

SHOPS AND OFFICES AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 of this Bill extends to warehouses and goods stores the provisions of sections 50 to 53 of the Shops and Offices Act, 1921-22. Those sections relate to sanitation and health rules in shops and offices.

Clause 3 enables regulations to be made to provide for the safety, health, and welfare of persons employed in shops, offices, warehouses, and stores, with particular reference to the matters which are already provided for by the Factories Act, 1946, in relation to factories.

Clause 5 provides that where a shop assistant in a chemist's shop works extended hours under an award and is accordingly paid therefor at the appropriate rate, he is not to be also entitled to double time off within the next seven days, and the statutory limitations as to the number of hours that may be worked in a day or in a year, or as to working on holidays, are not to apply.

Clause 6 provides that the Minister of Labour may declare chemists' shops to be urgent pharmacies. Urgent pharmacies are to be required to remain open or available for the sale of urgently required medicines during hours to be specified by the Minister. Other chemists' shops more than four miles from an urgent pharmacy may open at any time to supply urgently required medicines, and the Minister may prescribe a shorter distance than four miles in special cases. The power of the Court of Arbitration to fix opening and closing hours for chemists' shops is not to extend to urgent pharmacies. The times of employment of shop assistants in urgent pharmacies are not to be subject to the statutory limitations, and the prescribed working hours may be extended, subject to the usual conditions as to intervals for rest and refreshment, payment at overtime rates, and allowances for meals.

Hon. Mr. Sullivan

SHOPS AND OFFICES AMENDMENT

ANALYSIS

Title.	4. Regulations for safety, health, and welfare.
1. Short Title.	5. As to employment of shop assistants in chemists' shops for extended hours pursuant to an award.
2. Interpretation.	6. Urgent pharmacies. Repeals.
3. Sanitation and precautionary rules, and Inspector's powers, in warehouses and stores.	

A BILL INTITULED

AN ACT to Amend the Shops and Offices Act, 1921-22. Title.

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

1. This Act may be cited as the Shops and Offices Amendment Act, 1951, and shall be read together with and deemed part of the Shops and Offices Act, 1921-22 (hereinafter referred to as the principal Act). Short Title. See Reprint of Statutes, Vol. III, p. 240 (Reprinted, 1943, p. 346)

2. Section two of the principal Act is hereby amended by inserting in subsection one, in their appropriate alphabetical order, the following definitions:— Interpretation.

“ ‘ Goods ’ includes all chattels personal other than money or things in action:

“ ‘ Store ’ means any building or place in which goods are kept; but does not include a shop or warehouse:

“ ‘ Warehouse ’ means any building or place in which is carried on the business of selling goods to persons who are dealers therein and who buy to sell again:”.

Sanitation and precautionary rules, and Inspector's powers, in warehouses and stores.

Regulations for safety, health, and welfare.

3. Sections fifty to fifty-three and section sixty-six of the principal Act shall apply to warehouses and stores as well as to shops and offices. 5

4. (1) The Governor-General may from time to time, by Order in Council, make such regulations as appear to him to be necessary or expedient to provide for the safety, or health, or welfare of persons employed in shops, offices, warehouses, or stores. 10

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section in relation to all or any of the following matters:— 15

(a) Dangerous liquids and noxious or dangerous gases or materials:

(b) Precautions where workers are employed under loads: 20

(c) The limitation of loads to be carried:

(d) Safe means of access and safe place of employment:

(e) The construction and maintenance of floors, passages, and stairs: 25

(f) Means of escape in case of fire:

(g) Lighting:

(h) Drainage of floors:

(i) Washing facilities:

(j) Accommodation for clothing: 30

(k) Facilities for sitting:

(l) First aid facilities:

(m) Rest rooms for women:

(n) Accommodation for meals.

(3) Regulations made under this section may impose duties not only on occupiers, but also on owners of shops, offices, warehouses, or stores, or premises in which shops, offices, warehouses, or stores are situated, and on other persons. 35

(4) Every person who commits an offence against any regulation made under this section shall be liable to a fine not exceeding twenty-five pounds, and, if the offence is a continuing one, to a further fine not exceeding five pounds for each day on which the offence continues.

5 5. Where pursuant to an award relating to chemists' shops a shop assistant works extended hours and is paid therefor at the appropriate rate,—

(a) Section twenty-three of the principal Act shall not apply:

10 (b) Subsection one of section seven of the Shops and Offices Amendment Act, 1936, shall not apply in so far as it limits the number of extended hours that may be worked in any one day or in
15 any one year, or prohibits the working of extended hours on any half holiday.

6. (1) The principal Act is hereby amended by repealing section thirty-five, and substituting the following section:—

20 “ 35. (1) The Minister may from time to time, by notice in the *Gazette*, declare any chemist's shop to be an urgent pharmacy.

“ (2) Notwithstanding anything to the contrary in this Act, every urgent pharmacy shall be kept open, or
25 available for the supply of medicines or surgical appliances that are urgently required, during such hours as are specified in that behalf by the Minister by notice in the *Gazette*, either generally or particularly.

“ (3) Where a chemist's shop is not situated within
30 four miles of an urgent pharmacy, or within such shorter distance as may in any case be specified by the Minister by notice in the *Gazette*, it shall not be unlawful for the occupier of the shop to supply medicines or surgical
35 chemists' shops in the district are otherwise required to be closed if the following conditions are fulfilled, namely:—

“ (a) That the shop is opened for that purpose only;

“ (b) That the shop is closed immediately after the sale is made; and

40 “ (c) That the door of the shop is kept locked, except for the admission and exit of the customer.

As to
employment of
shop assistants
in chemists'
shops for
extended hours
pursuant to
an award.

1936, No. 11
(Reprinted,
1943, p. 396)

Urgent
pharmacies.

“(4) The Minister may at any time amend or revoke any notice under this section by a subsequent notice in the *Gazette*.”

(2) Section two of the principal Act is hereby amended by adding to subsection two the following definition:— 5

“ ‘Urgent pharmacy’ means a chemist’s shop for the time being declared under section thirty-five of this Act to be an urgent pharmacy.”

(3) Section sixty-nine of the principal Act is hereby amended by inserting in paragraph (a) of subsection one (as substituted by section three of the Shops and Offices Amendment Act, 1945), after the words “any shops”, the words “(not being urgent pharmacies)”. 10

1945, No. 38

(4) The following enactments shall not apply to the employment of shop assistants in urgent pharmacies, namely:— 15

(a) Subsections one and two of section three of the principal Act:

(b) Section four of the principal Act: 20

(c) Paragraph (d) of subsection one of section three of the Shops and Offices Amendment Act, 1936.

1936, No. 11
(Reprinted,
1943, p. 394)

(5) Section seven of the Shops and Offices Amendment Act, 1936, is hereby amended by inserting, after subsection one, the following subsection:— 25

“(1A) The prescribed working hours may from time to time be extended for any purpose in respect of any shop assistant employed in connection with the business of an urgent pharmacy.”

Repeals.

(6) The following enactments are hereby consequentially repealed:— 30

(a) Sections fifteen and sixteen of the Shops and Offices Amendment Act, 1927:

(b) Section fifty-three of the Statutes Amendment Act, 1949. 35

See Reprint
of Statutes,
Vol. III, p. 284
(Reprinted,
1943, p. 389)
1949; No. 51