



New South Wales

Shops and Industries Amendment (Special Shop Closures) Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Shops and Industries Act 1962* (the **Principal Act**):

- (a) to provide for shops (other than scheduled shops and small shops) to be kept closed on Saturday 25 December 2004, and
- (b) to provide for shops (other than scheduled shops and small shops) to be kept closed on Sunday 26 December 2004 unless the shops are located in a tourist area that is subject to a pre-existing exemption under section 89B of the Principal Act that would allow the shops to open on that day and are staffed by persons who have freely elected to work on that day, and
- (c) to provide that the amendments have effect despite any exemption granted under section 78A (exemption by the Director-General) or 89B (exemption of holiday resorts) or any order made under section 85 (2) (exemption by Ministerial order) of the Principal Act.

For the purposes of the Bill, scheduled shops are shops listed in Schedule 3 to the Principal Act and include, for example, chemists' shops, cooked food shops, newsagencies and video shops.

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Small shops are those with two or less shopkeepers that require not more than four persons to conduct the business of the shop on any one day.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the amendment to the Principal Act set out in Schedule 1.

Schedule 1 Amendment

Schedule 1 amends the Principal Act to insert proposed sections 89E and 89F, having the effect described above in the overview.

First print



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No. , 2004

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Shops and Industries Amendment (Special Shop Closures) Act 2004</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Shops and Industries Act 1962 No 43	7
The <i>Shops and Industries Act 1962</i> is amended as set out in Schedule 1.	8

Schedule 1	Amendment	1
	(Section 3)	2
Sections 89E and 89F		3
Insert after section 89D:		4
89E	Shops to be kept closed on Christmas Day 2004	5
(1)	Shops (other than scheduled shops and small shops) are to be kept closed on Saturday 25 December 2004.	6 7
(2)	This section has effect despite:	8
(a)	any exemption granted under section 78A or 89B, or	9
(b)	any order made under section 85 (2),	10
	before or after the commencement of this section.	11
(3)	This section is repealed at the beginning of 27 December 2004.	12
89F	Shops to be kept closed on Boxing Day 2004 except in limited circumstances	13 14
(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).	15 16 17
(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:	18 19 20
(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,	21 22 23 24 25
(b)	the shop opens only in accordance with the conditions of the exemption,	26 27
(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.	28 29 30
(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.	31 32 33

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Schedule 1 Amendment

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|-----|--|---|
| (4) | This section has effect despite: | 1 |
| | (a) any exemption granted under section 78A or 89B, or | 2 |
| | (b) any order made under section 85 (2), | 3 |
| | before or after the commencement of this section. | 4 |
| (5) | This section is repealed at the beginning of 27 December 2004. | 5 |