National Retail Association

# TRADING HOURS – NATIONAL SUMMARY

AS AT 21 FEBRUARY 2018

This fact sheet provides information about the trading hour restrictions that apply in each State and Territory.

## AUSTRALIAN CAPITAL TERRITORY

Retail shops in the Australian Capital Territory have no trading hours restrictions, since the repeal of the *Trading Hours Act 1996* (ACT) in 1997.

However, many stores choose to remain closed before 1:00pm on ANAC Day.

The trading hours of licensed premises are determined by the ACT *Liquor Act 1975*.

## 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 also regulated. Please contact the NRA on 1800 RETAIL (738 245) for further information.

## TASMANIA

Trading hours for retailers in Tasmania are predominantly deregulated.

However, under the *Shop Trading Hours Act 1984* (TAS), restrictions apply to retail businesses that:

- employ more than 250 employees (whether full-time or not); or
- has a franchise agreement in force with a major retailer.

These businesses must be closed on the following days or part days:

- Good Friday – all day
- ANZAC Day – before 12:30pm
- Christmas Day – all day

All businesses (regardless of size) must be closed until 12:30pm on ANZAC Day, unless they are a service station, pharmacy, newsagent, pub/night club/hotel (where alcohol is the main good sold), licensed hairdresser, 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 the immediately preceding month of March;
- shops which the Minister has declared may open before 12:30pm.

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



1800 RETAIL
www.nra.net.au

Where restrictions apply, a store must be locked or otherwise closed against admission to the public, or there must be no person engaged in the sale of goods, canvassing for orders or delivering of goods to customers

## TRADING HOURS – QUEENSLAND

Trading hours' restrictions in Queensland vary depending on:

(a) the type of shop; and

(b) the location of the shop.

Retail shops fall into two categories defined by the *Trading (Allowable Hours) Act 1990* (Qld):

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

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 on 1800 RETAIL (738 245).

### *EXEMPT SHOPS*

Exempt shops (which includes arts and crafts shops, pet shops, booksellers or newsagents, bread/cake/pastry shops, butchers, camping equipment shops, chemists, confectionary or ice-cream shops, restaurants/cafés/refreshment shops, flower shops, fruit and vegetable shops, hairdressers or beauticians, service stations, souvenir shops, sporting goods shops, tobacconist shops, toy shops and more) have no trading hour restrictions.

They may trade 24 hours a day, 7 days a week, 365 days of the year, including all public holidays.

### *INDEPENDENT RETAIL SHOPS*

Independent retail shops are shops which meet all of the following criteria:

- The business is run by an individual, partnership or proprietary company;
- There are no more than 30 people, including the owner, engaged by the shop at any time;
- There are no more than 100 people engaged by the owner in all shops throughout Queensland at any one time; and
- The business is not conducted within a non-exempt shop or part thereof.

As a sub-category of exempt shops, Independent Retail Shops can open at any time, including most public holidays. However, they must remain closed on:

- Good Friday – all day
- Anzac Day – before 1:00pm
- Christmas Day – all day

These restrictions DO NOT apply to an Independent Retail Shop which is predominantly a food and/or grocery shop.

### *NON-EXEMPT SHOPS*

Non-exempt shops are shops which fall outside of Exempt Shops and Independent Retail Shops. They include:

- Large retailers (such as supermarkets, department stores and hardware shops);
- Shops selling motor vehicles or caravans.

There are specific trading hours for non-exempt shops depending on their location. For more detailed information, please contact the NRA on 1800 RETAIL (738 245).

## TRADING HOURS - NEW SOUTH WALES

Retail shops in New South Wales are restricted under the *Retail Trading Act 2008* (NSW) from trading on:

- Good Friday – all day
- Easter Sunday – all day
- Anzac Day – before 1:00pm
- Christmas Day – all day

It is an offence to trade or advertise to trade on a restricted trading day and fines may apply.

However, 'exempt shops', 'small shops' and certain licensed premises are exempted from these trading hour restrictions.

### *EXEMPT SHOPS*

Exempt shops (which includes bazaars, fairs or markets, book shops, cake and pastry shops, chemists, florists, fruit and vegetable shops, newsagencies, nurseries, pet shops, music/DVD/video shops, restaurants/cafes/kiosks, seafood shops, shops ancillary to venues for playing sport, souvenir shops, take-away food and drink shops, tobacconists shops, vehicle shops, vehicle service centres or petrol stations) have no trading hour restrictions.

Exempt shops also includes retailers operating in particular local government areas. For more information, call the NRA on 1800 RETAIL (738 245).

### *SMALL SHOPS*

A small shop has no trading hour restrictions and is identified where the following criteria is satisfied:

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

For more information on whether your retail shop classifies as a small shop, please contact the NRA on 1800 RETAIL (738 245).

### *CERTAIN LICENSED PREMISES*

Trading hour restrictions do not apply to premises operating under a hotel or small bar licence issued under the *Liquor Act 2007* (NSW). For more information, please contact the NRA on 1800 RETAIL (738 245).

### *WORK ON RESTRICTED DAYS MUST BE VOLUNTARY*

Retail stores looking to trade on a restricted day must ensure that employees freely elect to work without any coercion, harassment, threat or intimidation by or on behalf of the shop owner.

Simply rostering your employees to work on a restricted day does not mean that they have freely elected to work and employers may be fined up to $11,000 for each person that is found to have been coerced to work.

This requirement for employees to freely elect to work does not apply to 'small shops' as defined under the *Retail Trading Act 2008* (NSW).

### *BOXING DAY*

All shops may be permitted to trade on Boxing Day provided staff freely elect to work on that day.

## TRADING HOURS – VICTORIA

Retail shops in Victoria are restricted from trading on:

- Good Friday
- Anzac Day – before 1:00pm
- Christmas Day – all day

However, 'exempt shops' are permitted to open on these particular days.

### *EXEMPT SHOPS*

Exempt shops are businesses that:

- Have 20 or fewer persons employed in the shop at any time during a restricted trading day; and
- Have no more than 100 persons employed by the business and its related entities at any time during the 7 days immediately before the restricted trading day.

Exempt shops also include:

- Chemists;
- Petrol shops;
- Restaurants/cafes/takeaway outlets;
- Service providers; and
- Hire outlets (including video stores).

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 - SOUTH AUSTRALIA

Trading hours for retailers in South Australia are regulated under the *Shop Trading Hours Act 1977* (SA) and will depend on the size of the shop, what it sells and its location.

### *SHOPPING DISTRICTS*

South Australia's 'shopping districts' are:

- the Greater Adelaide Shopping District comprising of:
    - the Central Business District Tourist Precinct;
    - the Metropolitan Shopping District; and
    - the Glenelg Tourist Precinct.
- the Proclaimed Shopping Districts including:
    - Binnum (Binnum, Frances, Kybybolite);
    - Grace (Mallala); and
    - Millicent.

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

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*

The following shops are also exempt from any trading hour restrictions:

- shops with less than 200m$^2$ of retail floor area and which have an adjacent or adjoining storage area no bigger than half the shop's retail floor area,
- grocery stores with less than 400m$^2$ of retail floor area and which have an adjacent or adjoining storage area no bigger than half the shop's retail floor area,
- cafes, restaurants and take-away food,
- licensed service stations selling a range of goods common to service stations which could include goods generally stocked by convenience stores,
- hairdressers,
- ten pin bowling alleys, squash centres and golf courses,
- antiques (other than coins or stamps),
- live fish and aquariums,
- paintings and crafts,
- bookshops and newsagents,
- pharmacies,
- cosmetics,
- medical and surgical appliances,
- florists,
- non-alcoholic drinks, ice-cream, confectionery or light refreshments,
- pets and accessories,
- plant nurseries,
- souvenirs,
- tobacconists,
- cash-and-carry wholesale warehouses,
- horticultural or agricultural shows,
- short-term charitable, religious or benevolent sponsored,
- agricultural machinery,
- fine art, either by auction or on commission,
- caravans and/or trailers, and

- hire rather than sale of goods (e.g. video hire, machinery hire etc.

However, exempt shops are requested to remain closed until 12 noon as a mark of respect for Anzac Day commemorations.

*NON-EXEMPT SHOPS*

Other than for Sundays and Public Holidays, there are no prescribed opening times (only closing times). As a consequence, non-exempt shops may fix any opening time on days other than Sundays and Public Holidays.

*(a) Non-exempt shops in the Central Business District Tourist Precinct*

| Day | Trading Restrictions |
|---|---|
| Monday – Friday | Until 9pm (including part day public holidays) |
| Saturdays | Until 5pm (including Easter Saturday) |
| Sundays | From 11am until 5pm |
| Public Holidays | From 11am until 5pm on full day public holidays (except for Good Friday, Christmas Day and before 12pm on ANZAC Day) |

*(b) Non-exempt shops in the Metropolitan Shopping District and Glenelg Tourist Precinct*

| Day | Trading Restrictions |
|---|---|
| Monday – Friday | Until 9pm (including part day public holidays) |
| Saturdays | Until 5pm (including Easter Saturday) |
| Sundays | From 11am until 5pm (but not Easter Sunday) |
| Public Holidays | CLOSED (except Easter Saturday) |

*(c) Non-exempt shops in Proclaimed Shopping Districts*

| Day | Trading Restrictions |
|---|---|
| Monday – Friday | Until 6pm (except on Thursdays, until 9pm) |
| Saturdays | Until 5pm (except on Easter Saturday) |
| Sundays | CLOSED |
| Public Holidays | CLOSED |

*(d) Non-exempt shops selling boats and/or motor vehicles (whether in the Greater Adelaide Shopping District or a Proclaimed Shopping District)*

| Day | Trading Restrictions |
|---|---|
| Monday – Wednesday | Until 6pm (including part day public holidays) |
| Thursday – Friday | Until 9pm (including part day public holidays) |
| Saturdays | Until 5pm (except for Easter Saturday) |

| | |
|---|---|
| **Sundays** | CLOSED |
| **Public Holidays** | CLOSED |

*(e) Non-exempt shops selling hardware and building materials, furniture, floor coverings, motor vehicle parties and accessories with more than 200m² of retail floor area (whether in the Greater Adelaide Shopping District or a Proclaimed Shopping District)*

| Day | Trading Restrictions |
|---|---|
| **Monday – Friday** | Until 9pm (including part day public holidays) |
| **Saturdays** | Until 5pm (including Easter Saturday) |
| **Sundays** | From 9am until 5pm |
| **Public Holidays** | From 9am until 5pm (except on Good Friday, Christmas Day or before 12pm on ANZAC Day) |

*EXTENDED TRADING – CHRISTMAS*

The Minister can now issue a single Exemption Notice (published in the Government Gazette) authorising additional hours that non-exempt shops can trade. This means individual exemption applications will not be required during the Christmas period.

*EXTENDED TRADING – OTHER PERIODS*

The application process for individual exemption requests for times outside a general exemption issued by the Minister requires the applicant to:

- arrange public advertisements calling for comments about the proposed exemption,
- ascertain the views of employees or their representatives (e.g. unions),
- notify the relevant local councils,
- notify the South Australia Police, and
- notify public transport operators in some circumstances (e.g. large shopping centres).

These criteria will apply for applications for exemptions from retailers in the city and metropolitan area and not from retailers in Proclaimed Shopping Districts in country South Australia.

## TRADING HOURS - WESTERN AUSTRALIA

Trading hours for retail shops in Western Australia are regulated under the *Retail Trading Hours Act 1987* (WA) and will depend on its classification and location.

Shops may be classified as either:

- General Retail Shops;
- Special Retail Shops;
- Small Retail Shops;
- Filling Stations; and
- Motor Vehicle Shops.

Trading hour restrictions do not apply to:

- restaurants and cafes;
- takeaway food shops;
- short-term markets (set up and dismantled in one day);
- shops located in public passenger terminals or stations where those transport services are running;
- shops on Rottnest Island; and
- shops north of the 26th parallel.

### *GENERAL RETAIL SHOPS*

All shops are general retail shops unless they fall under the definition of a special retail shop or small retail shop.

All general retail shops must be closed on:

- Good Friday,
- Christmas Day, and
- ANZAC Day.

General retail shops in the Perth metropolitan area are entitled to trade:

- 8am to 9pm – Monday to Friday
- 8am to 5pm – Saturday
- 11am to 5pm – Sunday
- 11am to 5pm – Public Holidays

### *SPECIAL RETAIL SHOPS*

Special retail shops are considered necessary for emergency, convenience or recreation goods. They 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, moto vehicle and spare parts shops and shops at international standard hotels.

To trade as a special retail shop, an application must be made for a certificate from the Department of Commerce. This application is free of charge.

Special retail shops are entitled to trade:

- 6am to 11:30pm – every day of the year.

### *SMALL RETAIL SHOPS*

A shop will be a small retail shop if the following criteria is satisfied:

- neither motor vehicles nor goods or services of a prescribed kind are sold or provided; and
- the shop is owned by up to six eligible persons in partnership or body corporate; and
- the shop is operated for the benefit of those owners; and
- those persons are personally and actively engaged in the shop; and
- not more than 25 people (including the owners, but excluding apprentices under a training contract) work in the shop at any one time; and
- the owners operate no more than 4 retail shops; and

- no owner of the shop is related to an owner of another shop that is in such close proximity that the shops are regarded as occupying the same location; and
- the chief executive officer has issued a certificate, certifying that the shop is a small retail shop (and that certificate has not been cancelled).

Small retail shops can trade 24 hours a day, every day of the year.

### *FILLING STATIONS*

A shop will be a filling station if the whole or part of the business of the retail shop constitutes the sale of fuel. Trading hours for filling stations are deregulated in all areas. However, there are restrictions on the range of non-petroleum goods which may be sold, after the General Retail Shop trading hours. For more information, please contact the NRA on 1800 RETAIL (738 245).

### *MOTOR VEHICLE SHOPS*

A shop will be a motor vehicle shop if motor vehicles are sold. Trading hours for motor vehicle shops are:

- 8am to 6pm – Monday, Tuesday, Thursday, Friday
- 8am to 9pm – Wednesday
- 8am to 1pm - Saturday
- CLOSED – Sunday
- CLOSED – Public Holidays

## For more information

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

**IMPORTANT INFORMATION**

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