—

(a) that is not an exempt shop;

(b) the business of which is solely the sale of hardware and building materials;

and

(c) in relation to which a permit is in force under this section,

may—

\* \* \* \* \*

(e) open from 10.00 a.m. to 4.00 p.m. on a Sunday or other public holiday except Good Friday, Easter Sunday, Anzac Day or Christmas Day.

(2) The Minister may grant a permit under this section to a shopkeeper in relation to a shop referred to in subsection (1).

(3) A permit granted under this section is subject to the prescribed restrictions and conditions.

(4) Where, in the opinion of the Minister—

(a) there has been a breach of a prescribed restriction or condition;

or

(b) it is desirable for any other reason to revoke the permit,

the Minister may, by notice in writing served personally or by post on the holder of the permit, revoke the permit.

**Shops to be closed at closing time**

14. (1) Except as otherwise provided in this Act, every shopkeeper must cause the shop to be closed and fastened against the admission of the public by no later than the closing time on each day and for the remainder of that day after that closing time.

\* \* \* \* \*

(3) Except as otherwise provided in this Act, a shopkeeper must keep the shop closed and fastened against the admission of the public for the whole of each Sunday, each other public holiday and during such other period that the shop is required by this Act to be closed.

\* \* \* \* \*

(5) Except as otherwise provided in this Act, a person must not sell, or cause or permit to be sold, any goods in or about a shop on any day after the closing time or on any Sunday or other public holiday or during any other period that the shop is required by this Act to be closed.

(6) A person who fails to comply with subsection (1), (3) or (5) is guilty of an offence.

Penalty: \$10 000.

(7) Where, at a time when a shop is required by this Act to be closed, a person (other than the shopkeeper or an employee or agent of the shopkeeper) is in the shop for the purpose of—

(a) purchasing goods;

(b) inspecting goods;

or

(c) taking delivery of goods purchased,

the shopkeeper is guilty of an offence.

Penalty: \$10 000.

(7a) In proceedings for an offence under subsection (7), an allegation in the complaint that a person was in a shop for the purpose of—

- (a) purchasing goods;
  - (b) inspecting goods;
- or
- (c) taking delivery of goods purchased,

will be accepted as proved in the absence of proof to the contrary.

(7b) It is a defence to a charge of an offence under subsection (7) to prove that the defendant did not know, and could not reasonably be expected to have known, that a person was in the shop for the purpose of—

- (a) purchasing goods;
  - (b) inspecting goods;
- or
- (c) taking delivery of goods purchased.

(8) Except as otherwise provided in this Act, if the business of hairdressing or pawnbroking is carried on in a shop after the closing time on any day, or at any time on a Sunday or other public holiday, the shopkeeper is guilty of an offence.

Penalty: \$10 000.

(8a) Where a court imposes a penalty for an offence against this section it may fix, by way of additional penalty, an amount determined or estimated by the court as the amount by which the convicted defendant benefited from trading that was, by virtue of this Act, unlawful on the day on which the offence was committed.

(9) No offence is committed under this section by reason only of the fact that a shopkeeper, or a person employed or engaged in the shop, is engaged within a period of 30 minutes after closing time—

- (a) in serving customers who were in the shop at closing time;
- or
- (b) in completing the hairdressing of a customer who was in the shop at closing time.

(10) In respect of a hairdresser's shop, the Saturday after Good Friday will not be regarded as a public holiday for the purpose of this section.

(11) In any proceedings for an offence against this section, it is a defence for the defendant to prove that at the time of the alleged offence, and—

- (a) throughout the period of seven days immediately preceding that time;
- or
- (b) in the case of a shop that was established within that period of seven days, throughout the period immediately preceding that time during which the business of that shop was carried on,

the shop, in relation to which it is alleged the offence was committed, was an exempt shop.

**Advertising**

14a. (1) Subject to this section, a person who publishes, or causes to be published, an advertisement that—

(a) a shop will be open during any period when the shop is required by this Act to be closed;

or

(b) goods will be offered for sale at a shop that is an exempt shop by virtue of paragraph (b) of the definition of “exempt shop”, at a time when those goods could not lawfully be sold if the business of the shop was solely or predominantly the sale of those goods,

is guilty of an offence.

Penalty: \$10 000.

(2) Subsection (1) does not apply to the proprietor or publisher of a newspaper or magazine or to the holder of a licence under the *Broadcasting and Television Act 1942* of the Commonwealth.

**Certain sales lawful**

15. (1) It is lawful for the shopkeeper of a shop situated in a shopping district outside the metropolitan area at any time—

(a) to sell or deliver goods, not being prescribed goods within the meaning of section 16, to any person who resides at least 8 kilometres from the shop;

and

(b) to keep the shop open for so long as is necessary to effect that sale or delivery.

(2) The distance between the place at which the person is resident and the shop will, for the purposes of this section, be calculated according to the shortest practicable route.

(3) It is lawful for a shopkeeper at any time to sell or deliver spare parts for agricultural machinery and to keep the shop open for so long as is necessary to effect that sale or delivery.

(4) It is lawful for a shopkeeper at any time to sell by auction (and deliver) fine art on commission and to keep the shop open for so long as is necessary to effect the sale and delivery.

\* \* \* \* \*  
\* \* \* \* \*

**Prescribed goods**

16. (1) In this section—

“prescribed goods” means—

(a) meat;

(b) motor vehicles and boats;

and

(c) motor spirit and lubricants.

(2) Subject to section 17, but notwithstanding any other provision, a shopkeeper must not sell prescribed goods or cause or permit prescribed goods to be sold in or about the shop at any time when those goods could not lawfully be sold from that shop if its business were solely or predominantly the retail sale of such goods.

(3) A person who contravenes subsection (2) is guilty of an offence.

Penalty: \$10 000.

#### **Licence to sell motor spirit and lubricants**

17. (1) The Minister may, upon the application of a shopkeeper, grant a licence permitting that shopkeeper to sell and deliver motor spirit and lubricants on any day after closing time and on Sundays and other public holidays.

(2) The licence may be subject to such limitations, restrictions and conditions as are prescribed.

(3) The licensee must pay to the Minister such fees as may be prescribed.

(4) It is lawful for the holder of a licence under this section to sell and deliver the goods subject to the licence, to keep the shop open during the hours specified in the licence to effect such sale and delivery and to employ shop assistants during those hours in accordance with the conditions of the licence.

(5) The Minister, if of the opinion that a licence under this section has been abused in any way, may, by notice in writing addressed to the holder of the licence, cancel the licence (and the licence thereupon becomes void).

\* \* \* \* \*

#### **Summary procedure**

18. (1) An offence against this Act is a summary offence.

(2) In any proceedings for an offence against this Act, an allegation in the complaint that a specified shop is within a specified shopping district will be accepted as proved in the absence of proof to the contrary.

#### **Regulations**

19. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the Governor may make regulations—

(a) prescribing the manner in which a shop or class of shops is to be closed and fastened against the admission of the public;

and

(b) prescribing penalties (not exceeding \$500) for a breach of, or non-compliance with, any regulation.

\* \* \* \* \*



---

SCHEDULE OF TRANSITIONAL PROVISIONS

For the purposes of this Act, each area of the State (other than the metropolitan area) that was, immediately before the commencement of this Act, a shopping district for the purposes of Part XV of the Industrial Code, 1967, will be taken to have been declared by proclamation under section 11 to be a Proclaimed Shopping District.

## APPENDIX

## Legislative History

Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 2 May 1988. A schedule of these alterations was laid before Parliament on 16 August 1988.

Heading:	deleted in pursuance of the <i>Acts Republication Act, 1967</i>
Section 2:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Section 3:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Section 4:	redesignated as s. 4(1) by 115, 1980, s. 3(n)
Section 4(1):	definition of "building" inserted by 115, 1980, s. 3(a) definition of "caravan" inserted by 50, 1990, s. 4(a) definition of "closing time" substituted by 115, 1980, s. 3(b) definition of "declared shop" repealed by 115, 1980, s. 3(c) definition of "exempt shop" amended by 115, 1980, s. 3(d)-(k) definition of "floor area" inserted by 115, 1980, s. 3(l) definition of "hardware and building materials" inserted by 115, 1980, s. 3(l) definition of "the metropolitan area" amended by 115, 1980, s. 3(m); paragraph (c) deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its contents are now obsolete
Section 4(2):	definition of "motor spirit" inserted by 50, 1990, s. 4(b)
Section 4(2a) and (2b):	definition of "trailer" inserted by 50, 1990, s. 4(c)
Section 4(3):	inserted by 115, 1980, s. 3(n)
Section 5:	inserted by 50, 1990, s. 4(d)
Section 6(1):	inserted by 115, 1980, s. 3(n)
Section 11(1):	substituted by 115, 1980, s. 4 amended by 115, 1980, s. 5 being a transitional provision has been transferred to the Schedule of Transitional Provisions
Section 11(2):	redesignated as s. 11(1) in pursuance of the <i>Acts Republication Act, 1967</i>
Section 11(3):	amended by 115, 1980, s. 6; redesignated as s. 11(2) in pursuance of the <i>Acts Republication Act, 1967</i>
Section 12(5):	repealed by 50, 1990, s. 5
Section 12(6):	substituted by 50, 1990, s. 5
Section 13(1):	substituted by 115, 1980, s. 7(a); amended by 50, 1990, s. 6(a)
Section 13(2):	substituted by 115, 1980, s. 7(a); amended by 50, 1990, s. 6(b)
Section 13(3):	substituted by 115, 1980, s. 7(a); 50, 1990, s. 6(c)
Section 13(3a):	inserted by 50, 1990, s. 6(c)
Section 13(4):	amended by 115, 1980, s. 7(b); substituted by 120, 1983, s. 3; 48, 1985, s. 3; amended by 50, 1990, s. 6(d)
Section 13(5):	repealed by 115, 1980, s. 7(c); inserted by 120, 1983, s. 3; repealed by 48, 1985, s. 3
Section 13(5a) - (5d):	inserted by 120, 1983, s. 3; repealed by 48, 1985, s. 3
Section 13(6):	substituted by 115, 1980, s. 7(d); amended by 50, 1990, s. 6(e)
Section 13(8):	substituted by 115, 1980, s. 7(e)
Section 13(9) - (14):	inserted by 115, 1980, s. 7(e)
Section 13a:	inserted by 115, 1980, s. 8;
Section 13a(1):	amended by 50, 1990, s. 7
Section 13a(1)(d):	repealed by 50, 1990, s. 7
Section 14(2):	repealed by 115, 1980, s. 9(c)
Section 14(3):	amended by 115, 1980, s. 9(a)
Section 14(4):	repealed by 115, 1980, s. 9(c)
Section 14(5):	amended by 115, 1980, s. 9(b)
Section 14(6) and (7):	substituted by 115, 1980, s. 9(c)
Section 14(7a) and (7b):	inserted by 115, 1980, s. 9(c)
Section 14(8):	substituted by 115, 1980, s. 9(c)
Section 14(8a):	inserted by 115, 1980, s. 9(c)
Section 14a:	inserted by 115, 1980, s. 10
Section 15a:	inserted by 115, 1980, s. 11; repealed by 50, 1990, s. 8
Section 15b:	inserted by 115, 1980, s. 11; repealed by 50, 1990, s. 9
Section 16(1):	amended by 115, 1980, s. 12(a)
Section 16(2):	amended by 115, 1980, s. 12(b), (c)
Section 16(3):	substituted by 115, 1980, s. 12(d)
Section 17(1):	amended by 115, 1980, s. 13
Section 17(6):	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Section 18:	redesignated as s. 18(1) by 115, 1980, s. 14
Section 18(2):	inserted by 115, 1980, s. 14
Section 19:	substituted by 115, 1980, s. 15
Schedule:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Schedule of Transitional Provisions:	transferred from s. 11 where it was designated as s. 11(1)