



**SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT ACT 1998**

**No. 77 of 1998**

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**A.D. 1998**

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**No. 77 of 1998**

**An Act to amend the Shop Trading Hours Act 1977 and to make a related amendment to the Retail and Commercial Leases Act 1995.**

*[Assented to 17 December 1998]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Shop Trading Hours (Miscellaneous) Amendment Act 1998*.

(2) The *Shop Trading Hours Act 1977* is referred to in this Act as "the principal Act".

**Commencement**

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

**Amendment of s. 4—Interpretation**

3. Section 4 of the principal Act is amended—

(a) by inserting the following subparagraphs after subparagraph (xii) of paragraph (b) of the definition of "exempt shop" in subsection (1):

(xiii) caravans; or

(xiv) trailers; or;

(b) by striking out paragraph (h) of the definition of "exempt shop" in subsection (1) and substituting the following paragraph:

(h) motor vehicles (other than caravans or trailers) or boats;;

- (c) by striking out the definition of "the metropolitan area" from subsection (1) and substituting the following definition:

**"the metropolitan area"** means that part of the State comprising the areas, or the parts of the areas, of the councils referred to in Schedule 1;;

- (d) by striking out subsection (2) and substituting the following subsection:

(2) A shop is not an exempt shop by virtue of paragraph (b), (d) or (f) of the definition of "exempt shop" in subsection (1) unless during the immediately preceding period of seven consecutive trading days of the shop the aggregate price of all goods sold at the shop and that fall within any one or more of the classes of goods referred to in those paragraphs is 80 per cent or more of the aggregate price of all goods sold at the shop during that period.

**Amendment of s. 11—Proclaimed Shopping Districts**

4. Section 11 of the principal Act is amended by striking out ", in relation to which the Minister has given a certificate under section 12(6)" from subsection (2).

**Amendment of s. 13—Hours during which shops may be open**

5. Section 13 of the principal Act is amended—

- (a) by striking out paragraphs (a) and (b) of subsection (1) and substituting the following paragraph:

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

- (b) by inserting the following subsection after subsection (4):

(4a) Subject to this section and to any proclamation under this section, the shopkeeper of a shop situated in the Metropolitan Shopping District may open the shop—

(a) until 7.00 p.m. on every weekday other than a Thursday; and

(b) until 9.00 p.m. on a Thursday; and

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

(d) from 11.00 a.m. until 5.00 p.m. on each of the four Sundays immediately preceding Christmas day in each year.;

- (c) by inserting "or the Metropolitan Shopping District" after "Central Shopping District" in subsection (5);

- (d) by striking out "caravans, trailers or" from subsection (5a);

- (e) by striking out subsection (5d) and substituting the following subsection:

(5d) Neither subsection (1d) nor subsection (4a)(d) entitles the shopkeeper of a shop referred to in subsection (5a) or (5b) that is situated in the Central Shopping District or the Metropolitan Shopping District to open the shop on a Sunday.;

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- (f) by striking out "subsection (1) or (5)" from subsection (5e) and substituting "subsection (1), (4a) or (5)";
- (g) by striking out "period of seven consecutive trading days of the shop occurring immediately before the application of subsection (5e) is determined" from subsection (5f) and substituting "immediately preceding period of seven consecutive trading days of the shop";
- (h) by striking out "Subject to subsection (5e)" from subsection (5g) and substituting "Subject to subsections (5e) and (5h)";
- (i) by inserting the following subsection after subsection (5g):

(5h) Subject to any proclamation under this section, the shopkeeper of a shop situated in the Central Shopping District may open the shop until 5.00 p.m. on the day after Good Friday in the year 2000 and until 5.00 p.m. on the day after Good Friday in each subsequent year.;

- (j) by inserting the following subsection after subsection (10):

(10a) The Governor must not, by proclamation under subsection (9), authorise the opening of shops in the Metropolitan Shopping District or any part of the Metropolitan Shopping District on more than two Sundays in any calendar year.

**Amendment of s. 13A—Restrictions relating to Sunday trading**

6. Section 13A of the principal Act is amended—

- (a) by inserting "or the Metropolitan Shopping District" after "Central Shopping District" in subsections (1) and (3);
- (b) by striking out "*Retail Shop Leases Act 1995*" from subsection (2) and from the definition of "retail shop lease" in subsection (4) and substituting, in each case, "*Retail and Commercial Leases Act 1995*".

**Amendment of s. 16—Prescribed goods**

7. Section 16 of the principal Act is amended by striking out paragraph (b) of the definition of "prescribed goods" in subsection (1) and substituting the following paragraph:

- (b) motor vehicles (other than caravans and trailers) and boats;.

**Insertion of Schedule 1**

8. The following schedule is inserted after section 19 of the principal Act:

**SCHEDULE 1**  
*The Metropolitan Area*

Corporation of the City of Adelaide  
That part of the area of the Adelaide Hills Council formerly comprising the areas of the District  
Council of East Torrens and the District Council of Stirling  
Corporation of the City of Burnside  
Corporation of the City of Campbelltown  
City of Charles Sturt  
Corporation of the Town of Gawler

City of Holdfast Bay  
Corporation of the City of Marion  
Corporation of the City of Mitcham  
City of Norwood, Payneham and St. Peters  
City of Onkaparinga  
City of Playford  
City of Port Adelaide Enfield  
Corporation of the City of Prospect  
Corporation of the City of Salisbury  
Corporation of the City of Tea Tree Gully  
Corporation of the City of Unley  
Corporation of the Town of Walkerville  
City of West Torrens

**Insertion of heading**

9. The following heading is inserted immediately before the heading "SCHEDULE OF TRANSITIONAL PROVISIONS":

**SCHEDULE 2**

**Amendment of Retail and Commercial Leases Act 1995**

10. The Retail and Commercial Leases Act 1995 is amended by inserting the following subsection after subsection (2) of section 61:

(2a) The lessor or the lessee under a retail shop lease (or an officer of an association referred to in section 60 acting at the request of a lessee) may call a meeting of the persons who are entitled to vote in a ballot to vote on a resolution approving different core trading hours for the purposes of subsection (1)(c).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor