



New South Wales

Shop Trading (Special Provisions) Bill 1999

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for shops to be kept closed on Sunday 26 December 1999, other than:

- (a) scheduled shops, such as newsagencies, chemists and video shops, within the meaning of the *Factories, Shops and Industries Act 1962*, and
- (b) small shops within the meaning of that Act, and
- (c) certain shops in holiday resort areas already exempted from Sunday trading restrictions by ministerial exemptions under section 89B of that Act.

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 defines certain words used in the proposed Act.

Clause 4 (1) and **(2)** provide that the proposed Act is to be construed with and as if it formed part of the *Factories, Shops and Industries Act 1962* and that the proposed Act prevails in the event of any inconsistency between it and that Act. **Clause 4 (3)** provides that words and expressions used in the proposed Act have the same meanings as they have in Part 4 of the *Factories, Shops and Industries Act 1962*.

Clause 5 gives effect to the object of the Bill outlined above. **Clause 5 (1)** sets out the purpose of the clause. **Clause 5 (2)** provides that no departmental exemption under section 78A of the *Factories, Shops and Industries Act 1962* or ministerial exemption under section 89B of that Act that would have the effect of exempting a shop or shopkeeper from the operation of section 84 of that Act (the provision that restricts trading on Sundays) in respect of Sunday 26 December 1999 can be granted after the commencement of the proposed Act. **Clause 5 (3)** and **(4)** provide that any departmental exemption granted before the commencement of the proposed Act, or ministerial exemption granted after this Bill was introduced into Parliament, does not operate to allow a shop to open on Sunday 26 December 1999. **Clause 5 (5)** makes it clear that the *Factories, Shops and Industries Act 1962*, including sections 84 and 86 (the offence provision) of that Act, apply to any shop or shopkeeper that is the subject of an exemption referred to in clause 5 (3) or (4) in respect of Sunday 26 December 1999. **Clause 5 (6)** makes it clear that section 84 (4) of the *Factories, Shops and Industries Act 1962* does not nullify the operation of the proposed Act. **Clause 5 (7)** provides that the proposed Act does not affect any ministerial exemption under section 89B of the *Factories, Shops and Industries Act 1962* granted before the introduction of this Bill into Parliament.

First print



New South Wales

Shop Trading (Special Provisions) Bill 1999

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Relationship with Principal Act	2
5 Shops to be kept closed on Sunday 26 December 1999	2



New South Wales

Shop Trading (Special Provisions) Bill 1999

No. , 1999

A Bill for

An Act to provide for certain shops to be kept closed on Sunday 26 December 1999.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Shop Trading (Special Provisions) Act 1999</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Definitions	6
In this Act:	7
<i>departmental exemption</i> means an exemption under section 78A of the Principal Act.	8 9
<i>ministerial exemption</i> means an exemption under section 89B of the Principal Act.	10 11
<i>Principal Act</i> means the <i>Factories, Shops and Industries Act 1962</i> .	12
<i>relevant date</i> means the date of introduction into Parliament of the Bill for this Act (whether or not the Act was enacted in the form of the Bill as introduced).	13 14 15
4 Relationship with Principal Act	16
(1) This Act is to be construed with and as if it formed part of the Principal Act.	17 18
(2) In the event of any inconsistency between this Act and the Principal Act, this Act prevails to the extent of the inconsistency.	19 20
(3) Words and expressions used in this Act have the same meanings as they have in Part 4 of the Principal Act.	21 22
5 Shops to be kept closed on Sunday 26 December 1999	23
(1) The purpose of this section is to provide for shops to be kept closed on Sunday 26 December 1999, other than:	24 25
(a) scheduled shops, and	26
(b) small shops, and	27
(c) shops that are the subject of certain ministerial exemptions.	28

-
- | | |
|---|-----------------------|
| (2) No ministerial exemption or departmental exemption can be granted after the commencement of this Act that would have the effect of exempting a shop or shopkeeper from the operation of section 84 (Trading hours of shops on Sunday) of the Principal Act in respect of Sunday 26 December 1999. | 1
2
3
4
5 |
| (3) Any departmental exemption granted before the commencement of this Act does not operate to allow a shop to open on Sunday 26 December 1999. | 6
7
8 |
| (4) Any ministerial exemption granted on or after the relevant date does not operate to allow a shop to open on Sunday 26 December 1999. | 9
10 |
| (5) Accordingly, the Principal Act, including sections 84 (1) and 86 (Offences), applies to any shop or shopkeeper that is the subject of an exemption referred to in subsection (3) or (4) in respect of Sunday 26 December 1999. | 11
12
13
14 |
| (6) Section 84 (4) of the Principal Act does not apply to this Act. | 15 |
| (7) Nothing in this Act affects a ministerial exemption granted before the relevant date. | 16
17 |