



TRADING HOURS SUMMARY: CHRISTMAS 2018 AND NEW YEAR 2019

As at November 9 2018

This fact sheet provides information about trading hours and public holidays for retail stores during the Christmas and New Year period for 2018/2019.

What are the Gazetted Public Holidays?

The following table sets out the days that have been declared and gazetted as public holidays throughout Australia.

| State or Territory | Monday 24 December | Tuesday 25 December | Wednesday 26 December | Monday 31 December | Tuesday 1 January |
|--------------------|--------------------------------------|------------------------|--------------------------|---------------------------------------|----------------------|
| VIC | | Christmas Day | Boxing Day | | New Year's Day |
| NSW | | Christmas Day | Boxing Day | | New Year's Day |
| ACT | | Christmas Day | Boxing Day | | New Year's Day |
| QLD | | Christmas Day | Boxing Day | | New Year's Day |
| WA | | Christmas Day | Boxing Day | | New Year's Day |
| TAS | | Christmas Day | Boxing Day | | New Year's Day |
| NT | Christmas Eve from 7:00PM - midnight | Christmas Day | Boxing Day | New Year's Eve from 7:00PM - midnight | New Year's Day |
| SA | Christmas Eve from 7:00PM - midnight | Christmas Day | Proclamation Day | New Year's Eve from 7:00PM - midnight | New Year's Day |

What Public Holiday Entitlements apply to my employees?

Under the *General Retail Industry Award 2010* and the *Fast Food Industry Award 2010* ('the Awards') any work performed on any of the days listed as public holidays above (whether it is the actual, substituted, additional day or part-day) are paid at the appropriate public holiday penalty rate. Please refer to the NRA produced wage summaries for the current rates.

The *General Retail Industry Award 2010* also provides that employees may, by mutual agreement, receive in lieu of the appropriate public holiday penalty either:

- An equivalent day or equivalent time off without loss of pay; or
- An additional day or equivalent time as annual leave.

There is not a similar provision under the *Fast Food Industry Award 2010*.

Under the National Employment Standards ('the NES'), employees are entitled to be absent on a public holiday unless the employer has requested the employee to work and the request is reasonable. An employee can only refuse a reasonable request to work if the employee's refusal is reasonable.

Factors that will be considered in determining whether a request or refusal is reasonable are:

- The nature of the workplace (including its operational requirements) and the nature of the work performed by the employee;
- The employee's personal circumstances, including family responsibilities;
- Whether the employee could reasonably expect to be requested to work on the public holiday;
- Penalty rates payable;
- The type of employment – full time, part time or casual;
- Amount of notice given of the request to work;
- The amount of notice given by an employee in advance in regard to refusing a request to work.

Under the NES, if an employee is absent on a day or part-day that is a public holiday, the employer must pay the employee at the employee's base rate of pay for their ordinary hours of work on that day or part day. This provision does not apply to casual employees or part time employees who are not ordinarily rostered to work. For example, a full-time employee may ordinarily work 8 hours on a particular public holiday but because of the holiday have only been rostered to work 4 hours. In this situation, the employee would be paid at public holiday rates for 4 hours and receive payment for the other 4 hours they would have ordinarily worked at ordinary rates of pay.

Please note that if a public holiday falls on an employee's non-working day, the employee is not entitled to any public holiday benefits under the Awards or the NES. This is a change to the public holiday entitlements under many of the old NAPSAs and pre-reform awards that often provided a day off in lieu or an extra day's wages under these circumstances.

For those employers who employ their employees under a pre-reform certified agreement, AWA, ITEA, workplace agreement or enterprise agreement you will need to refer to the terms of these instruments to determine how these employees need to be paid.

Trading Hours Restrictions

Trading hours restrictions, in part or whole, apply to particular types of shops and in some cases the location of the shops in specified areas of the certain states. For further information or if you need assistance in understanding the classification of your business, and the impact this classification has on trading hours, please contact the NRA for clarification. Further information is also available within the NRA National Trading Hours Fact Sheet.

AUSTRALIAN CAPITAL TERRITORY – TRADING HOURS

Trading hours are deregulated in the ACT and therefore there are no trading restrictions on these days.

| AUSRTALIAN CAPITAL TERRITORY | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|------------------------------|---|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours | No restrictions but stores would generally close. | No restrictions | No restrictions |

NORTHERN TERRITORY – TRADING HOURS

Trading hours, in Northern Territory, are deregulated however, individual restrictions may apply to certain shopping centres as set by Centre Management. The trading hours for the sale of liquor products, however, are regulated.

| NORTHERN TERRITORY | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|--------------------|---|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours | No restrictions but stores would generally close. | No restrictions | No restrictions |

TASMANIA – TRADING HOURS

Trading hours, in Tasmania, are predominantly deregulated and during this period, 25 December 2018 is the only closed day for major retailers or franchise groups.

| TASMANIA | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|-----------------|--|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours | Closed for major retailers or franchise groups employing more than 250 employees. Other retailers have no restrictions | No restrictions | No restrictions |

QUEENSLAND – TRADING HOURS

Trading hours restrictions in Queensland vary depending on the type of shop and the location of the shop.

Further information in relation to the classifications is available within the NRA National Trading Hours Fact Sheet available through our website. If you need further assistance in understanding the classification of your business, and the impact this classification has on trading hours, please contact the NRA for clarification.

Extended trading hours in the lead-up to Christmas may apply depending on your location and the type of shop you operate. To find out what trading hours apply to your specific circumstances, please contact the NRA for assistance.

| QLD | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|---------------------------------|---|---|---|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours Exempt Shops | No restrictions | No Restrictions | No Restrictions |
| Trading hours Independent Shops | CLOSED (except independent grocery shops) | No Restrictions | No Restrictions |
| Trading hours Non-exempt Shops | CLOSED | Public holiday trading hours in most areas of the state ** | Public holiday trading hours in most areas of the state ** |

18 to 23 December 2018

All non-exempt stores state-wide can trade until 12 midnight, opening times are normal opening times for the day.

24 December 2018

All non-exempt stores state-wide to close for trade at 6pm.

Non Exempt trade - *Sundays Additional Christmas Hours*

| ZONE | ABR | Sunday 2 December | Sunday 9 December | Sunday 16 December | Sunday 23 December |
|-------------------------|-----|-------------------|-------------------|--------------------|--------------------|
| SEQ | S | 8am - 6pm | 8am - 6pm | 8am - 6pm | 9am - Midnight |
| Tourist area | T | 7am - 9pm | 7am - 9pm | 7am - 9pm | 7am - Midnight |
| Regional 7 (1ab area) | R | 8am - 6pm | 8am - 6pm | 8am - 6pm | 9am - Midnight |
| Regional 6 (other area) | D | 9am - 6pm | 9am - 6pm | 9am - 6pm | 9am - Midnight |
| Townsville CBD | * | 8am - 6pm | 8am - 6pm | 8am - 6pm | 9am - Midnight |

Non Exempt trade - *All Additional Christmas Hours – SEQ*

| SEQ | | | |
|-----------------------|----------------|-----------------------|---------------------------|
| DATE | TRADING HOURS | DATE | TRADING HOURS |
| Sunday 2 December | 8am - 6pm | Monday 24 December | 7am - 6pm |
| Sunday 9 December | 8am - 6pm | Tuesday 25 December | CLOSED |
| Sunday 16 December | 8am - 6pm | Wednesday 26 December | 9am - 6pm (Boxing Day) |
| Monday 17 December | 7am - 9pm | Thursday 27 December | 7am - 9pm |
| Tuesday 18 December | 7am - Midnight | Friday 28 December | 7am - 9pm |
| Wednesday 19 December | 7am - Midnight | Saturday 29 December | 7am - 9pm |
| Thursday 20 December | 7am - Midnight | Sunday 30 December | 9am - 6pm |
| Friday 21 December | 7am - Midnight | Monday 31 December | 7am - 9pm |
| Saturday 22 December | 7am - Midnight | Tuesday 1 January | 9am - 6pm (New Years Day) |
| Sunday 23 December | 9am - Midnight | | |

Non Exempt trade - All Additional Christmas Hours – Regional 7 day traders

| REGIONAL | | | |
|-----------------------|----------------|-----------------------|------------------------------|
| DATE | TRADING HOURS | DATE | TRADING HOURS |
| Sunday 2 December | 8am - 6pm | Monday 24 December | 8am - 6pm |
| Sunday 9 December | 8am - 6pm | Tuesday 25 December | CLOSED |
| Sunday 16 December | 8am - 6pm | Wednesday 26 December | 9am - 6pm (Boxing Day) |
| Monday 17 December | 8am - 9pm | Thursday 27 December | 8am - 9pm |
| Tuesday 18 December | 8am - Midnight | Friday 28 December | 8am - 9pm |
| Wednesday 19 December | 8am - Midnight | Saturday 29 December | 8am - 6pm |
| Thursday 20 December | 8am - Midnight | Sunday 30 December | 9am - 6pm |
| Friday 21 December | 8am - Midnight | Monday 31 December | 8am - 9pm |
| Saturday 22 December | 8am - Midnight | Tuesday 1 January | 9am - 6pm (New Years Day) |
| Sunday 23 December | 9am - Midnight | | |

**If your store or centre is in a Tourist, non-Sunday trade or Townsville CBD areas please call the NRA for further details.*

Non Exempt trade - Public holiday trade

| T H ZONE | ABR | Trading | Non-trading |
|----------------|-----|-----------|---------------------|
| SEQ | S | 9am - 6pm | Closed days |
| Tourist | T | 7am - 9pm | Closed days |
| Regional 7 | R | 9am - 6pm | Closed days |
| Regional 6 | D | Closed | All public holidays |
| Townsville CBD | * | 9am - 6pm | Closed days |
| Exempt | E | 0am - 0am | Closed days |

NEW SOUTH WALES – TRADING HOURS

Retail trading hours in New South Wales are predominantly deregulated and during this period, Christmas Day is the only restricted trading day.

| NEW SOUTH WALES | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|-----------------|----------------------------------|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours | CLOSED except for exempt shops** | No restrictions | No restrictions |

** Further information including the definition of an exempt shop is available within the NRA National Trading Hours Fact Sheet available through our website. If you need further assistance in understanding the classification of your business, and the impact this classification has on trading hours, please contact the NRA for clarification.

VICTORIA – TRADING HOURS

Trading hours in Victoria are predominantly deregulated and during this period Christmas Day is the only closed day.

| VICTORIA | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|-----------------|-----------------------------------|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours | CLOSED except for exempt shops*** | No restrictions | No restrictions |

*** Further information including the definition of an exempt shop is available within the NRA National Trading Hours Fact Sheet available through our website. If you need further assistance in understanding the classification of your business, and the impact this classification has on trading hours, please contact the NRA for clarification.

SOUTH AUSTRALIA – TRADING HOURS

Trading hours restrictions in South Australia vary depending on the type of shop and the location of the shop.

Retail trading hours in South Australia's shopping districts consist of:

1. Greater Adelaide Shopping District, comprising:
 - a. [CBD Tourist Precinct](#);
 - b. [Metropolitan Shopping District](#);
 - c. [Glenelg Tourist Precinct](#) -
2. [35 Proclaimed Shopping Districts](#) located in country areas;
3. Partially exempt; and
4. Area outside the proclaimed district.

Shops outside the Greater Adelaide Shopping District and also outside a Proclaimed Shopping District are exempt and have no trading restrictions, including on all public holidays.

| SOUTH AUSTRALIA | Monday 24 December | Tuesday 25 December | Wednesday 26 December | Monday 31 December | Tuesday 1 January |
|---|-----------------------|------------------------|--------------------------|-----------------------|----------------------|
| Public Holidays | 7pm - Midnight | Christmas Day | Proclamation Day | 7pm - Midnight | New Year's Day |
| Trading hours of Shops in the CBD Tourist Precinct – non-exempt | Until 9pm | Closed | Until 5pm | Until 9pm | 11am - 5pm |
| Trading Hours of Shops in the Greater Adelaide Shopping District (excluding CBD Tourist Precinct) & In Proclaimed country shopping districts – non-exempt | Until 9pm | Closed | 9am - 5pm | Until 9pm | Closed |
| Trading Hours of Shops in Proclaimed Shopping Districts – non-exempt | Until 9pm | Closed | 9am - 5pm | Until 9pm | Closed |
| Partially exempt Shops i.e. the retail sale of hardware and building materials, furniture, floor coverings and motor vehicle parts and accessories | Until 9pm | Closed | 9am - 5pm | Until 9pm | 9am - 5pm |
| Exempt Shops and Shops in Regional Districts Where Trading Hours have been Deregulated | Unrestricted | Unrestricted | Unrestricted | Unrestricted | Unrestricted |

Additional Christmas Hours – South Australia, November 5 2018

Every year the SA Government gazettes extended trading hours for non-exempt shops in the greater Adelaide Shopping District.

An exemption for extended trading hours for the 2018 Christmas shopping period has been approved.

In 2018 Non-exempt shops in the Greater Adelaide shopping district can open;

| 2018 | Allowable Hours CBD | Metropolitan (inc. Glenelg) |
|-----------------------|---------------------|-----------------------------|
| Sunday 2 December | 9am - 5pm | 9am - 5pm |
| Sunday 9 December | 9am - 5pm | 9am - 5pm |
| Thursday 13 December | Midnight close | Midnight close |
| Sunday 16 December | 9am - 5pm | 9am - 5pm |
| Thursday 20 December | Midnight close | Midnight close |
| Friday 21 December | Midnight close | Midnight close |
| Saturday 22 December | Until 6pm | Until 6pm |
| Sunday 23 December | 9am - 6pm | 9am - 6pm |
| Monday 24 December | Until 9pm | Until 9pm |
| Tuesday 25 December | Closed | Closed |
| Wednesday 26 December | 9am - 5pm | 9am - 5pm |
| Saturday 29 December | Until 5pm | Until 5pm |
| Sunday 30 December | 9am - 5pm | 9am - 5pm |
| Monday 31 December | Until 9pm | Until 9pm |
| Tuesday 1 January | 11am – 5pm | Closed |

Regional Shopping Districts

Local government authorities in SA can request that the Minister deregulate trading hours in their particular district.

As a result, trading hours in almost all of South Australia’s regional centres have been deregulated and all shops can trade whichever hours they wish. Towns where shopping hours have been deregulated include:

Angaston, Port Pirie, Pt Augusta, Gawler, Quorn, Hawker, Murray Bridge, Berri, Mt Barker, Renmark, Waikerie, Jamestown, Loxton, Clare, Victor Harbour and Mt Gambier. A full list of deregulated shopping districts is available from the National Retail Association.

WESTERN AUSTRALIA – TRADING HOURS

Trading hours restrictions in Western Australia vary depending on the type of shop and the location of the shop.

The *Retail Trading Hours Act* applies to retail shops in Western Australia, south of the 26th parallel (Shark Bay region). The trading hours of shops located north of the [26th parallel](#) are not regulated and there are no restrictions on trading hours.

Unless special arrangements apply in particular local government areas south of the 26th parallel (excluding Perth), *general retail shops* are not permitted to open on Sundays and public holidays. Special trading hours have been set down by the WA Government for the 2018/2019 Christmas/ New Year period as outlined below.

Local government authorities outside the Perth metropolitan area can apply to Consumer Protection to extend the trading hours for general retail shops in their district beyond those stipulated in the Act.

| WESTERN AUSTRALIA | Tuesday 25 December | Wednesday 26 December | Tuesday 1 January |
|--|------------------------|--------------------------|----------------------|
| Public Holidays | Christmas Day | Boxing Day | New Year's Day |
| Trading hours - <i>General Retail Shops in the Perth Metropolitan Area</i> | Closed | 8am - 6pm | 8am - 6pm |
| Trading hours - <i>Special Retail Shops</i> | 6am - 11:30pm | 6am - 11:30pm | 6am - 11:30pm |
| Trading hours - <i>Small Retail Shops; All Shops located north of the 26th parallel</i> | No restrictions | No restrictions | No restrictions |
| Trading hours - <i>Regional and Local Government Areas</i> | | | |

Local Government Areas – Western Australia

| Area | Area | Area |
|--------------------------------|------------------------------|----------------------------|
| City of Mandurah | Shire of Dardanup | Shire of Gingin |
| City of Bunbury | Shire of Denmark | Shire of Harvey |
| Shire of August-Margaret River | Shire of Donnybrook-Balingup | City of Kalgoorlie-Boulder |
| Shire of Busselton | Shire of Dundas | Shire of Mingenew |
| Rottenest Island | Shire of Northam | Shire of Narembeen |
| Shire of Dandaragan | Shire of York | Shire of Northampton |

Contact the NRA for details of allowable trading hours of the Christmas/New year period in any of these regions.

Additional Christmas Hours – Western Australia - based on 2018

Every year the WA Government gazettes extended trading hours for non-exempt shops, it is anticipated that affected retailers will be able to trade extra hours. The WA Government in early November approved the following extended trading hours over the Christmas/New Year period:

| 2018 Trading Hours <i>General Retail Shops in the Perth Metropolitan Area, WA</i> | | | |
|--|---------------|-----------------------|-----------------------------|
| DATE | TRADING HOURS | DATE | TRADING HOURS |
| Tuesday 4 December | 8am-9pm | Wednesday 19 December | 7am-9pm |
| Wednesday 5 December | 8am-9pm | Thursday 20 December | 7am-9pm |
| Thursday 6 December | 8am-9pm | Friday 21 December | 7am-9pm |
| Friday 7 December | 8am-9pm | Saturday 22 December | 8am-6pm |
| Saturday 8 December | 8am-6pm | Sunday 23 December | 8am-6pm |
| Sunday 9 December | 8am-6pm | Monday 24 December | 7am-9pm |
| Monday 10 December | 8am-9pm | Tuesday 25 December | CLOSED |
| Tuesday 11 December | 8am-9pm | Wednesday 26 December | 8am-6pm (Boxing Day) |
| Wednesday 12 December | 8am-9pm | Thursday 27 December | 8am-9pm |
| Thursday 13 December | 8am-9pm | Friday 28 December | 8am-9pm |
| Friday 14 December | 8am-9pm | Saturday 29 December | 8am-6pm |
| Saturday 15 December | 8am-6pm | Sunday 30 December | 8am-6pm |
| Sunday 16 December | 8am-6pm | Monday 31 December | 8am-9pm |
| Monday 17 December | 7am-9pm | Tuesday 1 January | 8am-6pm (New Year's Day) |
| Tuesday 18 December | 7am-9pm | Wednesday 2 January | 8am-9pm |

APPENDIX 1 – EXEMPT SHOPS IN EACH JURISDICTION

(ie shops exempted from trading hours regulation)

* NOTE: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.

QUEENSLAND

Exempt shops are listed in Section 5 of the Act. An exempt shop is a shop described in the Section that is predominantly used for selling goods by retail or for supplying the services that a reasonable person would expect to be sold or supplied in that shop. The list includes:

- a) Antique shop; or
- b) Art gallery; or
- c) Aquarium and aquarium accessories shop; or
- d) Arts and crafts shop; or
- e) Bait and tackle shop; or
- f) Bookseller’s shop, newsagent’s shop, railway bookstall; or
- g) Bread shop, cake shop, pastry shop; or
- h) Camping equipment shop; or
- i) Chemist shop; or
- j) Confectionery shop; or
- k) Cooked provisions shop where the provisions are cooked or heated on the premises immediately before sale; or
- l) Delicatessen; or
- m) Fish shop; or
- n) Flower shop; or
- o) Fruit shop, vegetable shop, fruit and vegetable shop; or
- p) Funeral director’s premises; or
- q) Hairdresser’s, beautician’s or barber’s shop; or
- r) Ice-cream parlour; or
- s) Licensed premises under the *Liquor Act 1992* or the *Wine Industry Act 1994*; or
- t) Marine shop; or
- u) Milk bar; or
- v) Nursery (plant) shop for selling garden plants and shrubs, seeds, garden and landscaping supplies or equipment and associated products; or
- w) Pet shop; or
- x) Photographic shop; or
- y) Premises in relation to which a pawnbrokers licence under the *Pawnbrokers Act 1984* is in force; or
- z) Restaurant, café, refreshment shop; or
- aa) Service station; or
- bb) Shop of a class declared by regulation to be a class of exempt shop; or
- cc) Shop for selling motor vehicle spare parts or both; or
- dd) Soap shop; or
- ee) Souvenir shop; or
- ff) Sporting goods shop; or
- gg) Temperance beverages shop; or
- hh) Tobacconist’s shop; or
- ii) Toy shop; or
- jj) Veterinary supplies shop; or
- kk) video cassette shop (blank or pre-recorded).

TRADING HOURS: Unrestricted (ie they are “exempt” from trading hours restrictions on an day of the year as none are prescribed in the Act).

NEW SOUTH WALES

The list of exempt shops includes:

- Bazaars, fairs or markets if the bazaars, fairs or markets are conducted for charitable or public fundraising purpose;
- Book shops
- Cake and pastry shops;
- Chemist shops;
- Cooked provision shops;
- Florist shops;
- Fruit and vegetable shops;
- Newsagencies;
- Nurseries;
- Pet shops;
- Recorded music, video or dvd shops;
- Restaurants, cafes or kiosks;
- Seafood shops;
- Shops ancillary to venues for playing sport or physical recreation;
- Take-away food and drink shops;
- Tobacconists shops;
- Vehicle shops, vehicle service centres or petrol stationers

TRADING HOURS: Unrestricted, but on a restricted trading day (ie Good Friday, Easter Sunday, prior to 1pm on ANZAC Day, Christmas Day, Boxing Day) an exempted shop may only be staffed by persons who have freely elected to work on that day.

Retailers operating in local authority areas which were exempted from public holiday restrictions under the former Section 89B of the *Shops and Industries Act 1962* are also exempted from the *Retail Trading Act 2008* and therefore do not need to apply for a separate exemption.

VICTORIA

Exempt shops are businesses that meet the following criteria:

- i. They have 20 or fewer persons employed in the shop at any time during a restricted trading day; and
- ii. The number of persons employed in the business and its related entities is no more than 100 at any time during the seven days immediately before a restricted trading day.

Certain types of businesses are also exempt from trading hours restrictions. They can open whenever they wish throughout the year. The types of businesses that are exempt are:

- Chemists;
- Petrol shops;
- Restaurants;
- Cafes;
- Takeaway outlets;
- Service providers;
- Hire outlets (including video stores).

TRADING HOURS: Unrestricted.

TASMANIA

- Additional exemptions apply on ANZAC Day for:
- A pharmacy; or
 - A newsagency; or
 - a shop that is not part of a shopping centre, plaza or mall and the number of persons engaged at the shop does not exceed 10; or
 - a shop, or a class or group of shops that the Minister, by order, has declared may be kept open before 12:30pm on ANZAC Day.

It is an offence to require an employee to work on ANZAC Day (or any other public holiday) without the employee’s written agreement.

SOUTH AUSTRALIA

Shops outside the Greater Adelaide Shopping District (Central Business Tourist District, the Metropolitan Shopping District, and the Glenelg Tourist Precinct) and also outside the 35 Proclaimed Shopping Districts (country areas) are exempt and can trade when they choose, including on all public holidays.

Other shops are exempt by virtue of the type of goods they sell or because they are smaller than a certain size. These shops can also trade when they choose, including on all public holidays.

- The list of exempt shops includes:
- A shop with a floor area not exceeding 200m², that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.
 - A shop selling foodstuffs (eg a supermarket) with a floor area not exceeding 400m², that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.
 - Any of the following types of shop (regardless of size);
 - Cafes, restaurants and take-away food;
 - Service stations, licenced under Section 17 of the Act, selling a range of goods common to service stations which could include goods generally stocked by convenience stores;
 - Hairdressers

WESTERN AUSTRALIA

Regulation of trading hours applies only to retail shops south of the 26th parallel.

Trading hours of restaurants, cafes and takeaway food shops are not covered by the Act.

Special retail shops are considered necessary for emergency, convenience or recreation goods. They may trade between 6:00am – 11:30pm every day of the year. Special retail shops include:

- pharmacies;
- garden nurseries;
- hardware and home improvement shops;
- newsagencies and bookshops;
- video shops;
- art and craft shops;
- souvenir and duty free shops;
- shops at sports venues;
- boating shops;
- motor vehicle spare parts shops; and
- shops at international standard hotels.

Small retail shops are shops owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. Small retail shops may sell any goods other than motor vehicles. Trading hours in small retail shops are restricted.

Filling (petrol/service) station trading hours are deregulated in all areas. There are restrictions on the range of non-petroleum goods which may be sold from filling stations after general retail shop trading hours. The range of goods approved will depend on the corporate circumstances of each business. A more expansive range of goods is available to small filling stations:

- owned by up to six people who collectively operate no more than three filling stations; and
- in which a maximum of 10 people work at any time.

APPENDIX 2 – INDEPENDENT RETAIL SHOPS IN EACH JURISDICTION

(ie small shops with partial or total exemptions from trading hours regulation)

* *NOTE: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.*

QUEENSLAND

Independent retail shops are defined at Section 6 of the Act. They may sell any type of good. There are a number of criteria for a shop to be classified as an independent retail shop but the most commonly relied on criteria is that such shops are run by a single operator or a proprietary company and where no more than 20 persons are engaged in the shop at any one time or, where a number of shops are operated, a maximum of 60 persons throughout the State are engaged. Additionally, the business for which the shop is maintained must be wholly owned by a person, or by persons in partnership, or by a proprietary company, that is not a related body corporate.

TRADING HOURS: Unrestricted, except for closure on 25 December (Christmas Day) and Good Friday and until 1:00pm on 25 April (ANZAC Day). Independent retail shops that are predominantly food and/or grocery shops are totally unrestricted.

NEW SOUTH WALES

A small shop is exempted from any restrictions on trading hours.

A small shop is defined as a shop where:

- the number of people that own the shop does not exceed 2, or one corporation, and the owner or owners of the shop take profits from the business; and
- the total number of employees engaged must not exceed a total of 4 regular employees, whether working at the same time or different times.

The number of persons engaged in a small shop does not include:

- The occupier or occupiers. If the occupier is a corporation, then 2 natural persons who are shareholders of the corporations; or
- Any person engaged in an emergency during the absence from the shop for part of a day of a person who is engaged in the shop on that day; or
- Any person engaged outside the normal working hours of any person engaged on a full-time basis.

If the owner or a shop is a corporation, or a Director of a corporation and is engaged in another business, then it fails to comply with the definition of a small shop.

VICTORIA

There is no specific category of small shops in Victoria, but the definition of exempt shops (unrestricted trading) includes businesses that meet the following criteria:

- They have 20 or fewer persons employed in the shop at any time during a restricted trading day; and
- The number of persons employed by the business and its related entities is no more than 100 at any time during the seven days immediately before a restricted trading day (ie Good Friday, Christmas Day and between 12:01am and 1pm on Anzac Day).

TASMANIA

There is no category of small shop in Tasmania.

It should be noted that there is an exemption from closure on Anzac Day for a shop that is not part of a shopping centre, plaza or mall and the number of persons engaged at the shop does not exceed 10.

Further, shops (other than exempted shops) that are retailers or franchise groups employing more than 250 employees must not be kept open at any time on Christmas Day or on Good Friday.

SOUTH AUSTRALIA

There is no specific category of small shop in South Australia, but the definition of exempt shop (unrestricted trading) includes businesses that meet the following criteria:

- A shop with a floor area not exceeding 200m², that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.
- A shop selling foodstuffs (eg a supermarket) with a floor area not exceeding 400m², that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.

WESTERN AUSTRALIA

'Small retail shops' are shop shops owned by up to six people who operated no more than four retail shops, in which up to 25 people work at any one time. Small retail shops may sell any goods other than motor vehicles.

Trading hours in small retail shops are unrestricted.

Filling station trading hours are deregulated in all areas. There are restrictions on the range of non-petroleum goods which may be sold from filling stations after general retail shop trading hours. The range of goods approved will depend on the corporate circumstances of each business. A more expansive range of goods is available to small filling stations. These in part, are stations:

- Owned by up to six people who collectively operate no more than three filling stations; and
- In which a maximum of 10 people work at any time.

APPENDIX 3 – NON-EXEMPT SHOPS IN EACH JURISDICTION

(ie large retail shops subject to trading hours restrictions)

NOTE: New South Wales, Victoria and Tasmania only have restrictions on Christmas Day, Good Friday and Anzac Day (until 1pm in New South Wales and Victoria and 12:30pm in Tasmania).

* NOTE: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.

QUEENSLAND

Non-exempt shops are not defined but the category includes large retailers operating supermarkets and department stores.

The trading hours for non-exempt shops are decided by the QIRC. The QIRC is not permitted to decide trading hours that are less than those in the Trading Hours Act as follows:

- 8am to 9am Monday to Friday; and
- 8am to 5pm for Saturday.

No hours are prescribed for public holidays or for Sundays, making them closed days.

The hours prescribed in the Act are the trading hours for non-exempt shops throughout Queensland unless that QIRC has decided in an order to allow longer hours.

For the South-East Queensland area, the Trading Hours Act also prescribes additional allowable trading hours of 9am to 6pm on Sundays and most public holidays (ie Good Friday, Easter Sunday, Anzac Day, Labour Day and Christmas Day are closed days).

Extended trading hours have been established by QIRC order in most of the major population and tourist areas of the state, allowing trading on seven days per week including most public holidays. Commonly the hours allowed in these seven day trade areas are:

- 8am to 9pm for Monday to Friday;
- 8am to 5pm/5:30pm for Saturday; and
- 9am to 6pm/8:30am to 5:30pm for Sundays and most public holidays.
- Good Friday, 25 April, Labour Day and 25 December are closed days.

The QIRC has made other order for specific classes of non-exempt shops. For example:

- Shops selling motor vehicles (in the majority of the state) may trade 8am – 9pm Monday to Friday, 8am to 5pm Saturday but must remain closed on Sundays and public holidays; and
- Shops selling caravans may trade 8am to 9pm Monday to Friday, 8am to 6pm Saturday but must remain closed on Sundays and public holidays.

QIRC orders can also permit special displays or exhibitions to be conducted outside the hours that shops selling those goods would normally be permitted to trade (eg on a Sunday, public holiday or late night).

The QIRC also makes order permitting extended trading hours in the 4 weeks prior to Christmas each year.

SOUTH AUSTRALIA

South Australia regulates large shop trading hours in the Greater Adelaide Shopping District (CBD Tourist Precinct, Metropolitan Shopping District and Glenelg Tourist Precinct) and in 35 Proclaimed Shopping Districts in country area. All shops outside those area are exempt and can trade when they choose, including on all public holidays.

Non-exempt shops in the CBD Tourist Precinct can trade:

- until 9pm Monday to Friday, including part-day public holidays; and
- until 5pm on Saturday, including Easter Saturday; and
- from 11am to 5pm on Sundays or full-day public holiday (except Good Friday, 25 December and before 12 noon on 25 April).

Non-exempt shops in the Metropolitan Shopping District and Glenelg Tourist Precinct can trade:

- until 9pm Monday to Friday, including part-day public holidays; and
- until 5pm on Saturdays, including Easter Saturday; and
- from 11am to 5pm on Sundays, excluding Easter Sunday; but
- cannot trade on a public holiday, except Easter Saturday.

Non-exempt shops in a Proclaimed Shopping District can trade:

- until 6pm on all weekdays except Thursdays; and
- until 9pm on Thursdays, including part-day public holidays; and
- until 5pm on Saturdays, except Easter Saturday; but
- cannot trade on a Sunday or public holiday.

Shops that are solely or predominantly the retail sale of boats and/or motor vehicles in a shopping district can trade:

- until 6pm Monday to Wednesday; and
- until 9pm on Thursdays and Fridays, including part-day public holidays; and
- until 5pm on Saturdays; but
- cannot trade on a Sunday or public holiday.

Shops selling hardware and building materials, furniture, floor coverings or motor vehicle parts and accessories can trade:

- until 9pm on weekdays, including part-day public holidays; and
- until 5pm on Saturdays, including Easter Saturday; and
- from 9am to 5pm on a Sunday or public holiday (except Good Friday, 25 December and before 12 noon on 25 April).

Shops selling caravans are listed as one of the list of shops exempted from trading hours regulations.

The Minister may grant or declare special trading exemptions from the operation of the Act.

WESTERN AUSTRALIA

In Western Australia, trading hours regulation applies to shops south of the 26th parallel. The trading hours of restaurants, cafes and takeaway food shops are not covered by the Act. All shops are regarded as general retail shops unless they fall under any one of the other categories including:

- small retail shops;
- special retail shops;
- filling – service stations; or
- motor vehicle shops

Trading hours for general retail shops in the Perth metropolitan area are:

- 8:00am to 9:00pm on Monday to Friday; and
- 8:00am to 5:00pm on Saturday; and
- 11:00am to 5:00pm on Sunday; and
- 11:00am to 5:00pm on public holidays; but
- Closed on Christmas Day, Good Friday and Anzac Day.

Trading hours for general retail shops not in the Perth metropolitan area are:

- 8:00am to 6:00pm Monday, Tuesday, Wednesday and Friday; and
- 8:00am to 9:00pm Thursday; and
- 8:00am to 5:00pm Saturday; and
- closed Sunday and public holidays.

Trading hours for a motor vehicle shop are:

- 8:00am to 6:00pm Monday to Friday; and
- 8:00am to 9:00pm Wednesday; and 8:00am to 1:00pm Saturday; and
- closed on Sunday and public holidays.

Hardware and home improvement shops are defined as special retail shops and may trade 6am to 11:30pm every day of the year.

The Minister may make orders varying the opening and closing times of retail shops and fixing the closing times of general retail shops in holiday resorts. Extended trading permits from the Department of Commerce are available for swap meets, trade fairs and industry expos.

For more information

Phone: 1800 RETAIL (738 245) | Email: law@nra.net.au

IMPORTANT INFORMATION

The information contained in this fact sheet is accurate at the time of distribution to you. Award conditions and industrial relations laws change regularly, however, and you should ensure that you maintain your copy of this fact sheet in an up to date form. Any revised fact sheets issued will be available at www.nra.net.au. The information contained in this fact sheet is not a substitute for independent professional advice. You should obtain any appropriate professional advice relevant to your particular circumstances.

State Government Sites

Victoria

<http://www.business.vic.gov.au/victorian-public-holidays-and-daylight-saving/victorian-public-holidays>

New South Wales

http://www.industrialrelations.nsw.gov.au/oirwww/NSW_public_holidays/NSW_Public_Holidays.page?-external-site

Australian Capital Territory

<http://www.cmd.act.gov.au/communication/holidays-external-site>

Queensland

<https://www.qld.gov.au/recreation/travel/holidays/public/-external-site>

South Australia

http://www.safework.sa.gov.au/show_page.jsp?id=2483-external-site

Western Australia

<http://www.commerce.wa.gov.au/labour-relations/public-holidays-western-australia-external-site>

Northern Territory

<https://nt.gov.au/employ/for-employees-in-nt/nt-public-holidays-external-site>

Tasmania

http://worksafe.tas.gov.au/laws/public_holidays-external-site