

New Zealand



ANALYSIS

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|---------------------------------|---------------------------------|
| Title.                          | 3. Employment of female assist- |
| 1. Short Title. Commencement.   | ants in restaurants after       |
| 2. Reducing hours of employment | 10.30 p.m.                      |
| in hotels and restaurants.      | 4. Sale of motor-spirits. &c.   |

1946, No. 24

AN ACT to amend the Shops and Offices Act, 1921-22. Title.  
 [9th October, 1946

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, 1946, 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

(2) This Act shall come into force on the Sunday next following the passing of this Act. Commencement.

2. (1) Section thirteen of the Shops and Offices Amendment Act, 1936, is hereby amended by omitting from paragraph (a) of subsection one the words "forty-four hours", and substituting the words "forty hours". Reducing hours of employment in hotels and restaurants. 1936, No. 11

(2) Notwithstanding anything to the contrary in the said section thirteen, as amended by the last preceding subsection, the Court of Arbitration on the application of any party bound or to be bound by any award relating to the employment of assistants in hotels or restaurants may by order in respect of any award in

force on the commencement of this Act or in any new award authorize assistants to be employed in connection with the business of any class of hotels or restaurants for more than forty hours but not for more than forty-four hours (excluding meal-times) in any one week if in the opinion of the Court it would be impracticable to carry on efficiently the business of that class of hotels or restaurants without the employment of assistants for the extended hours:

Provided that every assistant who is employed during extended hours as aforesaid shall, at the first regular pay-day thereafter, be paid therefor at not less than one-half as much again as the ordinary rate, but the overtime rate shall not in any case be less than one shilling and sixpence an hour.

(3) Notwithstanding anything to the contrary in section thirteen of the *Shops and Offices Amendment Act, 1936*, or in the foregoing provisions of this section, it shall be lawful up to the last day of June, nineteen hundred and forty-seven, for assistants to be employed in connection with the business of any hotel or restaurant for more than forty hours but not for more than forty-four hours (excluding meal-times) in any one week:

Provided that every assistant who is employed during extended hours as aforesaid shall, at the first regular pay-day thereafter, be paid therefor at not less than one-half as much again as the ordinary rate, but the overtime rate shall not in any case be less than one shilling and sixpence an hour.

(4) In any case to which either of the last two preceding subsections applies the provisions of subsection two of the said section thirteen shall apply as if subsection one of that section had not been amended by this section.

(5) All awards and industrial agreements under the *Industrial Conciliation and Arbitration Act, 1925* (whether made before or after the passing of this Act), shall be read subject to the provisions of this section:

Provided that nothing herein shall be construed to reduce the rate of wages payable to any worker, pursuant to any award or industrial agreement, or to increase his working-hours as fixed by any such award or agreement.

3. Notwithstanding anything to the contrary in section forty of the principal Act, in any case where the parties to an industrial dispute agree concerning the employment of female assistants in or about any restaurant or the business of any restaurant for not more than one hour after the hour of half past ten o'clock in the evening of any day, and the agreement is embodied in any award or industrial agreement, it shall be lawful for any female assistant over the age of twenty-one years to be so employed in accordance with the terms of the award or industrial agreement if provision to the satisfaction of the Inspector is made for the conveyance to her home of such assistant on the completion of her work.

Employment of female assistants in restaurants after 10.30 p.m.

4. (1) Notwithstanding anything to the contrary in the principal Act, the Governor-General may from time to time by Order in Council make regulations prescribing the days on which and the hours during which premises may be open for the sale of motor-spirits, petrol, oil, or motor accessories.

Sale of motor-spirits, &c.

(2) Any such regulations may provide for different hours on different days of the week, and may make such provision as the Governor-General thinks fit for the sale in any part of New Zealand of motor-spirits, petrol, oil, or motor accessories that are urgently required on any day or during any hours when premises are normally required to be closed, and may authorize premises to be open for that purpose subject to such conditions as may be prescribed by the regulations.

(3) Any regulations made pursuant to this section may apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations, and may make different provision with respect to different parts of New Zealand.

(4) Any regulations made pursuant to this section shall operate according to their tenor notwithstanding anything inconsistent therewith contained in the principal Act, and the regulations may provide that specified provisions of the principal Act shall not apply, or shall be modified, in respect of premises to which the regulations apply or in respect of the employment of assistants therein so long as the regulations remain in force.

(5) All regulations made pursuant to this section shall be laid before both Houses of Parliament within fourteen days of the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.