



New South Wales

Shops and Industries Amendment (Special Shop Closures) Act 2004 No 109

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New South Wales

Shops and Industries Amendment (Special Shop Closures) Act 2004 No 109

Act No 109, 2004

An Act to amend the *Shops and Industries Act 1962* with respect to the closure of certain shops on Saturday 25 December 2004 and on Sunday 26 December 2004. [Assented to 15 December 2004]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Shops and Industries Amendment (Special Shop Closures) Act 2004*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Shops and Industries Act 1962 No 43

The *Shops and Industries Act 1962* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Section 3)

Sections 89E and 89F

Insert after section 89D:

89E Shops to be kept closed on Christmas Day 2004

- (1) Shops (other than scheduled shops and small shops) are to be kept closed on Saturday 25 December 2004.
- (2) This section has effect despite:
 - (a) any exemption granted under section 78A or 89B, or
 - (b) any order made under section 85 (2),
before or after the commencement of this section.
- (3) This section is repealed at the beginning of 27 December 2004.

89F Shops to be kept closed on Boxing Day 2004 except in limited circumstances

- (1) Shops (other than scheduled shops and small shops) are to be kept closed on Sunday 26 December 2004, except as provided by subsection (2).
- (2) A shop (other than a scheduled shop or a small shop) is permitted to open on Sunday 26 December 2004 if the following conditions are satisfied:
 - (a) the shop is located in an area or part of an area that is subject to an exemption under section 89B in force immediately before the commencement of this section that would, but for this section, allow the shop to open on Sunday 26 December 2004,
 - (b) the shop opens only in accordance with the conditions of the exemption,
 - (c) the shop is staffed on that day only by persons who have freely elected to work on the day, without any coercion, harassment, threat or intimidation by their employer.
- (3) For the purposes of subsection (2) (c), a person is not taken to have freely elected to work on Sunday 26 December 2004 merely because that person is rostered to work on that day.

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Schedule 1 Amendment

- (4) This section has effect despite:
 - (a) any exemption granted under section 78A or 89B, or
 - (b) any order made under section 85 (2),
before or after the commencement of this section.
- (5) This section is repealed at the beginning of 27 December 2004.

[Second reading speech made in—
Legislative Assembly on 10 November 2004
Legislative Council on 7 December 2004]

BY AUTHORITY