



# **Trading (Allowable Hours) Amendment Bill 2017**





## Queensland

# Trading (Allowable Hours) Amendment Bill 2017

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**2017**

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**A Bill**

for

**An Act to amend the *Trading (Allowable Hours) Act 1990* for  
particular purposes**

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**The Parliament of Queensland enacts—** 1

<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Trading (Allowable Hours) Amendment Act 2017</i> .	3 4
<b>Clause 2</b>	<b>Act amended</b>	5
	This Act amends the <i>Trading (Allowable Hours) Act 1990</i> .	6
<b>Clause 3</b>	<b>Amendment of s 3 (Objects of Act)</b>	7
	Section 3(a), ‘shops, other than exempt shops,’—	8
	<i>omit, insert—</i>	9
	non-exempt shops and independent retail shops	10
<b>Clause 4</b>	<b>Amendment of s 5 (Exempt shops)</b>	11
	(1) Section 5(1) and (2)—	12
	<i>omit, insert—</i>	13
	(1) An <i>exempt shop</i> is—	14
	(a) a shop of a description mentioned in	15
	schedule 1AA used predominantly for	16
	selling goods by retail, or for supplying	17
	services, a reasonable person would expect	18
	to be sold or supplied in that shop; or	19
	(b) an independent retail shop; or	20
	(c) a shop operating in a stated area for an	21
	event—	22
	(i) that is a unique or infrequent event of	23
	local, State or national significance;	24
	and	25



<i>Examples—</i>	1
• the 2018 Commonwealth Games	2
• the Weipa Fishing Classic event	3
(ii) declared by the industrial commission to be a special event for this paragraph.	4
	5
(2) A declaration for subsection (1)(c)—	6
(a) may be made by the industrial commission on an application by an organisation, chief executive, local government or any other person; and	7
	8
	9
	10
(b) must state the following—	11
(i) details of the event the subject of the declaration;	12
	13
(ii) the period for which the declaration applies;	14
	15
(iii) the area to which the declaration applies; and	16
	17
(c) must be published on the QIRC website.	18
(2A) In deciding whether to declare an event to be a special event for subsection (1)(c), the industrial commission—	19
	20
	21
(a) must consider—	22
(i) the cultural, religious or sporting significance of the event; and	23
	24
(ii) the significance of the event to the economy and the tourism industry; and	25
	26
(b) may consider a submission made by a local government for an area in which the declaration is likely to have an impact.	27
	28
	29
(2) Section 5(3), ‘subsection (2)’—	30
<i>omit, insert—</i>	31
schedule 1AA, item 23	32
(3) Section 5(2A) to (4)—	33

[s 5]

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*renumber* as section 5(3) to (5).

**Clause 5 Amendment of s 6 (Independent retail shops)**

(1) Section 6(1)(b), ‘20’—

*omit, insert—*

30

(2) Section 6(1)(c), ‘60’—

*omit, insert—*

100

(3) Section 6(2)(a), after ‘shop’—

*insert—*

mentioned in section 5(1)(a) or (c)

**Clause 6 Insertion of new pt 4, div 1, hdg**

Part 4, before section 16—

*insert—*

**Division 1 Application of part**

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

After section 16—

*insert—*

**Division 2 Non-exempt shops**

**Subdivision 1 Preliminary**

**16A Definitions for division**

In this division—

*2017 trading hours order* means the order titled

‘Trading Hours—Non-exempt Shops Trading by Retail—State’ made by the industrial commission under section 21 on 27 November 1992, as it was in effect immediately before the commencement of the <i>Trading (Allowable Hours) Amendment Act 2017</i> .	1 2 3 4 5 6
<i>Notes—</i>	7
1 The 2017 trading hours order was repealed on the commencement of the <i>Trading (Allowable Hours) Amendment Act 2017</i> —see section 57.	8 9 10
2 The 2017 trading hours order can be viewed on the QIRC website—see section 46A.	11 12
<b><i>closed day</i></b> means any of the following days—	13
(a) Good Friday;	14
(b) Anzac Day (25 April);	15
(c) Labour Day (the first Monday in May);	16
(d) Christmas Day (25 December).	17
<b><i>hardware shop</i></b> means a shop the business of which is, wholly or partly, the supply of—	18 19
(a) construction materials, tools, fittings and other appropriate products and equipment to—	20 21 22
(i) builders, associated tradespeople, contractors or sub-contractors engaged in the building industry; or	23 24 25
(ii) the general public; or	26
(b) similar products appropriate for home improvement purposes to the general public.	27 28
<b><i>south-east Queensland area</i></b> means the South-East Queensland Area within the meaning of the 2017 trading hours order, but does not include a tourist area.	29 30 31 32
<b><i>tourist area</i></b> means any of the following areas under the 2017 trading hours order—	33 34

[s 7]

- |  |   |
|--|---|
| (a) Area of New Farm of Inner City of Brisbane;        | 1 |
|  | 2 |
| (b) Hamilton North Shore Area;                         | 3 |
| (c) Gold Coast Coastal Tourist Area;                   | 4 |
| (d) The Great Barrier Reef Wonderland Tourist Complex; | 5 |
|  | 6 |
| (e) the town of Port Douglas.                          | 7 |
| <i>Note—</i>   | 8 |
| See, however, section 56.                              | 9 |

<b>16B Shops to be closed other than during permitted trading hours</b>	10
	11

- |  |    |
|--|----|
| (1) A non-exempt shop must be closed on a particular day other than during—  | 12 |
|  | 13 |
| (a) the shop's core trading hours under subdivision 2 for the day or, if applicable, the extended trading hours under subdivision 3; or                        | 14 |
|  | 15 |
|  | 16 |
|  | 17 |
| (b) if an order made by the industrial commission under section 21 prescribes trading hours for the shop for the day—the prescribed trading hours for the day. | 18 |
|  | 19 |
|  | 20 |
|  | 21 |

<i>Note—</i>	22
--------------	----

Under section 21(2), the industrial commission can not permit trading on a closed day or, for a day other than a closed day, decide trading hours that are shorter than the hours under subdivision 2 or 3.	23
	24
	25
	26

- |   |    |
|---|----|
| (2) The occupier of a non-exempt shop must ensure subsection (1) is complied with for the shop. | 27 |
|   | 28 |
| Maximum penalty—40 penalty units.   | 29 |

<b>Subdivision 2 Core trading hours</b>	30
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**16C Application of subdivision**

This subdivision applies subject to subdivision 3, to the extent subdivision 3 provides for an earlier opening time, or a later closing time, on a particular day for a non-exempt shop.

**16D Shops other than hardware shops**

- (1) This section applies to a non-exempt shop, other than a hardware shop.
- (2) The shop's core trading hours are—

Day	Opening time	Closing time
<b>In the south-east Queensland area</b>		
Monday to Friday	7a.m.	9p.m.
Saturday	7a.m.	9p.m.
Sunday and public holidays, other than closed days	9a.m.	6p.m.
<b>In a tourist area</b>		
Monday to Friday	6a.m.	10p.m.
Saturday	7a.m.	10p.m.
Sunday and public holidays, other than closed days	7a.m.	9p.m.
<b>In any other area</b>		
Monday to Friday	7a.m.	9p.m.
Saturday	7a.m.	6p.m.
Sunday and public holidays, other than closed days	9a.m.	6p.m.

[s 7]

*Note—*

See, however, section 58 in relation to the application of trading hours on a Sunday or public holiday under this section to particular shops that are not located in the south-east Queensland area or a tourist area.

**16E Hardware shops**

- (1) This section applies to a non-exempt shop that is a hardware shop.
- (2) The shop's core trading hours are—

Day	Opening time	Closing time
<b>In the south-east Queensland area</b>		
Monday to Friday	6a.m.	9p.m.
Saturday	6a.m.	9p.m.
Sunday and public holidays, other than closed days	6a.m.	6p.m.
<b>In a tourist area</b>		
Monday to Friday	6a.m.	10p.m.
Saturday	6a.m.	10p.m.
Sunday and public holidays, other than closed days	6a.m.	9p.m.
<b>In any other area</b>		
Monday to Friday	6a.m.	9p.m.
Saturday	6a.m.	6p.m.
Sunday and public holidays, other than closed days	6a.m.	6p.m.

### Subdivision 3 Extended trading hours

#### 16F Christmas trading hours—general

- (1) The extended trading hours for a non-exempt shop for Christmas are—

Day	Opening time	Closing time
the 3 Sundays before 18 December	8a.m.	6p.m.
18 to 23 December	the shop's opening time under subdivision 2	midnight
24 December	the shop's opening time under subdivision 2	6p.m.

- (2) This section does not apply to a non-exempt shop for a particular day if section 16G applies to the shop for that day.

#### 16G 24-hour Christmas trading for particular shops

- (1) This section applies to a shop in—
- (a) the Westfield Chermside shopping complex; or
  - (b) the Westfield Garden City shopping complex.
- (2) The shop's extended trading hours for 23 and 24 December are—

Day	Opening time	Closing time
23 December	8a.m.	midnight
24 December	12a.m.	6p.m.

- (3) In this section—
- Westfield Chermside shopping complex*** means the shopping complex located on the corner of

[s 8]

	Gympie Road and Hamilton Road, Chermside, Brisbane, being lot 10 on SP 128115, lot 2 on RP 812659 and lot 3 on RP 812659.	1 2 3
	<b><i>Westfield Garden City shopping complex</i></b> means the shopping complex located on the corner of Logan Road and Kessels Road, Upper Mount Gravatt, Brisbane, being lot 1 on SP 258311.	4 5 6 7
<b>Clause 8</b>	<b>Insertion of new pt 4, div 3, hdg</b>	8
	After section 16G, as inserted by section 7—	9
	<i>insert—</i>	10
	<b>Division 3                      Independent retail shops</b>	11
<b>Clause 9</b>	<b>Insertion of new pt 4, div 4, hdg</b>	12
	After section 17—	13
	<i>insert—</i>	14
	<b>Division 4                      Other provisions</b>	15
<b>Clause 10</b>	<b>Amendment of s 19 (Closure of non-exempt shops not to confer advantage)</b>	16 17
	Section 19(2)(b), ‘or independent retail shop’—	18
	<i>omit.</i>	19
<b>Clause 11</b>	<b>Insertion of new s 20A</b>	20
	Part 4—	21
	<i>insert—</i>	22
	<b>20A Allowable trading hours for Retail Shop Leases Act 1994</b>	23 24
	For the south-east Queensland area, the permissible trading hours on a Sunday or public holiday are not allowable trading hours for the	25 26 27



	definition <i>core trading hours</i> in the <i>Retail Shop Leases Act 1994</i> , section 51.	1 2
<b>Clause 12</b>	<b>Amendment of pt 5, hdg (Orders concerning non-exempt shops and special exhibitions)</b>	3 4
	Part 5, heading, ‘and special exhibitions’—	5
	<i>omit.</i>	6
<b>Clause 13</b>	<b>Amendment of s 21 (Trading hours orders on non-exempt shops)</b>	7 8
	Section 21(2)—	9
	<i>omit, insert—</i>	10
	(2) However, the industrial commission must not decide trading hours for non-exempt shops for a particular day that—	11 12 13
	(a) for a closed day—permit trading on the closed day; or	14 15
	(b) for another day—are shorter than the trading hours under part 4, division 2, subdivision 2 or 3 for the shops for that day.	16 17 18
	<i>Note—</i>	19
	See, however, section 58 in relation to a decision under this section applying the trading hours for a Sunday or public holiday under section 16D to shops to which section 58 applies.	20 21 22 23
<b>Clause 14</b>	<b>Omission of s 22 (Approval of special exhibitions)</b>	24
	Section 22—	25
	<i>omit.</i>	26
<b>Clause 15</b>	<b>Amendment of s 23 (Powers and procedures relevant to proceedings under ss 21 and 22)</b>	27 28
	(1) Section 23, heading, ‘ss 21 and 22’—	29

[s 16]

*omit, insert—*

**s 21**

(2) Section 23(1)—

*omit, insert—*

(1) The industrial commission may make an order under section 21—

(a) of its own motion; or

(b) on an application made by or for an industrial organisation, another organisation or a local government.

(3) Section 23(2) and (3), ‘or 22’—

*omit.*

(4) Section 23(3), ‘other persons, and other organisations’—

*omit, insert—*

other organisations and local governments

(5) Section 23(4), ‘other person, or other organisation’—

*omit, insert—*

another organisation or a local government

**Clause 16 Amendment of s 23A (Reference to full bench)**

Section 23A(1), ‘or 22’—

*omit.*

**Clause 17 Amendment of s 24 (Industrial commission hearings)**

Section 24, ‘or 22’—

*omit.*

**Clause 18 Amendment of s 25 (Leave may be granted by industrial commission)**

(1) Section 25(3), ‘other person, or other organisation’—

*omit, insert—*

another organisation or a local government

(2) Section 25(3), ‘or 22(1)’—

*omit.*

**Clause 19 Amendment of s 26 (Matters relevant to s 21 order)**

(1) Section 26—

*insert—*

(ga) the likely impact of the order on employees;

(2) Section 26(ga) to (i)—

*renumber* as section 26(h) to (j).

**Clause 20 Amendment of s 27 (Summary dismissal of application)**

(1) Section 27, ‘other persons, or other organisations’—

*omit, insert—*

other organisations or local governments

(2) Section 27, ‘or 22(1)’—

*omit.*

**Clause 21 Omission of ss 28 and 29**

Sections 28 and 29—

*omit.*

**Clause 22 Amendment, relocation and renumbering of s 30 (Injunction to enforce observance of trading hours)**

(1) Section 30(1)(b), ‘other person, or other organisation,’—

*omit, insert—*

another organisation or a local government

(2) Section 30(1)(c), after ‘compliance with’—

[s 23]

*insert—*

the trading hours provided for under part 4,  
division 2 or

(3) Section 30(1)(d), after ‘breach of’—

*insert—*

the trading hours provided for under part 4,  
division 2 or

(4) Section 30—

*relocate* and *renumber* as section 36C.

**Clause 23 Amendment of s 31 (Cancellation of obsolete orders)**

Section 31(2), ‘other person, or other organisation’—

*omit, insert—*

another organisation or a local government

**Clause 24 Omission of pts 5A and 5B**

Parts 5A and 5B—

*omit.*

**Clause 25 Amendment of s 33 (Anzac Day a holiday for all employees)**

(1) Section 33(2)(f)—

*omit.*

(2) Section 33(2)(g) to (i)—

*renumber* as section 33(2)(f) to (h).

**Clause 26 Amendment of s 36 (Closure of other places)**

Section 36(2), ‘(i)’—

*omit, insert—*

	(h)	1
<b>Clause 27</b>	<b>Amendment of s 36A (Protection for current employees)</b>	2
	(1) Section 36A, heading, ‘current employees’—	3
	<i>omit, insert—</i>	4
	<b>employees—extended hours under Trading (Allowable Hours) Amendment Act 2002</b>	5 6
	(2) Section 36A(3), definitions <i>closed day</i> and <i>permissible trading hours—</i>	7 8
	<i>omit.</i>	9
	(3) Section 36A(3)—	10
	<i>insert—</i>	11
	<i>permissible trading hours</i> means the permissible trading hours under—	12 13
	(a) while the trading hours order was in effect—the order; or	14 15
	(b) from the commencement of the <i>Trading (Allowable Hours) Amendment Act 2017</i> —section 16B.	16 17 18
	<i>trading hours order</i> has the meaning given by section 31B as in force from time to time before its repeal.	19 20 21
<b>Clause 28</b>	<b>Insertion of new s 36B</b>	22
	After section 36A—	23
	<i>insert—</i>	24
	<b>36B Protection for employees—extended hours under Trading (Allowable Hours) Amendment Act 2017</b>	25 26 27
	(1) An employer must not require an employee to work during extended hours unless the employee has freely elected to work during extended hours.	28 29 30

Maximum penalty—	1
(a) for a first offence—16 penalty units; or	2
(b) for a second or later offence—20 penalty units.	3
	4
(2) However, subsection (1) does not apply in relation to an employee if an industrial instrument provides arrangements under which the employee may refuse or agree to work during extended hours.	5
	6
	7
	8
	9
(3) For subsection (1), an employee has not freely elected to work during extended hours—	10
	11
(a) if the employee elects to work during extended hours because the employee has been coerced, harassed, threatened or intimidated by or for the employer; or	12
	13
	14
	15
(b) only because the employee is rostered, or required under an industrial instrument, to work during those hours.	16
	17
	18
(4) In this section—	19
<i>elect</i> means agree in writing for a stated or indefinite period.	20
	21
<i>employer</i> means an employer of an employee in a non-exempt shop.	22
	23
<i>extended hours</i> means the permitted trading hours under this Act for a non-exempt shop on any day (other than a closed day), but only to the extent the hours are greater than the shop's permitted trading hours immediately before the commencement.	24
	25
	26
	27
	28
	29
<i>industrial instrument</i> means any of the following within the meaning of the <i>Industrial Relations Act 2016</i> —	30
	31
	32
(a) a modern award, bargaining award or certified agreement;	33
	34
(b) a federal industrial instrument.	35

<b>Clause 29</b>	<b>Amendment of s 46 (Evidentiary provisions)</b>	1
	Section 46(g), after ‘decision’—	2
	<i>insert—</i>	3
	, declaration	4
<b>Clause 30</b>	<b>Insertion of new pt 7A, hdg and new ss 46A and 46B</b>	5
	After section 46—	6
	<i>insert—</i>	7
	<b>Part 7A                      Miscellaneous provisions</b>	8
		9
	<b>46A Publication of 2017 trading hours order</b>	10
	The industrial registrar must ensure the 2017 trading hours order is published on the QIRC website.	11
		12
		13
	<b>46B Review of Act</b>	14
	(1) The Minister must review the effectiveness of this Act within 5 years from the commencement.	15
		16
	(2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.	17
		18
		19
<b>Clause 31</b>	<b>Insertion of new pt 8, div 6</b>	20
	Part 8—	21
	<i>insert—</i>	22
	<b>Division 6                      Transitional provisions for Trading (Allowable Hours) Amendment Act 2017</b>	23
		24
		25

<b>55 Definitions for division</b>	1
In this division—	2
<i>amendment Act</i> means the <i>Trading (Allowable Hours) Amendment Act 2017</i> .	3
<i>extended hours</i> , for a non-exempt shop to which section 58 applies, means the shop's core trading hours for a Sunday or public holiday (other than a closed day) under section 16D.	4
<i>Note</i> —	5
The shop's core trading hours for a Sunday or public holiday (other than a closed day) under section 16D do not include the extended Christmas trading hours under part 4, division 2, subdivision 3.	6
<i>extended hours order</i> see section 58(3).	7
<i>former</i> , in relation to a provision of this Act, means the provision as in force before its amendment or repeal by the amendment Act.	8
<i>introduction</i> means the introduction into the Legislative Assembly of the Bill for the amendment Act.	9
<i>moratorium period</i> means the period starting on the introduction and ending 5 years after the day of the commencement.	10
<b>56 Shops in Mossman and Port Douglas Tourist Area</b>	11
(1) This section applies to a shop in the Mossman and Port Douglas Tourist Area.	12
(2) For the period starting on the commencement and ending 5 years after the day of the commencement—	13
(a) if the shop is a non-exempt shop—the shop is taken to be an exempt shop; or	14



- 
- (b) if the shop is an independent retail shop—section 17 does not apply to the shop. 1 2 3
  - (3) This section applies despite any other provision of this Act. 4 5
  - (4) In this section— 6
    - Mossman and Port Douglas Tourist Area* has the meaning given by the 2017 trading hours order. 7 8

## **57 Repeal of existing orders** 9

On the commencement, the following orders are repealed— 10 11

- (a) an order made by the industrial commission under former section 21 or 22 that was in effect immediately before the commencement; 12 13 14 15
- (b) an order made by the industrial commission before the commencement under former section 21 or 22 that, immediately before the commencement, had not yet taken effect. 16 17 18 19 20

## **58 Opt-in process for s 16D—particular shops outside south-east Queensland area and tourist areas etc.** 21 22 23

- (1) This section applies to non-exempt shops that are not located in the following areas— 24 25
  - (a) the south-east Queensland area; 26
  - (b) a tourist area; 27
  - (c) an area, within the meaning of the 2017 trading hours order, mentioned in schedule 1AB. 28 29 30
- (2) However, this section does not apply to the following shops— 31 32

[s 31]

- 
- (a) hardware shops; 1
  - (b) shops engaged in selling motor vehicles or 2  
caravans. 3
  - (3) From the commencement, the extended hours do 4  
not apply to shops to which this section applies 5  
unless the industrial commission makes an order 6  
under section 21 applying the hours to the shops 7  
(an *extended hours order*). 8
  - (4) An extended hours order does not take effect until 9  
it is approved by regulation. 10
  - (5) The order takes effect— 11
    - (a) on the day the regulation is notified; or 12
    - (b) if the regulation states a later day—the later 13  
day. 14
  - (6) If the extended hours do not apply to a shop 15  
because of this section, a reference in section 16  
16F(1) to the shop's opening time under part 4, 17  
division 2, subdivision 2 is, if the day in question 18  
is a Sunday, taken to be a reference to 9a.m. 19
  - (7) This section applies despite sections 16B, 16D 20  
and 21. 21

## 59 Moratorium on trading hours orders and 22 restriction on making applications 23

- (1) During the moratorium period— 24
  - (a) the industrial commission must not make an 25  
order under section 21, other than an 26  
extended hours order; and 27
  - (b) an industrial organisation, another 28  
organisation or a local government must not 29  
make an application for an order mentioned 30  
in paragraph (a). 31
- (2) An application for an order mentioned in 32  
subsection (1)(a) made or purportedly made 33  
during the moratorium period is of no effect. 34

<b>60 Existing applications for orders under former s 21</b>	1 2
(1) This section applies to an application for an order under former section 21 that was made, but not decided, before the introduction.	3 4 5
(2) If the application relates to shops to which section 58 applies, 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 extended hours order.	6 7 8 9 10
(3) If the industrial commission does not deal with the application under subsection (2), the industrial commission must dismiss the application.	11 12 13
(4) Subsection (3) applies despite part 5.	14
<b>61 Existing appeals against decisions on applications for orders under former s 21</b>	15 16
(1) This section applies to an appeal—	17
(a) against a decision made, before the commencement, by the industrial commission on an application for an order under former section 21; and	18 19 20 21
(b) that was started, but not decided by the industrial court, before the commencement.	22 23
(2) If the decision was to make an order under former section 21, the proceeding for the appeal ends on the commencement.	24 25 26
<i>Note—</i>	27
An order made under former section 21 before the commencement was repealed on the commencement—see section 57.	28 29 30
(3) Subsections (4) and (5) apply if—	31
(a) the decision was to refuse to make an order under former section 21; and	32 33

[s 31]

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|------|--|----------------------|
| (b)  | on the commencement, all of the shops to which the order would have applied if it had been made are shops to which section 58 applies; and           | 1<br>2<br>3<br>4     |
| (c)  | the industrial court decides to allow the appeal, set aside the decision of the industrial commission and substitute another decision.               | 5<br>6<br>7<br>8     |
| (4)  | The only decision that may be substituted by the industrial court is a decision to make an extended hours order for the shops.                       | 9<br>10<br>11        |
| (5)  | Subsection (4)—  | 12                   |
| (a)  | applies despite—   | 13                   |
| (i)  | the <i>Industrial Relations Act 2016</i> , section 558(1)(b); or   | 14<br>15             |
| (ii) | if the repealed <i>Industrial Relations Act 1999</i> continues to apply to the appeal proceeding—section 341(3)(b) of that Act; and                  | 16<br>17<br>18<br>19 |
|      | <i>Note—</i>   | 20                   |
|      | See the <i>Industrial Relations Act 2016</i> , section 1023 for the continued application of the repealed Act in relation to particular proceedings. | 21<br>22<br>23       |
| (b)  | does not otherwise limit the industrial court’s power to dismiss or allow the appeal.  | 24<br>25             |
| (6)  | The appeal proceeding ends on the commencement if—   | 26<br>27             |
| (a)  | the decision mentioned in subsection (1) was to refuse to make an order under former section 21; and   | 28<br>29<br>30       |
| (b)  | on the commencement, any of the shops to which the order would have applied if it had been made are not shops to which section 58 applies.           | 31<br>32<br>33<br>34 |

<b>62</b>	<b>Restriction on starting appeal if decision made before commencement</b>	1
		2
	From the commencement, a person can not start an appeal against any of the following decisions made by the industrial commission before the commencement—	3
		4
		5
		6
	(a) a decision to make an order under former section 21;	7
		8
	(b) a decision to refuse to make an order under former section 21, other than an order that, if it had been made, would have applied only to shops to which section 58 applies.	9
		10
		11
		12
<b>63</b>	<b>Applications and appeals relating to orders under former s 22</b>	13
		14
	(1) On the commencement—	15
	(a) a section 22 application that was not decided before the commencement is taken to have been withdrawn; and	16
		17
		18
	(b) an appeal that was started, but not decided, before the commencement against a decision of the industrial commission on a section 22 application ends.	19
		20
		21
		22
	(2) From the commencement, a person cannot start an appeal against a decision of the industrial commission on a section 22 application.	23
		24
		25
	(3) In this section—	26
	<i>section 22 application</i> means an application made before the commencement for an order under former section 22.	27
		28
		29

<b>Clause 32</b>	<b>Insertion of new schs 1AA and 1AB</b>	30
	Before schedule 1—	31
	<i>insert—</i>	32

## Schedule 1A Exempt shops

		1
	section 5	2
1	antique shop	3
2	art gallery or arts and crafts shop	4
3	aquarium, aquarium accessories or pet shop	5
4	bait and tackle or marine shop	6
5	bookseller's or newsagent's shop	7
6	bread, cake or pastry shop	8
7	butcher's shop	9
8	camping equipment shop	10
9	chemist shop	11
10	confectionery shop or ice-cream parlour	12
11	cooked provisions shop (where the provisions are cooked or heated on the premises immediately before sale), milk bar, restaurant, cafe or refreshment shop	13 14 15 16
12	delicatessen	17
13	fish shop	18
14	flower shop	19
15	fruit and vegetable shop	20
16	funeral director's premises	21
17	hairdresser's, beautician's or barber's shop	22
18	licensed premises under the <i>Liquor Act 1992</i> or the <i>Wine Industry Act 1994</i>	23 24
19	nursery (plant) shop for selling garden plants and shrubs, seeds, garden and landscaping supplies or equipment, and associated products	25 26 27 28

20	photographic shop	1
21	premises in relation to which a pawnbrokers licence under the <i>Second-hand Dealers and Pawnbrokers Act 2003</i> is in force	2 3 4
22	service station	5
23	subject to section 5(4), shop of a class declared by regulation to be a class of exempt shop	6 7 8
24	shop for selling motor vehicle spare parts or motorcycle spare parts, or both	9 10
25	shop in an international airport terminal, cruise terminal, casino, or tourist resort on an off-shore island	11 12 13
26	soap shop	14
27	souvenir shop	15
28	special exhibition or display of goods	16
	<i>Examples—</i>	17
	• an annual 3-day caravan, camping and fishing expo	18 19
	• a one-off launch of a new model of campervans held at a shopping centre	20 21
29	sporting goods shop	22
30	tobacconist's shop	23
31	toy shop	24
32	veterinary supplies shop	25

## **Schedule 1AB Areas for s 58(1)** 26

section 58(1) 27

1 Tourist and/or Seaside Resorts 28

[s 33]

2	Cairns Tourist Area	1
3	Townsville Tourist Area	2
4	Mossman and Port Douglas Tourist Area	3
5	Whitsunday Shire Tourist Area	4
6	Fraser Coast Area	5
7	Townsville and Thuringowa Area (excluding the Townsville Tourist Area)	6 7
8	The Yeppoon Tourist Area	8
9	The Moranbah Area	9
10	The Cooloolo Cove Area	10
11	The City of Rockhampton Area	11
12	The City of Toowoomba Area	12
13	The Mackay Area	13
14	The Innisfail Area	14
15	The Emerald Area	15
16	The Tablelands Area	16
17	The Gladstone Area	17
18	Bundaberg Area (which includes Elliott Heads, Bundaberg and Bargara)	18 19
19	The Gympie Area	20
20	The Biloela Area	21
21	The Marian Area	22
22	The Cairns CBD Area	23
23	Emu Park Tourist Area	24
24	The Dalby Area	25
25	The Ingham Area	26

<b>Clause 33</b>	<b>Amendment of sch 1 (Dictionary)</b>	27
(1)	Schedule 1, definition <i>exempt shop</i> —	28



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- |   |    |
|---|----|
| <i>omit.</i>  | 1  |
| (2) Schedule 1—   | 2  |
| <i>insert—</i>  | 3  |
| <b><i>2017 trading hours order</i></b> see section 16A.                     | 4  |
| <b><i>closed day</i></b> see section 16A.                                   | 5  |
| <b><i>exempt shop</i></b> see section 5.                                    | 6  |
| <b><i>hardware shop</i></b> see section 16A.                                | 7  |
| <b><i>south-east Queensland area</i></b> see section 16A.                   | 8  |
| <b><i>tourist area</i></b> see section 16A.                                 | 9  |
| (3) Schedule 1, definition <i>non-exempt shop</i> , paragraph (b)—          | 10 |
| <i>omit.</i>  | 11 |
| (4) Schedule 1, definition <i>non-exempt shop</i> , paragraphs (c) and (d)— | 12 |
| <i>renumber</i> as paragraphs (b) and (c).                                  | 13 |
|   | 14 |