

**FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT)
BILL, 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Factories, Shops and Industries Act, 1962 ("the Act"), so as—

- (a) to prohibit general shops from remaining open on public holidays (Schedule 1 (2)—proposed section 85 (1));
 - (b) to enable the Minister administering the Act to suspend the operation of the prohibition in relation to any specified public holiday—
 - (i) within New South Wales generally; or
 - (ii) within any specified part of New South Wales,if the Minister is satisfied that it will be of benefit to the public for general shops to be allowed to remain open on that public holiday (Schedule 1 (2)—proposed section 85 (2) and (3)); and
 - (c) to make other provisions of a minor, consequential or ancillary nature.
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**FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT)
BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the Factories, Shops and Industries Act, 1962, with respect
to trading on public holidays.

Factories, Shops and Industries (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 43, 1962.

15 3. The Factories, Shops and Industries Act, 1962, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT, 1962.

(1) (a) Section 78 (1), definition of "General shop"—

20 Before the definition of "Hairdresser's shop", insert:—

"General shop" means any shop (other than a scheduled shop) that is classified by the regulations as a general shop for the purposes of this definition.

(b) Section 78 (1), definition of "Public holiday"—

25 After the definition of "Occupier", insert:—

"Public holiday" means a bank or public holiday under the Banks and Bank Holidays Act, 1912, but does not include—

(a) the day after Good Friday;

*Factories, Shops and Industries (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT, 1962—
continued.

- 5 (b) 1st August (or such other day as constitutes a bank holiday in lieu thereof);
- (c) a Saturday that is a bank holiday by virtue of section 15A of that Act; or
- (d) a public holiday that is not a public holiday throughout New South Wales.

10 (2) Section 85—

After section 84, insert:—

Trading on public holidays.

85. (1) General shops (other than small shops) shall be kept closed on public holidays.

- 15 (2) The Minister may, by order published in the Gazette, suspend the operation of subsection (1) in relation to any specified public holiday—

(a) within New South Wales generally; or

(b) within any specified part of New South Wales,

- 20 subject to such conditions as to hours of opening, or of trading in any classes of goods, or as to other matters, as may be specified in the order.

- 25 (3) An order under subsection (2) shall not be made unless the Minister is satisfied that it will be of benefit to the public for general shops to be allowed to remain open on the specified public holiday—

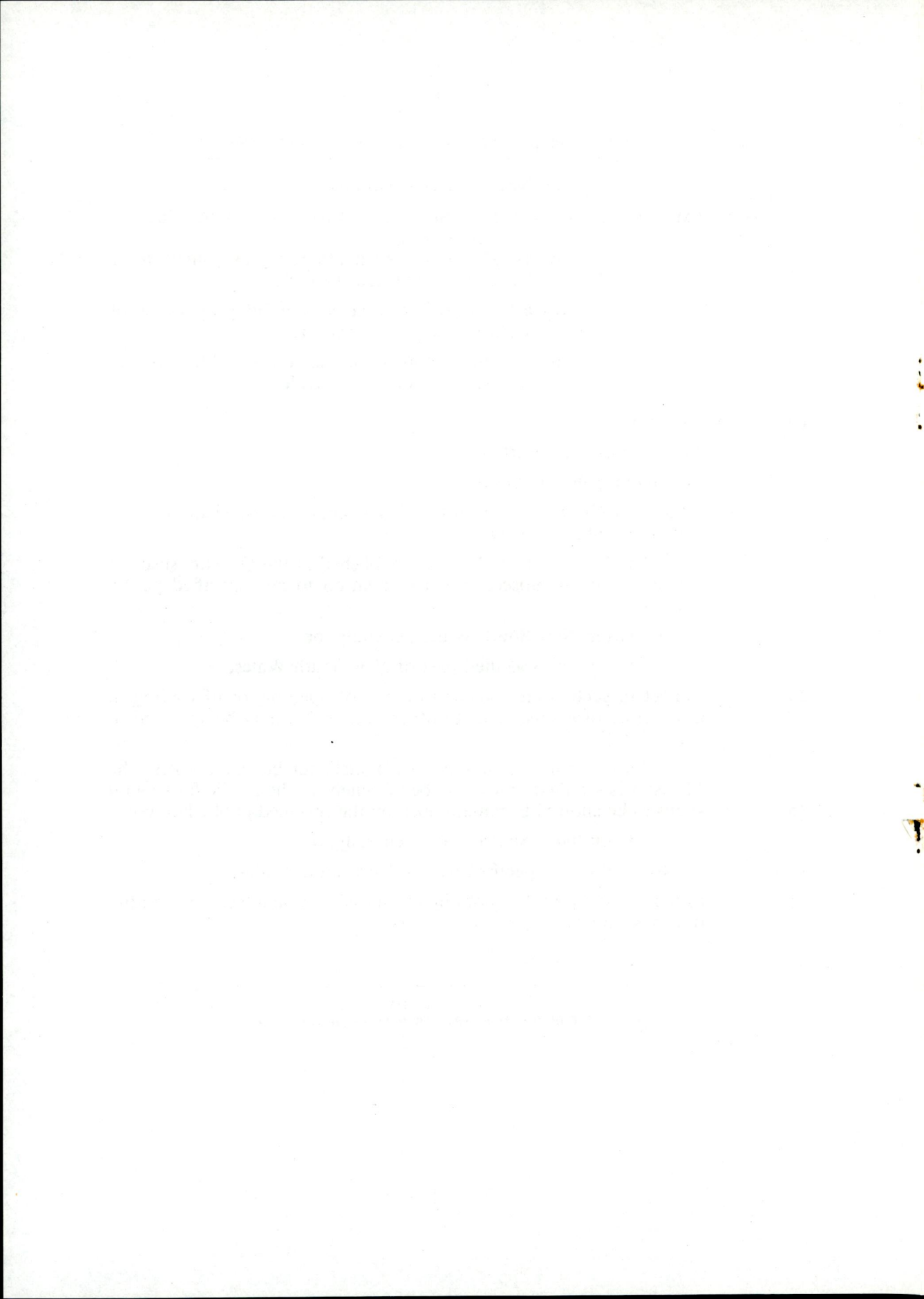
(a) within New South Wales generally; or

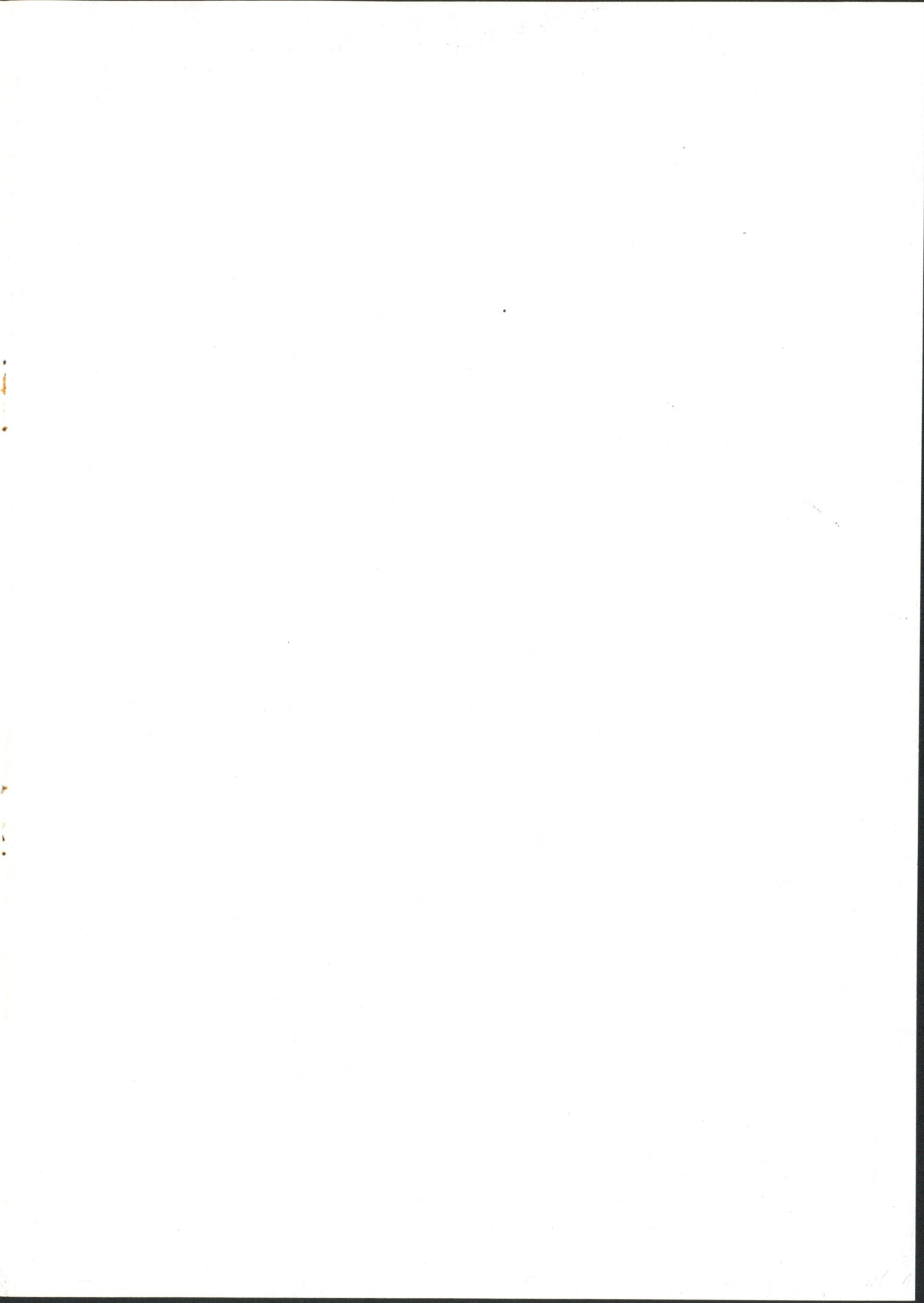
(b) within the specified part of New South Wales,

as the case may be, but nothing in this subsection affects the validity of any such order.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985







**FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT) ACT, 1985,
No. 76**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 76, 1985.

An Act to amend the Factories, Shops and Industries Act, 1962, with respect to trading on public holidays. [Assented to, 27th May, 1985.]

Factories, Shops and Industries (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Factories, Shops and Industries (Amendment) Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 43, 1962.

3. The Factories, Shops and Industries Act, 1962, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT, 1962.

(1) (a) Section 78 (1), definition of "General shop"—

Before the definition of "Hairdresser's shop", insert:—

"General shop" means any shop (other than a scheduled shop) that is classified by the regulations as a general shop for the purposes of this definition.

(b) Section 78 (1), definition of "Public holiday"—

After the definition of "Occupier", insert:—

"Public holiday" means a bank or public holiday under the Banks and Bank Holidays Act, 1912, but does not include—

(a) the day after Good Friday;

Factories, Shops and Industries (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT, 1962—
continued.

- (b) 1st August (or such other day as constitutes a bank holiday in lieu thereof);
- (c) a Saturday that is a bank holiday by virtue of section 15A of that Act; or
- (d) a public holiday that is not a public holiday throughout New South Wales.

(2) Section 85—

After section 84, insert:—

Trading on public holidays.

85. (1) General shops (other than small shops) shall be kept closed on public holidays.

(2) The Minister may, by order published in the Gazette, suspend the operation of subsection (1) in relation to any specified public holiday—

- (a) within New South Wales generally; or
- (b) within any specified part of New South Wales,

subject to such conditions as to hours of opening, or of trading in any classes of goods, or as to other matters, as may be specified in the order.

(3) An order under subsection (2) shall not be made unless the Minister is satisfied that it will be of benefit to the public for general shops to be allowed to remain open on the specified public holiday—

- (a) within New South Wales generally; or
- (b) within the specified part of New South Wales,

as the case may be, but nothing in this subsection affects the validity of any such order.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

Government House,
Sydney, 27th May, 1985.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

