

PUBLIC HOLIDAYS AND TRADING HOURS EASTER AND ANZAC DAY 2020

As at 25 March 2020

The National Retail Association fact sheet provides information about public holidays and trading hours for Easter and ANZAC Day 2020.

Follow link [here](#).

PUBLIC HOLIDAYS

WHAT PUBLIC HOLIDAY ENTITLEMENTS APPLY TO MY EMPLOYEES?

Under the *General Retail Industry Award 2010*, *Hair and Beauty Industry Award 2010*, *Restaurant Industry Award 2010* and *Fast Food Industry Award 2010* ('the Awards') any work performed on a gazetted public holiday (including a substituted or additional day) is paid at the appropriate public holiday penalty rate.

The *General Retail Industry Award 2010* also provides that employers may, by mutual agreement, compensate an employee (other than a casual) for a particular public holiday by either:

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

Employees (other than casuals) are entitled to a fresh choice of payment or time off by agreement on each public holiday.

Similarly, in the *Restaurant Industry Award 2010*, employees (other than casuals) may, by agreement, perform work on a public holiday at a rate of 125% of their ordinary base rate of pay, provided that equivalent paid time is either:

- added to the employee's annual leave balance; or
- allowed off within the same week as the public holiday, without loss of pay.

If you are uncertain which Award applies to your business or would like more information about another Modern Award, please contact the NRA on 1800 RETAIL (738 245).

ARE EMPLOYEES OBLIGATED TO WORK ON PUBLIC HOLIDAYS?

Under the National Employment Standards ('the NES'), both casual and permanent employees are entitled to be absent on a public holiday unless the employer has requested the employee to work and the request is reasonable (section 114 *Fair Work Act 2009* (Cth) ('FWA')).

An employee can only refuse a reasonable request to work if the employee's refusal is reasonable. Note that some State trading hours laws vary this slightly with respect to particular public holidays (such as Boxing Day in New South Wales).

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

- the nature of the workplace or enterprise (including its operational requirements) and the nature of the work performed by the employee (section 114(4)(a) FWA);
- the employee's personal circumstances, including family/carer responsibilities (section 114(4)(b) FWA);
- whether the employee could reasonably expect his or her employer to require them to work on the public holiday (section 114(4)(c) FWA);

- whether the employee is entitled to receive overtime, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, work on the public holiday (section 114(4)(d) FWA);
- the type of employment (e.g. full time, part time or casual) (section 114(4)(e) FWA);

Comment – In our view, it is more likely to be a reasonable request if the employee has permanent status of employment and would ordinarily work on the date of the public holiday. Casual employees by their nature do not have a guarantee of hours and are therefore entitled to make themselves unavailable on a public holiday.

- the amount of notice given by the employer of the request to work the public holiday (section 114(4)(f) FWA);
- the amount of notice given by an employee when refusing the request to work (section 114(4)(g) FWA); and
- any other relevant factor (e.g. the nature of the industry the employee works in, the nature of the employee's position, the employee's level of seniority and responsibility, etc) (section 114(4)(h) FWA).

To make a request to work on a public holiday more reasonable, employers might consider the following steps:

1. implement a policy on Public Holidays which addresses these issues. It may require a refusal to work to be in writing, notice to be given within a certain timeframe and particular methods for communication;
2. include a provision in their employment contract which outlines the expectation of working on public holidays or during peak trading periods;
3. ensure you are complying with the relevant Modern Award and rostering principles (e.g. providing consecutive days off under cl. 28.11 of the General Retail Industry Award 2010); and
4. ensure you are evenly allocating work on public holidays amongst all available employees.

Where employees do not provide a reasonable excuse for their absence, there may be grounds to take disciplinary action. Each case will be different and depend on the particular circumstances. NRA Legal can assist in determining whether a request and/or refusal has been reasonable and whether disciplinary action is justified.

WHAT IF MY EMPLOYEES ARE ABSENT ON A PUBLIC HOLIDAY?

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 on the public holiday in question.

Example – A full-time employee may ordinarily work 8 hours on a particular public holiday but because of the public holiday is only rostered to work 4 hours on that day. In this situation, the employee would be paid at public holiday penalty rates for 4 hours and receive payment at their base rate of pay for the other 4 hours they would have ordinarily worked.

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 in these circumstances.

WHAT IF I HAVE A WORKPLACE OR ENTERPRISE AGREEMENT?

For those employers whose employees are covered by a pre-reform certified agreement, AWA, ITEA, workplace agreement or enterprise agreement, you will need to refer to the terms of these instruments.

Please contact the NRA if your business is covered by one of these instruments as it may have alternative provisions with respect to the treatment of work performed on a public holiday.

TRADING HOURS RESTRICTIONS

Trading hour 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 more 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 on 1800 RETAIL (738 245) for clarification.

TRADING HOURS – VICTORIA

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED (Unless exempt shop)
Saturday, 11 April 2020	No Restrictions
Sunday, 12 April 2020	No restrictions
Monday, 13 April 2020	No restrictions
Saturday, 25 April 2020	CLOSED between 12:01am and 1 pm (unless exempt shop)

If you are unsure of whether your shop is exempt, contact the Employment Law Division or refer to the NRA’s Trading Hours – National Summary fact sheet (available from www.nra.net.au).

Please note, under the *Anzac Day Act 1958*, businesses in Victoria are restricted from offering some forms of entertainment to customers prior to 1.00pm. This means that business owners must exercise caution if using radios or televisions in their stores. The NRA recommends only using radios and televisions to broadcast commemorative material during this time.

TRADING HOURS - NEW SOUTH WALES

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED (unless exempt shop, small shop or exempt area) *
Saturday, 11 April 2020	No Restrictions
Sunday, 12 April 2020	CLOSED (unless exempt shop, small shop or exempt area) *
Monday, 13 April 2020	No restrictions
Saturday, 25 April 2020	CLOSED between 12:01am and 1 pm (unless exempt shop, small shop or exempt area) *

If you are unsure of whether your shop is exempt, contact the Employment Law Division or refer to the NRA’s Trading Hours – National Summary fact sheet (available from www.nra.net.au).

* COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 - Schedule 2.17 enables a supermarket to open on Good Friday, Easter Sunday and Anzac Day in 2020, only if the supermarket is staffed only by persons who have freely elected to work on those days.

TRADING HOURS – AUSTRALIAN CAPITAL TERRITORY

Day	Trading Restrictions
Friday, 10 April 2020	No Restrictions
Saturday, 11 April 2020	No Restrictions
Sunday, 12 April 2020	No Restrictions
Monday, 13 April 2020	No Restrictions
Saturday, 25 April 2020*	No Restrictions*

* Many stores elect to remain closed before 1pm but there is no requirement to do so.

*Additional day observed on the 27th

TRADING HOURS - WESTERN AUSTRALIA

(a) General Retail Shops in the Perth Metropolitan Area

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	8:00am to 5:00pm
Sunday, 12 April 2020	11:00am to 5:00pm
Monday, 13 April 2020	8:00am to 6:00pm
Saturday, 25 April 2020*	CLOSED

(b) General Retail Shops (South of 26th Parallel Outside of Perth Metropolitan Area)

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	8:00am to 5:00pm
Sunday, 12 April 2020	CLOSED
Monday, 13 April 2020	CLOSED
Saturday, 25 April 2020*	CLOSED

Small retail shops (owned by up to six people, operating no more than three retail shops, in which up to 18 people work at any one time AND have obtained a certificate from the Department of Commerce) have no trading restrictions.

Special retail shops (including newsagencies, pharmacies, video shops and duty free shops) may trade on any day between 6.00am and 11.30pm.

No trading restrictions apply to restaurants, cafes, take away food shops or retail shops located in public passenger terminals or stations when services are running.

*Additional day observed on the 27th

TRADING HOURS - SOUTH AUSTRALIA

(a) Shops in the Greater Adelaide Shopping District (excluding CBD Tourist Precinct)

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	Trading permitted until 5:00pm
Sunday, 12 April 2020	CLOSED
Monday, 13 April 2020	11:00am to 5:00pm
Saturday, 25 April 2020	CLOSED

(b) Shops in the CBD Tourist Precinct

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	Trading permitted until 5:00pm
Sunday, 12 April 2020	11:00am to 5:00pm
Monday, 13 April 2020	11:00am to 5:00pm
Saturday, 25 April 2020	12:00pm to 5:00pm

(c) Shops in Proclaimed Shopping Districts (excluding types of shops listed in (d) below)

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	CLOSED (except Millicent: 9:00am to 5:00pm)
Sunday, 12 April 2020	CLOSED
Monday, 13 April 2020	CLOSED
Saturday, 25 April 2020	CLOSED

(d) Shops selling hardware, building materials, furniture, floor coverings, motor vehicle parts & accessories

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	Trading permitted until 5:00pm
Sunday, 12 April 2020	9:00am to 5:00pm
Monday, 13 April 2020	9:00am to 5:00pm
Saturday, 25 April 2020	12:00pm to 5:00pm

Shops located in deregulated areas have no trading restrictions. These areas include:

Angaston, Port Pirie, Port Augusta, Gawler, Quorn, Hawker, Murray Bridge, Berri, Mt Barker, Renmark, Waikerie, Jamestown, Loxton, Clare, Victor Harbour and Mt Gambier.

Exempt shops (including take away food, newsagents, video shops, and shops with a floor area no greater than 200 square metres) also have no trading restrictions. However, they are requested to remain closed until 12 noon as a mark of respect for Anzac Day commemorations.

If you are unsure of whether your shop is exempt or require further information about specified precincts, contact the Employment Law Division or refer to the NRA’s Trading Hours – National Summary fact sheet (available from www.nra.net.au).

If you are unsure of your shop’s classification, contact the Employment Law Division or refer to the NRA’s Trading Hours – National Summary fact sheet (available from www.nra.net.au)

Labour Day 2 March 8am to 6pm

TRADING HOURS – TASMANIA

Major Retailers & Franchise Groups Employing More Than 250 Employees

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	No restrictions
Sunday, 12 April 2020	No restrictions
Monday, 13 April 2020	No restrictions
Saturday, 25 April 2020	Restricted public holiday observed by some awards/agreements and the State Public Service. Contact NRA for more information.

* All businesses (regardless of size) must be closed until 12:30pm on ANZAC Day, unless they are a service station, pharmacy, newsagent, restaurant or café.

In addition, shops are also exempt from the trading restrictions on ANZAC Day if they are:

- not part of a shopping centre, plaza or mall, and employed 10 employees or less on any day in March last year;
- shops which the Minister has advised may open before 12:30pm.

If your shop is not exempt from the trading restrictions, you may apply to the Minister for an exemption.

TRADING HOURS – NORTHERN TERRITORY

Trading hours for retail stores are not regulated in the Northern Territory. However, individual restrictions may apply to certain shopping centres as set by centre management. The trading hours for the sale of liquor products are regulated. Please contact the Employment Law Division for further information.

TRADING HOURS – QUEENSLAND

Trading hours’ restrictions in Queensland vary depending on the type of shop and the location of the shop. Shops fall into three categories: Exempt, Independent or Non-Exempt.

Further information in relation to the classifications is available within the NRA National Trading Hours Fact Sheet available through our website www.nra.net.au. 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.

EXEMPT SHOPS (including newsagents, bread/cake/pastry shops, camping equipment shops, fruit shops, sporting goods shops, pet shops, restaurants, cafes and refreshment shops) have no trading restrictions.

Please contact the NRA for further information.

INDEPENDENT SHOPS (no more than 30 people on the shop floor at any one time and, if more than one shop in Queensland, no more than 100 people on the shop floor at any one time across all stores)*

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	No restrictions
Sunday, 12 April 2020	No restrictions
Monday, 13 April 2020	No restrictions
Saturday, 25 April 2020	CLOSED before 1:00pm

* Independent shops that predominantly sell food and/or grocery items have no trading restrictions

NON EXEMPT SHOPS

Day	Trading Restrictions
Friday, 10 April 2020	CLOSED
Saturday, 11 April 2020	Restrictions may apply*
Sunday, 12 April 2020	Restrictions may apply*
Monday, 13 April 2020	Restrictions may apply*
Saturday, 25 April 2020	CLOSED

* Please contact the NRA for further information.

For more information <https://www.nra.net.au/topics/trading-hours/>

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.

VICTORIA

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

http://www.industrialrelations.nsw.gov.au/oirwww/Industries_and_Awards/Retail_industry/Retail_trading_on_unrestricted_days.page

NEW SOUTH WALES

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

http://www.industrialrelations.nsw.gov.au/oirwww/Industries_and_Awards/Retail_industry/Retail_trading_on_unrestricted_days.page

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

https://www.safework.sa.gov.au/show_page.jsp?id=8719

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