

## Office of Fair and Safe Work Queensland

# Trading Hours

The trading hours of shops in Queensland are regulated by way of the *Trading (Allowable Hours) Act 1990*, supported by the *Trading (Allowable Hours) Regulation 2004* and various trading hours orders made by the Queensland Industrial Relations Commission.

Generally, the minimum allowable trading hours throughout Queensland are:

8.00am to 9.00pm Monday to Friday (extended hours may apply in certain areas); and  
8.00am to 5.00pm Saturday (extended hours may apply in certain areas)

Different extended trading applies on Sunday and certain public holidays.

Hours of trade will depend on the classification of shops. Shops are mainly classed as:

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

## What are exempt shops?

Exempt shops are described by the *Trading (Allowable Hours) Act 1990* as shops that predominantly sell goods by retail, or for supplying services, that a reasonable person would expect to be sold or supplied in such shops.

The trading hours of exempt shops are totally unrestricted. The occupiers of these shops may trade whenever they wish however, hours of trade may be restricted by virtue of some other Act or contract. For example, licensed premises, tenancy contracts, etc. The following shops are listed in the Act as exempt:

- antique shop
- aquarium and aquarium accessories shop
- art gallery
- arts and crafts shop
- bait and tackle shop
- book shop, newsagency
- bread shop, cake shop, pastry shop
- camping equipment shop
- chemist
- confectionery shop
- cooked provisions shop (where the provisions are cooked or heated on the premises immediately before sale)
- delicatessen
- fish shop
- flower shop
- fruit, vegetable or fruit and vegetable shop
- funeral director's premises
- hair salon, beauty salon or barber shop

- ice-cream parlour
- licensed premises within the meaning of the *Liquor Act* or *Wine Industry Act*
- marine shop
- milk bar
- plant nursery, shop for selling garden plants and shrubs, seeds, garden and landscaping supplies or equipment and associated products
- pet shop
- photographic shop
- premises which are licensed under the *Pawnbrokers Act*
- restaurant, café, refreshment shop
- service station
- shop for selling motor vehicle spare parts and/or motor cycle parts
- soap shop
- souvenir shop
- sporting goods shop
- temperance beverages shop
- tobacconists
- toy shop
- veterinary supplies shop
- video cassette shop (blank or pre-recorded)

## What are independent retail shops?

Independent retail shops have unlimited trading hours provided they meet certain criteria. Generally these shops are the 'small' retailers where the business is run by a single operator or a private company and where a maximum of 20 people are engaged in the shop at any one time and if a number of shops are operated throughout the State, a total of not more than 60 people are engaged at any one time in all the shops being operated.

The only restrictions on these shops are that they remain closed throughout the whole of Good Friday and 25 December (Christmas Day). They are also to remain closed until 1.00pm on 25 April (Anzac Day). Independent retail shops that are predominantly food and/or grocery shops are allowed to open on these days.

An independent retail shop must meet the following criteria:

The business is run by an individual, partnership or a proprietary company (does not include a public company or a related corporation); and

The number of people engaged at any one time in the shop including the owner is not over 20; and

The number of people engaged by the owner of the business in all shops throughout the State is not more than 60 at any one time.

The definition excludes certain types of shops and arrangements including:

- exempt shops
- offices
- shops selling wholly or partly wholesale products
- shops selling motor vehicles or caravans
- stalls in a market

## What are non-exempt shops?

Shops not classified as independent retail shops or exempt shops are classified as non-exempt. The trading hours for non-exempt shops are regulated by the *Trading (Allowable Hours) Act 1990* and by Orders made by the Queensland Industrial Relations Commission (Commission).

The Commission has the jurisdiction to decide trading hours in excess of the minimum allowable hours. Industrial organisations or other organisations may apply to the Commission for an extension of trading hours for non-exempt shops in a particular locality or state-wide. The Commission in making its decisions may consider issues such as locality, the needs of the tourist industry and the interests of the public, consumers and business. In line with this process, the Commission has approved trading on Sundays and certain public holidays in a number of areas in Queensland.

### Allowable trading hours

Generally, allowable trading hours throughout Queensland are:

8.00am to 9.00pm Monday to Friday; and  
8.00am to 5.00pm on Saturday (extended hours may apply in certain areas)

### Sunday and public holiday trading

Queensland has a number of areas where extended trading applies on Sundays and/or certain public holidays. These include:

Area	Sundays	Certain Public Holidays
South-East Queensland Area (this area extends north to Noosa, south to Coolangatta and west to Amberley and includes the Sunshine Coast Area, the Brisbane Statistical Division, the town of Beaudesert and the Gold Coast Area).	9am - 6pm	9am - 6pm
Area of New Farm of inner city of Brisbane Hamilton North Shore Area	7am - 9pm	7am - 9pm
<ul style="list-style-type: none"> <li>▪ Cairns Tourist Area</li> <li>▪ Townsville Tourist Area</li> <li>▪ Mossman and Port Douglas Tourist Area</li> <li>▪ Whitsunday Shire Tourist Area</li> <li>▪ Fraser Coast Area</li> <li>▪ Moranbah Area</li> <li>▪ Cooloola Cove Area</li> <li>▪ The City of Rockhampton Area</li> <li>▪ The City of Toowoomba</li> <li>▪ The Mackay Area</li> <li>▪ The Innisfail Area</li> <li>▪ The Emerald Area</li> <li>▪ The Tablelands Area</li> <li>▪ The Gladstone Area</li> <li>▪ Bundaberg Area</li> <li>▪ The Gympie Area</li> <li>▪ Biloela Area</li> <li>▪ The Marian Area</li> </ul>	9am - 6pm	8:30am - 5:30pm
Townsville and Thuringowa Area (excluding the Townsville Tourist Area)	11am to 6pm	8:30am to 5:30pm
Yeppoon Tourist Area Emu Park Tourist Area	10:30am - 5:30pm	8:30am - 5:30pm
Tourist and/or Seaside Resorts	Closed	8:30am - 5:30pm
Supermarkets located in the town of Port Douglas	7am - 6pm	7am - 6pm

Supermarkets located in the Gold Coast Coastal Tourist Area; Australia Fair Shopping Centre	8am - 8 pm	8am - 8 pm
Cairns CBD Area	9am - 9pm	8.30am - 5.30pm
Dalby Area	10:30am - 6pm	8:30am - 5:30pm

For area definitions, please refer to the Order for Trading Hours – Non-Exempt Shops Trading by Retail – State available on the Queensland Industrial Relations Commission website at [www.qirc.qld.gov.au](http://www.qirc.qld.gov.au)

## Closure and non-trade

Non-exempt shops cannot trade on Good Friday, 25 April, Labour Day and 25 December.

Additionally, non-exempt shops in the South-East Queensland Area must close on Easter Sunday.

## Hardware stores

Non-exempt hardware stores and builder material supply stores are also permitted to trade on Sundays.

## Easter Trading

Different extended trading hours' arrangements apply for retail shops over the Easter period each year.

## Christmas Trading

Special extended trading hours' arrangements apply for the four weeks leading up to Christmas each year.

## Anzac Day

Factories and shops (which includes offices) in Queensland are required to close on Anzac Day (25 April each year) with the following exceptions:

- exempt shops e.g. pharmacies, cafes/restaurants, bakeries, newsagents, service stations
- independent retail shops e.g. small shop with no more than 20 people engaged at any one time may open after 1.00pm but if they are selling predominantly food and/or grocery items they may open all day
- racing venues (horses or greyhounds)
- offices or agencies of TAB (Qld)
- premises licensed under the *Liquor Act* or *Wine Industry Act*
- real estate offices may open only for the purpose of rental transactions
- premises engaged in:
  - printing, publishing and distributing newspapers
  - manufacturing, distributing or supplying gas, electricity or water
  - necessary continuous manufacturing or mining
  - essential services
  - supplying of milk
  - manufacturing bread and the preparation of food in restaurants, cafes, pastrycook and hot takeaway food kitchens

On Anzac Day a person must not conduct the business of selling real estate including houses open for inspection.

Independent retail shops are to remain closed until 1.00pm on Anzac Day, however those which are predominantly food and/or grocery stores are not restricted.

Places of public amusement such as cinemas, amusement parks and sporting events (for the entertainment of the general public, whether or not an entry fee is charged) are **not** permitted to open until 1.30pm, unless written permission has been granted by the Minister for Industrial Relations.

## Special displays or exhibitions

The Commission may grant trading hours and conditions for holding special displays or exhibitions. Examples of special displays and exhibitions include home shows, electronic shows, office equipment expos and business expos.

## Advertising for business outside lawful trading hours

It is illegal to advertise that a shop will be open outside the hours permitted by the Act or an Order of the Commission.

## Order for Trading Hours - Non-Exempt Shops Trading by Retail - State

A consolidated copy of the *Order for Trading Hours - Non-Exempt Shops Trading by Retail - State* may be accessed via the Queensland Industrial Relations Commission website at [http://www.qirc.qld.gov.au/agreement\\_award/orders/index.htm](http://www.qirc.qld.gov.au/agreement_award/orders/index.htm)

## Offices

Under the *Trading (Allowable Hours) Act 1990* Section 4 meaning of terms, the definition of a "shop" includes "any office". An office means a place where any person is employed, directly or indirectly to perform work of a clerical nature; or to perform, or to assist in the performance of, work of a professional nature.

The definitions under the *Trading (Allowable Hours) Act 1990* of non-exempt shops, independent retail shops and exempt shops exclude an office.

On Good Friday and 25 December Christmas Day offices are not required to be closed.

Offices must be closed for the whole of Anzac Day 25 April, however there are some exceptions to this.

Offices are not required to be closed on the Labour Day public holiday.

## Shopping centre tenants

Shopping centre tenants in South-East Queensland are protected from being forced to trade on Sundays and public holidays.

For information on retail shop lease disputes, tenants should contact Queensland Civil and Administrative Tribunal (QCAT) on 1300 753 228.

## Where can I get more information?

### Contact

Office of Fair and Safe Work Queensland  
Department of Justice and Attorney-General

Ph: (07) 3225 2299

## **Disclaimer**

The information in this fact sheet is provided on the basis that readers will be responsible for making their own assessment of the matters discussed and are advised to verify all relevant representations, statements and information.

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