

# **TRADING (ALLOWABLE HOURS) AMENDMENT BILL 1999**

## **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 the public holiday, Tuesday 28 December 1999;
- prescribe the closure of all non-exempt shops on New Year's Day, Saturday 1 January 2000; and
- provide for certain consequential amendments as necessary.

### **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 1 January 2000 is not a public holiday such day is a normal trading day for all retail non-exempt shops. Also, all retail non-exempt shops, excluding those in certain defined tourist areas, are required to close on Tuesday 28 December 1999 which is the substituted public holiday for Christmas Day.

Serious concerns have been raised regarding trading commitments and working arrangements on Saturday 1 January 2000 due to the significance of the day and associated celebratory activities. Further concerns relate to unforeseen Y2K problems that may arise on the day.

The Amendment Bill, by requiring retail non-exempt shops to close on Saturday 1 January 2000 with offset trading arrangements, addresses these concerns and additionally, ensures that four clear shopping days will be available leading up to New Year's Day.

### **Cost for Government Implementation**

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

### **Consultation**

Consultation has taken place with key 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.

### **Amendment of s 21 (Trading hours orders on non-exempt shops)**

*Clause 3* amends the Act to address an anomaly whereby the Queensland Industrial Relations Commission does not have the jurisdiction to reduce allowable trading hours on a day for which a public holiday has been substituted under the *Holidays Act 1983*. The Commission does have jurisdiction to determine trading hours on Sundays and Public Holidays.

As is the case with the forthcoming New Year's Day, Saturday 1 January 2000, it may not always be appropriate that normal allowable trading hours apply on the day. The amendment provides that the Commission will have discretion to reduce allowable trading hours in these instances as part of any overall trading arrangement.

### **Insertion of new pt 9**

*Clause 4* inserts a new Part 9 in the Act to provide for changes to allowable trading hours for non-exempt shops on Tuesday 28 December 1999 and Saturday 1 January 2000 and related 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". The order does not apply where it is inconsistent with the new Part 9.

New section 51 details the allowable trading hours for non-exempt shops covered by the applicable order on Tuesday 28 December 1999.

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 Saturday i.e. a Saturday not being a public holiday.

New section 52 ensures that the allowable hours created by clause 51 do not affect the core trading hours established prior to this Amendment Bill under the *Retail Shop Leases Act 1994* applicable to Tuesday 28 December 1999, as a public holiday. Also, new core trading hours cannot be established to include the additional hours provided by the passing of this Bill.

Effectively, as a consequence of the passing of this Bill, shopping centre lessees cannot be forced to trade any core trading hours that would not otherwise have applied on Tuesday 28 December 1999 prior to this Amendment Bill.

New section 53 details the allowable trading hours for non-exempt shops covered by the applicable order on Saturday 1 January 2000.

Occupiers of non-exempt shops must ensure such shops are closed to the complete exclusion of the public on Saturday 1 January 2000.

New section 54 provides that new Part 9 expires on 2 January 2000, as the proposed amendments contained therein will have had their effect in law.