

101

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.*

*5th November, 1920.*

*Hon. Sir William Herries.*

## SHOPS AND OFFICES AMENDMENT.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Special provisions as to hours of closing on days preceding Christmas Day, New Year's Day, and Good Friday. Repeal.</p> <p>3. Section 6 of principal Act (relating to hours of employment of shop-assistants) amended.</p> <p>4. Section 6 of principal Act further amended.</p> <p>5. Section 17 of principal Act (relating to poll of electors to determine statutory closing-day) amended.</p> <p>6. Repeals.</p>	<p>7. Section 25 of principal Act (providing for fixing of closing-hours on requisition of occupiers) amended. Repeal.</p> <p>8. Limitation of proceedings for offences against principal Act.</p> <p>9. Definition of powers of Court of Arbitration with respect to shops.</p> <p>10. Shop-assistants liable for breach of provisions as to hours of employment.</p> <p>11. Hours of closing of shops in boroughs specified in the Schedule hereto.</p> <p>12. Certain provisions of this Act not to apply to hotels and restaurants. Schedule.</p>
--	---

### 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 :—

1. (1.) This Act may be cited as the Shops and Offices Amendment Act, 1920, and shall form part of and be read together with the Shops and Offices Act, 1908 (hereinafter referred to as the principal Act).
- 10 (2.) This Act shall come into force on the first day of January, nineteen hundred and twenty-one.
2. (1.) Notwithstanding anything to the contrary in the principal Act, or in any notice issued pursuant to section twenty-five thereof, or in any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1908, any shop-assistant may be employed on one of the six working-days immediately preceding Christmas Day and on one working-day between Christmas Day and New Year's Day as if the references to nine o'clock in section three of the principal Act and in the Second Schedule thereto were references to ten o'clock, and the occupier may keep his shop open accordingly :

Short Title and commencement.

Special provisions as to hours of closing on days preceding Christmas Day, New Year's Day, and Good Friday.

Provided that this subsection shall not be so construed as to authorize the employment of shop-assistants in contravention of the

provisions of section six of the principal Act, or of any award or agreement fixing the number of hours of employment of shop-assistants.

(2.) Notwithstanding anything to the contrary in the principal Act, or in any notice issued pursuant to section twenty-five thereof, or in any award or industrial agreement as aforesaid, the occupier of any shop may keep his shop open and employ his assistants until nine o'clock in the evening on the day immediately preceding Good Friday: 5

Provided that if any shop-assistants are, by reason of the operation of this subsection, employed in the day or week immediately preceding Good Friday in excess of the daily or weekly maximum number of hours fixed by section six of the principal Act, they shall not be employed at any time on the day immediately following Good Friday: 15

Provided further that the occupier who is otherwise limited by the Act in the employment of assistants to one late night in the week will not by reason of this section be entitled to employ his assistants on more than one said night during the same week.

Repeal.

Section 6 of principal Act (relating to hours of employment of shop-assistants) amended.

(3.) Section five of the principal Act is hereby repealed. 20

3. Section six of the principal Act is hereby amended—

(a.) By omitting from paragraph (a) of subsection one the words “fifty-two hours,” and substituting the words “forty-eight hours”; and

(b.) By omitting the third proviso to subsection three, and substituting the following proviso:— 25

“Provided that it shall not be obligatory on an employer to pay the overtime rate to any shop-assistant employed as the head of a department of the shop.”

Section 6 of principal Act further amended.

4. (1.) Section six of the principal Act is hereby further amended as follows:— 30

(a.) By omitting from subsection three all words down to but exclusive of the first proviso thereto, and substituting the following:—

“(3.) For the purposes of stock-taking or other special work not being the actual sale of goods such working-hours may be extended, but not for more than three hours in any one day or one hundred and twenty hours in any one year, and not on any half-holiday. Written notice of any extended time so worked shall be given to the Inspector within twenty-four hours thereafter”; and 40

(b.) By adding to the second proviso to subsection three the words “and shall in addition to any payment for overtime be paid an allowance of one shilling and sixpence for a meal on every day on which he is employed during such extended hours.” 45

(2.) The Schedule to the Shops and Offices Amendment Act, 1910, is hereby amended by omitting from the reference to subsection three of section six of the principal Act all the words after the word “By” down to and including the words “any half-holiday, and.” 50

403

5. Section seventeen of the principal Act is hereby amended by omitting from subsection eleven the words "On and after the first day of June following," and substituting the words "From a date to be fixed by the Minister in the notice of appointment aforesaid, being not later than three months after."
6. Paragraphs (a) and (b) of section nineteen of the principal Act are hereby repealed.
7. (1.) Section twenty-five of the principal Act is hereby amended as follows:—
- 10 (a.) By omitting from the proviso to subsection one the words "the local authority has certified," and substituting the words "he is satisfied"; and
- (b.) By repealing subsection eight, and substituting the following subsection:—
- 15 " (8.) It shall not be lawful for the occupier of any shop (including an hotel or a restaurant) to sell or deliver any goods the sale of which is comprised in the principal business of the occupier of any other shop in the same district while such last-mentioned shop is required to be closed pursuant to a requisition under this section:
- 20 " Provided that the occupier of an hotel or a restaurant may at any time sell tobacco, cigars, or cigarettes to lodgers in the hotel or restaurant."
- (2.) Section two of the Shops and Offices Amendment Act, 25 1915, is hereby repealed.
8. Section forty-three of the principal Act is hereby amended by repealing paragraph (a), exclusive of the proviso, and substituting the following paragraph:—
- 30 "(a.) The proceedings shall be commenced within three months after the date of the commission of the offence."
9. (1.) In any award under the Industrial Conciliation and Arbitration Act, 1908, relating to the employment of shop-assistants, the Court of Arbitration may fix the hours of closing on any working-day of all shops in the industry or industries to which the award 35 relates in any industrial district in which the award has effect, or in any specified part of that district, irrespective of whether or not any assistants are employed in those shops:
- Provided that the Court may, on application by the occupier of any shop, exempt that shop from the operation of this section if 40 the Court is of opinion that the observance of the closing-hours fixed by the award would cause undue hardship to the occupier.
- (2.) In any such award the Court of Arbitration may also fix the maximum weekly or daily number of hours of employment and the times of employment of shop-assistants, the holidays to be 45 observed, and the minimum wages (including rates of payment for overtime) to be paid to shop-assistants:
- Provided that in any award under this section the Court shall not—
- 50 (a.) Fix the weekly or daily number of hours of employment of any shop-assistants in excess of the maximum number prescribed by the principal Act; or

Section 17 of principal Act (relating to poll of electors to determine statutory closing-day) amended.

Repeals.

Section 25 of principal Act (providing for fixing of closing-hours on requisition of occupiers) amended.

Repeal.

Limitation of proceedings for offences against principal Act.

Definition of powers of Court of Arbitration with respect to shops.

(b.) Fix the rates of wages of any shop-assistants (including rates of payment for overtime) at less than the rates fixed by the principal Act; or

(c.) Extend the time of closing or the time at which any shop-assistants shall cease employment on any day beyond the times fixed in that behalf by the principal Act. 5

(3.) Every person who commits a breach of any award in relation to any of the matters referred to in this section commits an offence against the principal Act, and shall be liable accordingly. Nothing in this subsection shall be so construed or shall so operate as to take away or restrict the liability of any person for an offence against the Industrial Conciliation and Arbitration Act, 1908, but no person shall be punished under that Act and the principal Act for the same offence. 10

10. Every shop-assistant who is employed in breach of the provisions of the principal Act commits an offence against that Act, and is liable to a fine of *five* pounds for each such offence. 15

11. (1.) In the districts specified in the Schedule hereto all shops (other than those in which any one or more of the trades or businesses specified in the Second Schedule to the principal Act are exclusively carried on) shall be closed from the hour of six o'clock in the evening on four working-days of the week other than the day of the statutory half-holiday, and not later than nine o'clock in the evening on one other working-day of the week. Such last-mentioned day shall be Friday in the case of all occupiers who observe Saturday as the statutory half-holiday, and in all other cases shall be Saturday. 20 25

(2.) Nothing herein shall authorize the occupier of any shop to keep his shop open after the hour fixed for the closing thereof by any notice under section twenty-five of the principal Act, or by any award of the Court of Arbitration. 30

12. Sections *two*, *nine*, and *eleven* of this Act shall not apply to hotels and restaurants or to the assistants employed therein.

Shop-assistants liable for breach of provisions as to hours of employment.

Hours of closing of shops in districts specified in the Schedule hereto.

Certain provisions of this Act not to apply to hotels and restaurants.

Schedule.

### SCHEDULE.

#### COMBINED DISTRICTS (AS DEFINED IN SECTION 10 OF PRINCIPAL ACT).

AUCKLAND, Christchurch, Dunedin, Gisborne and the Town District of Mangapapa, Invercargill, Nelson, Petone and Lower Hutt, Wanganui, Wellington.

#### SEPARATE DISTRICTS (AS DEFINED IN SECTION 10 OF PRINCIPAL ACT).

Hamilton, Hastings, Masterton, Napier, New Plymouth, Palmerston North, Timaru.