



SHOP TRADING HOURS AMENDMENT ACT 1986

No. 110 of 1986

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SCHEDULE 1

GENERAL HOLIDAYS AND LOCAL HOLIDAYS

10. Renumbering of Schedule 1 to Principal Act (GROUPING PROVISIONS).

AN ACT to amend the Shop Trading Hours Act 1984.

[Royal Assent 17 December 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Shop Trading Hours Amendment Act 1986*. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the Royal assent.

Principal Act.

3—In this Act, the *Shop Trading Hours Act 1984** is referred to as the Principal Act.

Amendment of
section 3 of
Principal Act
(Interpreta-
tion).

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting the following definitions before the definition of “goods”:—

“cup part holiday” means a local holiday specified in clause 5 of Part II of Schedule 1;

“general holiday” means a day specified in Part I of Schedule 1;

(b) by inserting the following definition after the definition of “inspector”:—

“local holiday” means a day or part of a day specified in Part II of Schedule 1;

(c) by omitting “carried on;” from the definition of “shop” and substituting “carried on.”;

(d) by omitting the definition of “warehouse”.

Amendment of
section 4 of
Principal Act
(Shops to
which
section 5
applies).

5—Section 4 (2) of the Principal Act is amended by omitting “Schedule 1” and substituting “Schedule 2”.

Amendment of
section 5 of
Principal Act
(Certain shops
prohibited
from opening
on certain
occasions).

6—Section 5 of the Principal Act is amended as follows:—

(a) by omitting paragraphs (b) to (i) of subsection (1) and substituting the following paragraphs:—

(b) before 8 a.m., or between noon and midnight, on a Saturday, other than—

(i) a prescribed Saturday;

(ii) a Saturday that is a general holiday;
or

(iii) a Saturday that is a local holiday in the part of the State in which the shop is located or situated;

(c) before 8 a.m., or between 6 p.m. and midnight, on a prescribed Saturday;

* No. 61 of 1984. Amended by No. 62 of 1984 and No. 51 of 1985.

- (d) on a Saturday that is a general holiday;
 - (e) on a Saturday that is a local holiday in the part of the State in which the shop is located or situated;
 - (f) on a general holiday, other than a Saturday;
 - (g) on a local holiday, other than a Saturday or a cup part holiday, in the part of the State in which the shop is located or situated;
 - (h) subject to subsection (2A), after 12 noon on a day part of which is a cup part holiday in the part of the State in which the shop is located or situated;
 - (i) before 8 a.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday, not being a day to which paragraph (f) or (g) applies;
 - (j) subject to subsections (2) and (2A), between 6 p.m. and midnight on a Monday, Tuesday, or Wednesday, not being a day to which paragraph (f) or (g) applies or a day part of which is a cup part holiday in the part of the State in which the shop is located or situated; or
 - (k) between 9 p.m. and midnight on a Thursday or Friday, not being a day to which paragraph (f) or (g) applies or a day part of which is a cup part holiday in the part of the State in which the shop is located or situated.
- (b) by omitting from subsection (2) “(d), (e), (f),” and substituting “(f)”;
- (c) by omitting from subsection (2) (a) and (b) “subsection (1) (b)”, wherever occurring, and substituting “subsection (1) (j)”;
- (d) by inserting the following subsection after subsection (2):—
- (2A) Where a Thursday or Friday is a day part of which is a cup part holiday in the part of the State in which a shop to which this section applies is located

or situated, that shop may be kept open until 9 p.m. on one of the days referred to in subsection (1) (j) that occurs in the same week as that Thursday or Friday.

Amendment of section 8 of Principal Act (Persons not to be required to work at certain times on certain days contrary to an award or industrial agreement).

7—Section 8 of the Principal Act is amended as follows:—

(a) by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

(b) between noon and midnight on a Saturday, other than—

(i) a prescribed Saturday;

(ii) a Saturday that is a general holiday;
or

(iii) a Saturday that is a local holiday in the part of the State in which the shop is located or situated;

(b) by omitting “ 4 p.m. ” from subsection (1) (c) and substituting “ 6 p.m. ”;

(c) by omitting paragraphs (d) to (i) of subsection (1) and substituting the following paragraphs:—

(d) on a Saturday that is a general holiday;

(e) on a Saturday that is a local holiday in the part of the State in which the shop is located or situated;

(f) on a general holiday, other than a Saturday;

(g) on a local holiday, other than a Saturday or a cup part holiday, in the part of the State in which the shop is located or situated;

(h) subject to subsection (3), after 12 noon on a day part of which is a cup part holiday in the part of the State in which the shop is located or situated;

(i) before 8 a.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday, not being a day to which paragraph (f) or (g) applies;

(j) subject to subsections (2) and (3), between 6 p.m. and midnight on a Monday, Tuesday, or Wednesday, not being a day to which paragraph (f) or (g) applies or a day part

of which is a cup part holiday in the part of the State in which the shop is located or situated; or

(k) between 9 p.m. and midnight on a Thursday or Friday, not being a day to which paragraph (f) or (g) applies or a day part of which is a cup part holiday in the part of the State in which the shop is located or situated.

(d) by omitting from subsection (2) “ paragraph (h) ” and substituting “ paragraph (j) ”;

(e) by omitting from that subsection “ Penalty: \$1 000. ”;

(f) by adding the following subsections after subsection (2):—

(3) Where, pursuant to section 5 (2A), a shop may be kept open until 9 p.m. on a day referred to in paragraph (j) of subsection (1), the reference to 6 p.m. in that paragraph shall be read as a reference to 9 p.m.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

8—After section 8 of the Principal Act, the following section is inserted:—

Insertion in
Principal Act
of new
section 8A.

8A—(1) The Governor may, by order made on the recommendation of the Minister, amend Part I of Schedule 1 by—

Power of
Governor
to amend
Schedule 1 to
Principal Act.

(a) amending a clause relating to a general holiday specified in that Part;

(b) omitting a clause relating to a general holiday specified in that Part; or

(c) inserting in that Part a clause relating to a day that is a holiday throughout the State.

(2) The Governor may, by order made on the recommendation of the Minister, amend Part II of Schedule 1 by—

(a) amending a clause relating to a local holiday specified in that Part;

(b) omitting a clause relating to a local holiday specified in that Part;

- (c) inserting in that Part a clause relating to a day that is a holiday only in part of the State; or
- (d) inserting in that Part a clause relating to a day part of which is a holiday only in part of the State.

Insertion of
new Schedule 1
in Principal
Act.

9—After section 9 of the Principal Act, the following Schedule is inserted:—

SCHEDULE 1

Section 3

GENERAL HOLIDAYS AND LOCAL HOLIDAYS

PART I—GENERAL HOLIDAYS

1. New Year's Day and, if that day falls on a Saturday or Sunday, the following Monday.
2. 26th January (Australia Day) if that day falls on a Monday, or the Monday following 26th January, in any other case.
3. Labour Day, being the first Monday in March.
4. Good Friday.
5. Easter Monday.
6. Anzac Day.
7. The day appointed under the *Bank Holidays Act 1919* as the day to be observed as the anniversary of the Sovereign's birthday.
8. Christmas Day and, if that day falls on a Saturday or Sunday, the following Monday.
9. Boxing Day and—
 - (a) the following Monday, if Christmas Day falls on a Friday; or
 - (b) the following Tuesday, if Christmas Day falls on a Saturday or Sunday.

PART II—LOCAL HOLIDAYS

1. The day that is the holiday known as People's Day at the Royal Hobart Regatta and being a holiday observed in the part of the State fixed by the Governor pursuant to the *Bank Holidays Act 1919*.
2. The day that is observed as a holiday on the first Monday in November in the part of the State where the day referred to in paragraph 1 of this Part is not observed as a holiday.
3. A day appointed under the *Bank Holidays Act 1919* as a holiday in connection with the holding of an annual show (being an agricultural, pastoral, or agricultural and pastoral show) in the part of the State specified in the notification under that Act that is published in the *Gazette* in relation to the appointment of that day.

4. A day appointed under the *Bank Holidays Act* 1919 as a bank holiday in the part or parts of the State specified in the notification under that Act that is published in the *Gazette* in relation to the appointment of that day, being a day appointed as a bank holiday in connection with the holding of a race meeting within the meaning of the *Racing and Gaming Act* 1952.

5. The part of a day appointed under the *Bank Holidays Act* 1919 as a bank part holiday in the part or parts of the State specified in the notification under that Act that is published in the *Gazette* in relation to the appointment of that part of a day, being a part of a day appointed as a bank part holiday in connection with the holding of a race meeting within the meaning of the *Racing and Gaming Act* 1952.

10—Schedule 1 to the Principal Act (being the Schedule containing grouping provisions) is renumbered as Schedule 2.

Renumbering
of Schedule 1
to Principal
Act (GROUPING
PROVISIONS).

