



New South Wales

Shops and Industries Amendment (Special Shop Closures) Act 2005 No 92

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Shops and Industries Amendment (Special Shop Closures) Act 2005 No 92

Act No 92, 2005

An Act to amend the *Shops and Industries Act 1962* with respect to the closure of certain shops on Sunday 25 December 2005, Monday 26 December 2005 and Sunday 1 January 2006. [Assented to 24 November 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Shops and Industries Amendment (Special Shop Closures) Act 2005*.

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, 89F and 89G

Insert after section 89D:

89E Shops to be kept closed on Christmas Day 2005

- (1) Shops (other than scheduled shops and small shops) are to be kept closed on Sunday 25 December 2005.
- (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- (3) This section is repealed at the beginning of 2 January 2006.

89F Shops to be kept closed on Boxing Day 2005 except in holiday resorts

- (1) Shops (other than scheduled shops and small shops) are to be kept closed on Monday 26 December 2005, except as provided by subsection (2).
- (2) A shop (other than a scheduled shop or a small shop) is permitted to open on Monday 26 December 2005 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 Monday 26 December 2005,
 - (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 that 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 Monday 26 December 2005 merely because that person is rostered to work on that day.
- (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 2 January 2006.

89G Shops to be kept closed on New Year's Day 2006 except in holiday resorts and certain exempt areas

(1) In this section:

exempt area means:

- (a) the commercial business districts of the Cities of Sydney, Newcastle and Wollongong, or
- (b) the commercial business district of Cabramatta,
within such boundaries as the Minister may determine by public notice.

(2) Shops (other than scheduled shops and small shops) are to be kept closed on Sunday 1 January 2006, except as provided by subsections (3) and (4).

(3) A shop (other than a scheduled shop or a small shop) is permitted to open on Sunday 1 January 2006 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 1 January 2006,
- (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 that day, without any coercion, harassment, threat or intimidation by their employer.

(4) A shop (other than a scheduled shop or a small shop) is permitted to open on Sunday 1 January 2006 if the following conditions are satisfied:

- (a) the shop is located in an exempt area,
- (b) the shop is subject to an exemption under section 78A in force immediately before the commencement of this section that would, but for this section, allow the shop to open on Sunday 1 January 2006,
- (c) the shop opens only in accordance with the conditions of the exemption,

- (d) the shop is staffed on that day only by persons who have freely elected to work on that day, without any coercion, harassment, threat or intimidation by their employer.
- (5) For the purposes of subsections (3) (c) and (4) (d), a person is not taken to have freely elected to work on Sunday 1 January 2006 merely because that person is rostered to work on that day.
- (6) 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.
- (7) This section is repealed at the beginning of 2 January 2006.

[Second reading speech made in—

Legislative Assembly on 8 November 2005

Legislative Council on 15 November 2005]

BY AUTHORITY