

IMPORTANT NOTICE: The information outlined below applies to employees and employers who are under State industrial relations jurisdiction. Since the commencement of the federal government's workplace relations laws on 27 March 2006, employers who are constitutional corporations (including a financial or trading corporation – generally Pty Ltds or Limiteds) and their employees are now covered under federal industrial relations jurisdiction. These employees and employers should contact the Queensland Workplace Rights hotline on **1300 737 841** or visit www.workplacerights.qld.gov.au for further information and assistance on the laws.

The trading hours of shops in Queensland are regulated by way of the *Trading (Allowable Hours) Act 1990*, supported by the *Trading (Allowable Hours) Regulation 2004* and various trading hours orders made by the Queensland Industrial Relations Commission.

Generally, the minimum allowable trading hours throughout Queensland are:

- 8.00am to 9.00pm Monday to Friday; and
- 8.00am to 5.00pm Saturday (extended hours may apply in certain areas)

Different extended trading applies on Sunday and certain public holidays.

Hours of trade will depend on the classification of shops. Shops are mainly classed as:

- Exempt shops;
- Independent retail shops; or
- Non-exempt shops.

What are exempt shops?

Exempt shops are described by the *Trading (Allowable Hours) Act 1990* as shops that predominantly sell goods by retail, or for supplying services, that a reasonable person would expect to be sold or supplied in such shops.

The trading hours of exempt shops are totally unrestricted. The occupiers of these shops may trade whenever they wish however, hours of trade may be restricted by virtue of some other Act or contract. For example, licensed premises, tenancy contracts, etc. The following shops are listed in the Act as exempt:

- antique shop

- aquarium and aquarium accessories shop
- art gallery
- arts and crafts shop
- bait and tackle shop
- book shop, newsagency
- bread shop, cake shop, pastry shop
- camping equipment shop
- chemist
- confectionery shop
- cooked provisions shop (where the provisions are cooked or heated on the premises immediately before sale)
- delicatessen
- fish shop
- flower shop
- fruit, vegetable or fruit and vegetable shop
- funeral director's premises
- hair salon, beauty salon or barber shop
- ice-cream parlour
- licensed premises within the meaning of the *Liquor Act* or *Wine Industry Act*
- marine shop
- milk bar
- plant nursery, shop for selling garden plants and shrubs, seeds, garden and landscaping supplies or equipment and associated products
- pet shop
- photographic shop
- premises which are licensed under the *Pawnbrokers Act*
- restaurant, café, refreshment shop
- service station
- shop for selling motor vehicle spare parts and/or motor cycle parts
- soap shop
- souvenir shop
- sporting goods shop
- temperance beverages shop
- tobacconists
- toy shop
- veterinary supplies shop
- video cassette shop (blank or pre-recorded)

What are independent retail shops?

Independent retail shops have unlimited trading hours provided they meet certain criteria. Generally these shops are the 'small' retailers where the business is run by a single operator or a private company and where a maximum of 20 people are engaged in the shop at any one time and if a number of shops are operated throughout the State, a total of not more than 60 people

are engaged at any one time in all the shops being operated.

The only restrictions on these shops are that they remain closed throughout the whole of Good Friday and 25 December (Christmas Day). They are also to remain closed until 1.00pm on 25 April (Anzac Day). Independent retail shops that are predominantly food and/or grocery shops are allowed to open on these days.

An independent retail shop must meet the following criteria:

- The business is run by an individual, partnership or a proprietary company (does not include a public company or a related corporation).
- The number of people engaged at any one time in the shop including the owner is not over 20.
- The number of people engaged by the owner of the business in all shops throughout the State is not more than 60 at any one time.

The definition excludes certain types of shops and arrangements including:

- exempt shops
- offices
- shops selling wholly or partly wholesale products
- shops selling motor vehicles or caravans
- stalls in a market

What are non-exempt shops?

Shops not classified as independent retail shops or exempt shops are classified as non-exempt. The trading hours for non-exempt shops are regulated by the *Trading (Allowable Hours) Act 1990* and by Orders made by the Queensland Industrial Relations Commission (Commission).

The Commission has the jurisdiction to decide trading hours in excess of the minimum allowable hours. Industrial organisations or other organisations may apply to the Commission for an extension of trading hours for non-exempt shops in a particular locality or state-wide. The Commission in making its decisions may consider issues such as locality, the needs of the tourist industry and the interests of the public, consumers and business. In line with this process, the Commission has approved trading on Sundays and certain public holidays in a number of areas in Queensland.

Allowable trading hours

Generally, allowable trading hours throughout Queensland are:

- 8.00am to 9.00pm Monday to Friday; and
- 8.00am to 5.00pm on Saturday (extended hours may apply in certain areas)

Sunday and public holiday trading

Queensland has a number of areas where extended trading applies on Sundays and/or certain public holidays. These include:

Area	Sundays	Certain Public Holidays
South-East Queensland Area ** (this area extends north to Noosa, south to Coolangatta and west to Amberley and includes the Sunshine Coast Area, the Brisbane Statistical Division, the town of Beaudesert and the Gold Coast Area).	9am to 6pm	9am to 6pm
Cairns Tourist Area, Townsville Tourist Area, Douglas Shire Tourist Area, Whitsunday Shire Tourist Area and Hervey Bay Area.	9am to 6pm	8.30am to 5.30pm
Townsville and Thuringowa Area (excluding the Townsville Tourist Area)	11am to 6pm	8.30am to 5.30pm
Yeppoon Tourist Area	10.30am to 5.30pm	8.30am to 5.30pm

Closure and non-trade

Non-exempt shops **cannot trade** on Good Friday, 25 April, Labour Day and 25 December.

Additionally, non-exempt shops in the South-East Queensland Area **must close** on Easter Sunday.

Hardware stores

Non-exempt hardware stores and builder material supply stores are also permitted to trade on Sundays.

Shopping centre tenants

Shopping centre tenants in South-East Queensland are protected from being forced to trade on Sundays and public holidays. For information on core trading hours that may apply in some shopping centres, tenants should contact the Retail Shop Leases Tribunal, Department of State Development, Trade and Innovation on telephone (07) 3234 0391 (Metropolitan) or 1800 807 051 (Regional).

Voluntary work provisions for retail workers are provided for in the *Voluntary Work – Extended Trading Hours – Non-Exempt Shops – Award – State*.

Easter Trading

Different extended trading hours' arrangements apply for retail shops over the Easter period each year.

Christmas Trading

Special extended trading hours' arrangements apply for the four weeks leading up to Christmas each year.

** Extending non-exempt shop trading areas in Queensland

The non-exempt shop trading hours for South-East Queensland apply to an area defined in Part 5A of the *Trading (Allowable Hours) Act 1990*.

South-East Queensland

South-East Queensland area means:

- (a) the existing Sunshine Coast area; and
- (b) the area east of the Bruce Highway between the existing Sunshine Coast area and the Brisbane statistical division; and
- (c) the area occupied by non-exempt shops fronting onto the western side of the Bruce Highway between the existing Sunshine Coast area and the Brisbane statistical division; and
- (d) the Brisbane statistical division; and
- (e) the local government area for the Gold Coast City Council that is not included in the Brisbane statistical division; and
- (f) the islands in the coastal waters of the State east of the areas mentioned in paragraphs (a) to (e) that are not included in the Brisbane statistical division.
- (g) (effective 9 December 2006 the area of Beerwah) Commencing from the point where the Bruce Highway intersects with Bells Creek Road; from that point following a line due west until the line intersects with Old Gympie Road; from that point following a direct line to the point where the Bruce Highway intersects with Red Road; from that point in a northerly direction along the Bruce Highway to the point of commencement.
- (h) (effective 11 May 2008) The town of Beaudesert being the area within the following boundaries: Commencing at the intersection of Waters Creek and the Mount Lindesay Highway; then along Waters Creek in a westerly direction until its junction with the Logan River; then along a line due south to its intersection with Thiedeke Road; then in a straight line to the junction of the Beaudesert-Nerang Road and Brooklands Street; and then in a straight line to the point of commencement.

Brisbane Statistical Division

The Brisbane Statistical Division referred to above, means the Brisbane statistical division defined in the 2001 edition of the Australian Standard Geographical Classification (Cat. No. 1216.0) published by the Australian Bureau of Statistics.

A map for the Brisbane Statistical Division and a list of localities within the Brisbane Statistical Division are available for downloading from the Wageline website.

Anzac Day

Factories and shops in Queensland are required to close on Anzac Day (25 April each year) with the following exceptions:

- exempt shops
- independent retail shops may open after 1.00pm (shops predominantly food and/or grocery may open all day)
- racing venues (horses or greyhounds)
- offices or agencies of TAB (Qld)
- premises licensed under the *Liquor Act* or *Wine Industry Act*
- real estate offices (only for the purpose of rental transactions)
- premises engaged in:
 - printing, publishing and distributing newspapers
 - manufacturing, distributing or supplying gas, electricity or water
 - necessary continuous manufacturing or mining
 - essential services
 - supplying of milk
 - manufacturing bread and the preparation of food in restaurants, cafes, pastrycook and hot takeaway food kitchens

Places of public amusement including cinemas, amusement parks and sporting events are not permitted to open until 1.30pm, unless written permission has been granted by the Minister for Industrial Relations.

Special displays or exhibitions

The Commission may grant trading hours and conditions for holding special displays or exhibitions. Examples of special displays and exhibitions include home shows, electronic shows, office equipment expos and business expos.

Advertising for business outside lawful trading hours

It is illegal to advertise that a shop will be open outside the hours permitted by the Act or an Order of the Commission.

Order for Trading Hours - Non-Exempt Shops Trading by Retail - State

A consolidated copy of the *Order for Trading Hours - Non-Exempt Shops Trading by Retail - State* may be subscribed to or purchased through the Industrial Relations Information Service (IRIS).

Contact:

- Industrial Relations Information Service (IRIS)
PO Box 69, Brisbane Q. 4001
- Ph: (07) 3225 2307
- Fax: (07) 3221 6764
- Email: iris@deir.qld.gov.au
- Web site: www.wageline.qld.gov.au/iris/index.jsp

Offices

Under the *Trading (Allowable Hours) Act 1990* Section 4 meaning of terms, the definition of a “shop” includes “any office”. An office means a place where any person is employed, directly or indirectly to perform work of a clerical nature; or to perform, or to assist in the performance of, work of a professional nature.

The definitions under the *Trading (Allowable Hours) Act 1990* of non-exempt shops, independent retail shops and exempt shops exclude an office.

On Good Friday and 25 December Christmas Day offices are not required to be closed.

Offices must be closed for the whole of Anzac Day 25 April, however there are some exceptions to this.

Offices are not required to be closed on the Labour Day public holiday.

Where can I get more information?

Contact

- Wageline
4th Floor, Centro Lutwyche
543 Lutwyche Road, Lutwyche Q. 4030
(or) PO Box 820, Lutwyche Q. 4030
- Wageline Information Centre: Ph: 1300 369 945*
- Fax: (07) 3872 0519
- Web site: www.wageline.qld.gov.au
- Telephone Interpreter Service: Ph: 131 450

* Local call cost (mobiles & payphones may be extra)

Disclaimer

The information in this fact sheet is provided on the basis that readers will be responsible for making their own assessment of the matters discussed and are advised to verify all relevant representations, statements and information.

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