

Legislative Council—No 33A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 29 March 2012

South Australia

**Statutes Amendment (Shop Trading and Holidays)
Bill 2012**

A BILL FOR

An Act to amend the *Acts Interpretation Act 1915*, the *Holidays Act 1910* and the *Shop Trading Hours Act 1977*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Shop Trading and Holidays) Act 2012*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Acts Interpretation Act 1915*

4—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *Parliament* insert:

part-day public holiday means a part of a day that is, under section 3B of the *Holidays Act 1910*, a part-day public holiday;

(2) Section 4(1), definition of *public holiday*—delete the definition and substitute:

public holiday—see subsections (3) and (4);

(3) Section 4—after subsection (2) insert:

(3) A reference in an Act or statutory instrument to a *public holiday* is a reference to—

(a) a day that is, under the *Holidays Act 1910*, a public holiday;
or

(b) subject to subsection (4)—a part-day public holiday.

(4) If for the purposes of an Act or statutory instrument a business day, working day or other period is expressed as excluding a public holiday, the exclusion does not extend to a part-day public holiday (unless the Act expressly provides to the contrary).

5—Amendment of section 27—Provisions as to limitation of time

Section 27—after subsection (2) insert:

(2a) A reference in subsection (2) to a public holiday does not include a part-day public holiday.

Part 3—Amendment of *Holidays Act 1910*

6—Insertion of section 3B

After section 3A insert:

3B—Christmas Eve and New Year's Eve

The part of the day from 7pm to 12 o'clock midnight on—

(a) 24 December; and

(b) 31 December,

will be a public holiday (a *part-day public holiday*).

7—Amendment of section 7—Payments and other acts on holidays or Saturdays

Section 7—after subsection (2) insert:

(3) A reference in this section to a public holiday does not include a part-day public holiday.

7A—Review

(1) The Minister must cause a review of the operation of section 3B of the *Holidays Act 1910* (as to be inserted into that Act by section 6 of this Act) to be conducted and a report on the results of the review to be submitted to him or her.

- 5 (2) The review must include an assessment of the impact of the introduction of part-day public holidays on government, business and the community, including the additional costs resulting from part-day public holidays and, in particular, any additional Government expenditure in each financial year on matters relating to part-day public holidays (such as expenditure on wages and funding to organisations to compensate for the additional costs to those organisations resulting from part-day public holidays).
- (3) The review must be commenced on 1 January 2013 and the report must be submitted to the Minister within 3 months after the commencement of the review.
- 10 (4) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

Part 4—Amendment of *Shop Trading Hours Act 1977*

8—Amendment of section 4—Interpretation

- (1) Section 4(1)—delete "Central Shopping District" wherever occurring and substitute in each case:

15 Central Business District (CBD) Tourist Precinct

- (2) Section 4(1), definition of *exempt shop*, (a)(ii)—delete "; and" and substitute:

; or

- (3) Section 4(1), definition of *public holiday*—delete "means a day that is designated as a public holiday by or under the *Holidays Act 1910* but"

9—Amendment of section 5—Exemptions

- (1) Section 5—delete "14 days" wherever occurring and substitute in each case:

30 days

- (1a) Section 5(5) and (6)—delete subsections (5) and (6)

- (2) Section 5(7)—delete subsection (7)

10—Amendment of section 13—Hours during which shops may be open

- (1) Section 13—delete subsections (1) and (2) and substitute:

- (1) Subject to this section, the shopkeeper of a shop situated in the Greater Adelaide Shopping District may open the shop—

(a) until 9.00 p.m. on every weekday; and

30 (b) until 5.00 p.m. on a Saturday; and

(c) from 11.00 a.m. to 5.00 p.m. on a Sunday.

- (2) Subject to this section, the shopkeeper of a shop situated in the Central Business District (CBD) Tourist Precinct may, in addition to the hours prescribed by subsection (1), open the shop from
35 11.00 a.m. to 5.00 p.m. on public holidays in any year.

(2) Section 13—after subsection (5) insert:

(5aa) Subject to this section, the shopkeeper of a shop situated in a shopping district may open the shop on a part-day public holiday that falls on a weekday as if it were not a public holiday.

5 (3) Section 13(5d)—delete "subsections (1) or (2)" and substitute:
subsection (1), (2), (5aa) or (7)

(4) Section 13(5e)—delete "subsection (1), (2) or (5)" and substitute:
subsection (1), (2), (5) or (5aa)

10 (5) Section 13(5e)—delete "or Christmas Day" and substitute:
or 25 December and not before 12 noon on 25 April

(6) Section 13(6)—after "districts" insert:
outside the Central Business District (CBD) Tourist Precinct

15 (7) Section 13—after subsection (6) insert:
(6a) Shops in the Central Business District (CBD) Tourist Precinct must be closed on Good Friday, 25 December and until 12 noon on 25 April.

(8) Section 13(8)—delete subsection (8)

11—Review

20 (1) The Minister must cause a review of the operation and impact of the amendments to the *Shop Trading Hours Act 1977* made by Part 4 of this Act to be conducted and a report on the results of the review to be submitted to him or her.

(2) The review must be undertaken in conjunction with the review under section 7A of this Act and the report must be submitted to the Minister at the same time as the review under that section.

25 (3) The Minister must cause copies of the report to be laid before both Houses of Parliament at the same time as the report under section 7A is laid before both Houses.