

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 4 December 1979

STATUTES AMENDMENT BILL

Proposed Amendments

Hon. J. K. McLAY, in Committee, to move the following amendments:

To add, after clause 130, the following heading and new clauses:

Shop Trading Hours

131. Sections to be read with Shop Trading Hours Act 1977—This section and the next 2 succeeding sections shall be read together with and deemed part of the Shop Trading Hours Act 1977* (in those sections referred to as the principal Act).

132. Appointment of acting members—The principal Act is hereby amended by inserting, after section 4, the following section:

“4A. (1) Where the Minister is satisfied that—

“(a) Any member of the Commission is, because of illness, absence, or other sufficient reason, unable to act as a member of the Commission; or

“(b) By reason of any connection that a member of the Commission has with any application made to the Commission, or with any shop that could be affected by the result of any such application, it would be better for that member not to be involved in the consideration of that application, he may recommend to the Governor-General the appointment of a person to be an acting member of the Commission to take that member's place during that inability or, as the case may be, during the determination of that application; and in that case, subject to subsection (2) of this section, the Governor-General may, by notice in the *Gazette*, so appoint that person.

“(2) No person shall be appointed an acting member of the Commission to take the place of the Commissioner unless he is qualified to be appointed Commissioner.

“(3) Every appointment under this section shall be revocable at any time by the Governor-General by notice in the *Gazette*.

“(4) Every appointment under this section shall specify the member of the Commission whose place the acting member appointed is to take; and until the revocation of that appointment,—

“(a) Except for the purposes of section 6 of this Act, that member shall be deemed not to be a member of the Commission; and

“(b) That acting member shall be deemed to be a member of the Commission (and, in the case of a person appointed to take the place of the Commissioner, shall also be deemed to be the Commissioner); and this Act, so far as it is applicable and with the necessary modifications, shall apply to him accordingly.

“(5) No action or decision of the Commission while any person appointed under this section is acting as a member, or of any person appointed under this section acting in the place of the Commissioner, shall in any proceedings be questioned on the grounds that the occasion for his appointment had not arisen or had ceased.”

133. Public Holidays—Section 12 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) If New Year’s Day falls on a Tuesday, any shop that was closed for the whole of the previous Monday may be open at any time between 7 a.m. and 9 p.m. on the following Wednesday.”

That clauses 131 to 133 be a separate Bill, and that for clause 131 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Shop Trading Hours Act 1977

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

1. Short Title—This Act may be cited as the Shop Trading Hours Amendment Act 1979, and shall be read together with and deemed part of the Shop Trading Hours Act 1977 (hereinafter referred to as the principal Act).

*1977, No. 8

Amendment: 1978, No. 124

EXPLANATORY NOTE

Proposed new *clause 132* inserts a new section into the principal Act to enable the appointment of acting members of the Shop Trading Hours Commission, to act during the inability of permanent members to act, or in the consideration of applications with which permanent members have some connection.

Proposed new *clause 133* amends section 12 of the Shop Trading Hours Act 1977 to provide that where New Year’s Day falls on a Tuesday, shops will be able to be closed the day before and open the day after, when they would otherwise be required by section 11 (1) to be closed.