

TRADING(ALLOWABLE HOURS) AMENDMENT BILL 1998

EXPLANATORY NOTES

Objectives of the Legislation

The objective of the Amendment Bill is to amend the Trading (Allowable Hours) Act 1990 in relation to shops covered by the Order - Non-Exempt Shops Trading by Retail - State to -

- Permit all non-exempt shops to trade on Monday 28 December 1998, and
- Prescribe the closure of non-exempt shops, except in certain designated tourist areas, on Saturday 26 December 1998.

Reasons for the Legislation

The matter of allowable trading hours for retail non-exempt shops on public holidays is regulated by orders made by the Queensland Industrial Relations Commission under the provisions of the Trading (Allowable Hours) Act 1990. Currently, as Saturday 26 December 1998 is not a public holiday such day is a normal trading day for all retail non-exempt shops with all retail non-exempt shops, excluding those in certain defined tourist areas, being required to close on the public holiday ie. Monday 28 December 1998.

As a consequence of this, most retailers and employees in retail non-exempt shops may be required to work between the Christmas and Boxing Day public holidays.

The Amendment Bill, by requiring retail non-exempt shops to close on Saturday 26 December 1998, with exceptions for certain tourist areas, ensures most retailers and employees in retail non-exempt shops will have a Christmas break on consecutive days being Friday 25 December 1998, Saturday 26 December 1998 and Sunday 27 December 1998.

Cost for Government Implementation

There will be no increase in costs for Government arising from this legislation.

Consultation

Consultation has taken place with key industrial relations stakeholders in the preparation of this Bill.

Fundamental Legislative Principles

The Bill does not offend fundamental legislative principles.

Short title

Clause 1 provides a short title for the legislation

Act amended

Clause 2 names the existing Act affected by the amendments.

Insertion of new part

Clause 3 inserts a new Part 9 in the Trading (Allowable Hours) Act 1990 to provide for trading hours in non-exempt shops on Saturday 26 December 1998 and Monday 28 December 1998. The provisions clarify that the trading hours detailed override the applicable trading hours order referred to in the provisions.

New section 49 defines the trading hours order which is referred to in the proposed amendments.

New section 50 limits the application of the trading hours arrangements contained in this Bill to those non-exempt shops covered by the order made by the Queensland Industrial Relations Commission titled "Trading Hours - Non-Exempt Shops Trading By Retail - State".

New section 51 details the allowable trading hours for non-exempt shops covered by the applicable order on Saturday 26 December 1998.

Effectively occupiers of non-exempt shops must ensure such shops are closed to the complete exclusion of the public on Saturday 26 December 1998, except in certain defined tourist areas.

The excluded areas are listed in the section and relate to tourist areas defined in the applicable trading hours order. The allowable trading hours for these areas are to be the hours applicable on a public holiday for those respective areas, as detailed in the applicable order.

In the case of the area known as the "area of the city heart" of the inner city of Brisbane, the allowable trading hours are to be the hours prescribed in the applicable order for Boxing Day.

New section 52 details the allowable trading hours for non-exempt shops covered by the applicable order on Monday 28 December 1998.

The provisions allow occupiers of non-exempt shops covered by the applicable order to open such shops within the trading hours as detailed in the order for a normal trading Monday ie. a Monday not being a public holiday.

New section 53 provides that new Part 9 containing the proposed amendments expire on 31 December 1998 as they have had their effect in law.