

Trading (Allowable Hours) Amendment Bill 2017

Amendments during consideration in detail to be moved by
The Honourable the Minister for Employment and Industrial Relations,
Minister for Racing and Minister for Multicultural Affairs

1 **Clause 7 (Insertion of new pt 4, div 2)**

Page 9, lines 33 and 34 and page 10, lines 1 to 7—

omit, insert—

tourist area means—

- (a) any of the following areas under the 2017 trading hours order—
 - (i) Area of New Farm of Inner City of Brisbane;
 - (ii) Gold Coast Coastal Tourist Area;
 - (iii) Hamilton North Shore Area;
 - (iv) The Cairns CBD Area;
 - (v) The Great Barrier Reef Wonderland Tourist Complex; or
- (b) the town of Port Douglas; or
- (c) the Pacific Fair Shopping Centre located at Broadbeach Waters on the corner of Hooker Boulevard and Sunshine Boulevard.

2 **Clause 7 (Insertion of new pt 4, div 2)**

Page 11, line 2, before ‘This’—

insert—

(1)

3 **Clause 7 (Insertion of new pt 4, div 2)**

Page 11, after line 5—

insert—

- (2) However, if subdivision 3 applies to a non-exempt shop, the shop's closing time for 24 December is the closing time provided for under subdivision 3.

4 Clause 7 (Insertion of new pt 4, div 2)

Page 11, line 6, after 'shops'—

insert—

and shops selling motor vehicles or caravans

5 Clause 7 (Insertion of new pt 4, div 2)

Page 11, line 8—

omit, insert—

than—

(a) a hardware shop; and

(b) a shop engaged in selling motor vehicles or caravans.

6 Clause 7 (Insertion of new pt 4, div 2)

Page 11, table after line 9, from 'In any other area'—

omit, insert—

In a schedule 1AB area		
Monday to Friday	(a) if the shop is in the Townsville Tourist Area— 7a.m.	9p.m.
	(b) otherwise—8a.m.	
Saturday	8a.m.	6p.m.

Sunday and public holidays, other than closed days	9a.m.	6p.m.
In a seaside resort		
Monday to Friday	8a.m.	9p.m.
Saturday	8a.m.	6p.m.
Sunday	n/a	n/a
Public holidays, other than closed days	9a.m.	6p.m.
In any other area		
Monday to Friday	8a.m.	9p.m.
Saturday	8a.m.	6p.m.
Sunday and public holidays, other than closed days	n/a	n/a

7 **Clause 7 (Insertion of new pt 4, div 2)**

Page 11, after the table after line 9—

insert—

(3) In this section—

n/a means the shop is not permitted to open.

schedule 1AB area means an area, within the meaning of the 2017 trading hours order, mentioned in schedule 1AB.

seaside resort means a Tourist and/or Seaside Resort within the meaning of the 2017 trading hours order.

8 **Clause 7 (Insertion of new pt 4, div 2)**

Page 12, lines 1 to 5—

omit.

9 Clause 7 (Insertion of new pt 4, div 2)

Page 12, after the table after line 9—

insert—

16EA Shops selling motor vehicles or caravans

- (1) This section applies to a non-exempt shop engaged in selling motor vehicles or caravans.
- (2) The shop's core trading hours are—

Day	Opening time	Closing time
If the shop sells motor vehicles but not caravans		
Monday to Friday	8a.m.	9p.m.
Saturday	8a.m.	(a) if the shop is in a prescribed area—6p.m. (b) otherwise—5p.m.
Sunday	n/a	n/a
Public holidays, other than closed days	(a) if the shop is in a prescribed area—8a.m. (b) otherwise—n/a	(a) if the shop is in a prescribed area—6p.m. (b) otherwise—n/a
If the shop sells both caravans and motor vehicles		
Monday to Friday	8a.m.	9p.m.
Saturday	8a.m.	5p.m.
Sunday and public holidays, other than closed days	n/a	n/a
If the shop sells caravans but not motor vehicles		
Monday to Friday	8a.m.	9p.m.

Day	Opening time	Closing time
Saturday	8a.m.	6p.m.
Sunday and public holidays, other than closed days	n/a	n/a

(3) In this section—

n/a means the shop is not permitted to open.

prescribed area means any of the following areas within the meaning of the repealed car yards order—

- (a) The Gold Coast Area;
- (b) Redcliffe Peninsula;
- (c) City of Brisbane Area;
- (d) City of Logan Area;
- (e) Town of Beenleigh Area;
- (f) Near North Coast Area;
- (g) Shire of Pine Rivers Area;
- (h) Redland Shire Area;
- (i) City of Ipswich.

repealed car yards order means the order titled ‘Trading Hours—Non-exempt Shops Selling Motor Vehicles—State’ made by the industrial commission under section 21 on 8 December 1989, as it was in effect immediately before the commencement of the *Trading (Allowable Hours) Amendment Act 2017*.

Notes—

- 1 The repealed car yards order was repealed on the commencement of the *Trading (Allowable Hours) Amendment Act 2017*—see section 57.
- 2 The repealed car yards order can be viewed on the QIRC website—see section 46A.

10 Clause 7 (Insertion of new pt 4, div 2)

Page 13, after line 1—

insert—

16EB Application of subdivision

This subdivision does not apply to a non-exempt shop engaged in selling motor vehicles or caravans.

11 Clause 7 (Insertion of new pt 4, div 2)

Page 13, after line 7—

insert—

- (3) If a non-exempt shop is not permitted to trade on a Sunday, a reference in subsection (1) to the shop's opening time under subdivision 2 is, if the day in question is a Sunday, taken to be a reference to 9a.m.

12 Clause 7 (Insertion of new pt 4, div 2)

Page 14, lines 2 and 3, from ‘, being’ to ‘lot 3 on RP 812659’—

omit.

13 Clause 7 (Insertion of new pt 4, div 2)

Page 14, line 7, from ‘, being’ to ‘258311’—

omit.

14 Clause 13 (Amendment of s 21 (Trading hours orders on non-exempt shops))

Page 15, lines 19 to 23—

omit.

15 After clause 27

Page 19, after line 21—

insert—

27A Amendment of s 36AA (Protection for employees—Liquor and Other Legislation Amendment Act 2017)

Section 36AA(4), definition *south-east Queensland area—*

omit.

16 Clause 28 (Insertion of new s 36B)

Page 19, line 23, ‘36A’—

omit, insert—

36AA

17 Clause 30 (Insertion of new pt 7A, hdg and new ss 46A and 46B)

Page 21, lines 10 to 13—

omit, insert—

46A Publication of particular repealed orders

The industrial registrar must ensure the following orders are published on the QIRC website—

- (a) the 2017 trading hours order;
- (b) the repealed car yards order within the meaning of section 16EA.

18 Clause 30 (Insertion of new pt 7A, hdg and new ss 46A and 46B)

Page 21, after line 16—

insert—

- (1A) The review must be finished before the end of the

moratorium period under part 8, division 6.

19 Clause 31 (Insertion of new pt 8, div 6)

Page 22, lines 5 to 14—

omit.

20 Clause 31 (Insertion of new pt 8, div 6)

Page 22, after line 23—

insert—

prescribed s 16D shop means a non-exempt shop—

- (a) to which section 16D applies; and
- (b) that is not permitted under that section to open on Sunday and public holidays.

21 Clause 31 (Insertion of new pt 8, div 6)

Page 23, lines 21 to 32 and page 24, lines 1 to 21—

omit.

22 Clause 31 (Insertion of new pt 8, div 6)

Page 24, line 27, ‘extended hours order’—

omit, insert—

order made on an application dealt with under section 60(2)

23 Clause 31 (Insertion of new pt 8, div 6)

Page 24, lines 30 and 31, from ‘mentioned’ to ‘(a)’—

omit, insert—

under section 21

24 Clause 31 (Insertion of new pt 8, div 6)

Page 24, lines 32 and 33, from ‘mentioned’ to ‘(1)(a)’—

omit, insert—

under section 21

25 Clause 31 (Insertion of new pt 8, div 6)

Page 25, lines 6 to 10—

omit, insert—

- (2) If the application relates only to prescribed s 16D shops, the industrial commission may, if it considers it appropriate and with the consent of the applicant, deal with the application as if it were an application for an order under section 21 prescribing the following trading hours for the shops for Sundays and public holidays (other than closed days)—

(a) opening time—9a.m.;

(b) closing time—6p.m.

26 Clause 31 (Insertion of new pt 8, div 6)

Page 26, lines 3 and 4, ‘shops to which section 58 applies’—

omit, insert—

prescribed s 16D shops

27 Clause 31 (Insertion of new pt 8, div 6)

Page 26, lines 10 and 11, from ‘make’—

omit, insert—

make an order under section 21 prescribing the following trading hours for the shops for Sundays and public holidays (other than closed days)—

(a) opening time—9a.m.;

(b) closing time—6p.m.

28 Clause 31 (Insertion of new pt 8, div 6)

Page 26, lines 33 and 34, ‘shops to which section 58 applies’—

omit, insert—

prescribed s 16D shops

29 Clause 31 (Insertion of new pt 8, div 6)

Page 27, lines 11 and 12, from ‘have’—

omit, insert—

have prescribed the following trading hours for prescribed s 16D shops for Sundays and public holidays (other than closed days)—

(i) opening time—9a.m.;

(ii) closing time—6p.m.

30 Clause 31 (Insertion of new pt 8, div 6)

Page 27, after line 12—

insert—

62A Particular orders required to be approved by regulation

- (1) This section applies to an order made under section 21 during the moratorium period in accordance with this division.

Example—

an order made by the commission on an application mentioned in section 60(2)

- (2) The order does not take effect until it is approved by regulation.
- (3) The order takes effect—

- (a) on the day the regulation is notified; or
 - (b) if the regulation states a later day—the later day.
- (4) This section applies despite section 21.

31 Clause 32 (Insertion of new schs 1AA and 1AB)

Page 29, lines 26 to 28—

omit, insert—

Schedule 1AB Areas for s 16D

section 16D

32 Clause 32 (Insertion of new schs 1AA and 1AB)

Page 30, line 23—

omit, insert—

22 The Stanthorpe Area

22A The Warwick Area

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