

Hon. Mr. Millar.

SHOPS AND OFFICES AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Hotels and Restaurants.</i></p> <p>2. Interpretation.</p> <p>3. Hotels and restaurants to be deemed shops.</p> <p>4. Certain provisions of principal Act not to apply.</p> <p>5. Hours of employment.</p>	<p>6. Night-porters and night-watchmen.</p> <p>7. Accumulated holidays.</p> <p>8. Notice in respect of holidays and working-hours.</p> <p>9. Licensing Act amended.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>10. Wages and overtime book.</p> <p>11. Alterations of districts. New districts.</p> <p>12. Miscellaneous amendments to principal Act.</p>
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A BILL INTITULED

AN ACT to amend the Shops and Offices Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Shops and Offices Amendment Act, 1909, and shall form part of and be read together with the Shops and Offices Act, 1908 (hereinafter referred to as the principal Act).

*Hotels and Restaurants.*

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Hotel” means any premises, whether licensed under the Licensing Act, 1908, or not, in which meals are provided and sold to the general public for consumption on the premises, and lodging is provided for hire for the accommodation of persons who desire to lodge therein; and

“restaurant” means any premises in which meals are provided as aforesaid, but in which lodging is not provided for the accommodation of persons other than the occupier and his family and assistants, and includes a tea-room and an oyster-saloon.

3. The definitions of “shop” and “shop-assistant” contained in section two of the principal Act are hereby extended and applied to hotels and restaurants and to the assistants employed therein.

Hotels and restaurants to be deemed shops.

4. Sections three to six of the principal Act shall not apply to hotels and restaurants or to the assistants therein.

Certain provisions of principal Act not to apply.

5. (1.) Except as hereinafter provided, an assistant shall not be employed in or about an hotel or restaurant or its business—

Hours of employment.

(a.) For more than sixty hours (excluding meal-times) in any one week in the case of a male whose age exceeds sixteen years, nor more than fifty-six hours (excluding meal-times) in any one week in any other case; nor

(b.) For more than ten hours (excluding meal-times) in any one day; nor

(c.) For more than five hours continuously without an interval of at least half an hour for a meal; nor

(d.) At any time after two o'clock in the afternoon of such working-day in each week as the occupier in the case of each assistant thinks fit.

(2.) Such working-hours may, with the previous written consent of an Inspector, be extended, but not for more than three hours in any one day and not more than ninety hours in any one year.

(3.) Every assistant employed during such extended hours shall, at the first regular pay-day thereafter, be paid for such employment half as much again as the ordinary rate of wages, or the sum of nine-pence per hour, whichever is the greater.

(4.) Section seven of the principal Act shall extend and apply to the limitations imposed by this section.

(5.) Sections eleven to twenty of the principal Act shall not apply to hotels or restaurants.

Night-porters and  
night-watchmen.

6. Subject to the provisions of the *next succeeding* section, every shop-assistant who is employed as a night-porter or night-watchman in any hotel or restaurant, in lieu of a weekly half-holiday shall have in each period of fourteen days a whole holiday of twenty-four hours, commencing at his usual hour for commencing work, on such working-day as the occupier in the case of each such shop-assistant thinks fit.

Accumulated  
holidays.

7. (1.) In lieu of allowing a half-holiday or a whole holiday as aforesaid, it shall be lawful for the occupier of an hotel or restaurant to allow to any assistant who so desires leave of absence on full pay at the ordinary rate for a period of seven days (including Sunday) in every three months.

(2.) Notice in writing of any such arrangement, stating the name of the assistant and the date from which the arrangement is intended to have effect, shall be given by the occupier to an Inspector at least twenty-four hours before the arrangement comes into force.

(3.) Any such arrangement may be terminated by the occupier at any time, or by the assistant on giving to the occupier seven days' notice of his desire to terminate the same.

(4.) Notice in writing of such termination shall, within two days thereafter, be given by the occupier to an Inspector.

(5.) Where any such arrangement is terminated as aforesaid, or where the employment of any such assistant is terminated from any cause, the occupier shall, within fourteen days after such termination, allow to the assistant a holiday on full pay for such period as is equivalent to the half-holidays or whole holidays, as the case may be (if any), to which but for this section he would have been entitled since the expiry of his last preceding leave of absence, or if there has been no such leave of absence, then since the date on which the arrangement came into force.

Notice in respect  
of holidays and  
working-hours.

8. (1.) In every hotel and restaurant the occupier shall at all times cause to be exhibited and maintained in some conspicuous place approved by an Inspector, and in such a position as to be easily read by the assistants, a notice containing the name and address of the Inspector of the district, and a statement of the half-holidays or holidays and working-hours of each shop-assistant.

(2.) Any half-holiday or holiday or the working-hours of any assistant mentioned in such notice, may at any time be altered, but so that such alteration shall be in conformity with the provisions of section *five* hereof.

5 (3.) A copy of every such notice and notice of any alteration therein as aforesaid shall be sent to the Inspector of the district not later than twenty-four hours after the same comes into force.

9. Subsection one of section one hundred and sixty-two of the Licensing Act, 1908, is hereby amended by omitting all the  
10 words after the words "as the case may be" down to and including the words "as aforesaid."

Licensing Act amended.

*Miscellaneous.*

10. (1.) The occupier of a shop in which one or more shop-  
15 assistants are employed shall at all times keep, in the prescribed form, or in such other form as may be approved by the Inspector, a record in English (called the wages and overtime book) showing, in the case of each assistant,—

Wages and overtime book.

(a.) The name of the assistant, together with his age if under twenty years of age ;

20 (b.) The kind of work on which he was employed ;

(c.) The hours of his employment during each week ;

(d.) The wages paid each week ; and

(e.) Such other particulars as are prescribed by regulations.

25 (2.) The wages and overtime book shall at all times be open to the inspection of an Inspector.

(3.) An Inspector may at any time require the occupier to verify the entries in the wages and overtime book in such form as may be prescribed by regulations.

11. (1.) Where the boundaries of any district forming a separate  
30 district or part of a combined district are altered, that alteration shall operate with respect to the separate district or combined district.

Alterations of districts.

(2.) Where by the constitution of the district of a new local  
35 authority a new separate district is created, the statutory closing-day appointed for the area comprising such new district at the time of its constitution shall continue to be observed until altered in accordance with the principal Act.

New districts.

(3.) Where by the constitution of a new borough or town district  
40 a new combined district is created, the statutory closing-day appointed at the time of such creation for the borough or town district in such combined district having the largest population shall be observed throughout the combined district until altered in accordance with the principal Act.

12. The principal Act is hereby amended in the manner and to the extent specified in the Schedule hereto.

Miscellaneous amendments to principal Act.

## SCHEDULE.

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

No. of Section.	Nature and Extent of Amendment.
Section 3 ...	By omitting the words "(other than a refreshment-room)" in paragraph (a); and omitting the words "section and the Second Schedule hereto" in subsection (5), and substituting the word "Act."
Section 6, (3) ...	By inserting, after the words "special work," the words "not being the actual sale of goods"; inserting, after the words "in any one year," the words "nor on any half-holiday"; and omitting the word "such" in the second proviso.
Section 9 ...	By inserting, after the word "work" in paragraph (a), the words "at such rate"; and omitting all words of the same paragraph after the words "and so on," and substituting the words "until a wage of twenty shillings a week is reached, and thereafter not less than twenty shillings a week."
Section 11, (2) ...	By omitting the words "during the month of January in each year, or within one month after a shop is first opened for business, as the case may be."
Section 18, (a) ...	By inserting, after the word "fishmonger" where it first occurs, the words "dairy-produce seller"; omitting the words "a refreshment-room keeper," the words "(other than a refreshment-room)," the words "or in the case of a refreshment-room from two o'clock," and the words "a 'refreshment-room keeper' means a person whose business is to sell meals, but does not include an hotel-keeper"; and omitting the words "fish or shell-fish" in the definition of "fishmonger," and substituting the words "fresh fish, smoked fish, shell-fish, poultry, rabbits, mutton-birds, and other perishable goods of a like nature."
Section 18, (b) ...	By omitting the words "during the month of January in each year, or within one month after the shop is first opened for business, as the case may be."
Section 23 ...	By repealing the section.
Section 25 ...	By adding the following subsections:— " (9.) Every notice inserted by the Minister in the <i>Gazette</i> , pursuant to this section, shall be conclusive evidence of the matters stated therein. " (10.) Nothing in this section shall entitle the occupier of a shop to employ his assistants beyond the hours provided for such assistants under this Act."
Section 28 (1) ...	By omitting the words "during the month of January in each year, or within one month after the office is first opened for business, as the case may be."
Section 37 ...	By omitting the words "of closing."
Section 50 ...	By omitting all words after the word "employment," and substituting the words "of any shop-assistant in feeding and tending horses used in the business of the occupier beyond the hours of employment provided by this Act, but not exceeding one hour per day."
Second Schedule	By altering the hour set opposite to the trades or businesses of a dairy-produce seller and a florist, in the second column, from 1 p.m. to 10 p.m.; and omitting all reference to refreshment-room keepers.