



Victoria Government Gazette

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SPECIAL

Shop Trading Reform Act 1996

GUIDELINES FOR SPECIAL EXEMPTIONS FROM EASTER SUNDAY CLOSING

I Marsha Thomson, Minister for Small Business, under section 5A (3) of the **Shop Trading Reform Act 1996** issue the following Guidelines that, among other things, set out the matters that may be considered in determining whether to recommend the making of a special exemption from the general requirement that shops close on Easter Sunday.

Dated 7 April 2003

MARSHA THOMSON MP

Minister for Information and Communication Technology

Minister for Small Business

Introduction

Under the **Shop Trading Reform Act 1996** ("the Act"), shops are generally required to be closed on Good Friday, Easter Sunday, Christmas Day and before 1.00 pm on ANZAC Day.

However, certain types of businesses are exempt shops and can trade on these days if they have fewer than 20 full time employees. Furthermore, Section 5A(1) of the Act provides that the Governor in Council, on the recommendation of the Minister, by Order published in the Government Gazette, may exempt:

- (a) a specified shop; or
- (b) a specified class of shop; or
- (c) shops in a specified area -

from the general requirement to be closed and kept closed during all times on Easter Sunday.

Section 5A(2) of the Act provides that the Governor in Council may grant an exemption under sub-section (1) subject to any conditions the Governor in Council thinks fit and specifies in the Order.

Section 5A(3) of the Act provides that the Minister may, by notice published in the Government Gazette, issue guidelines setting out, among other things, the matters that the Minister may consider in determining whether to recommend the making of an Order under that section.

Matters that may be considered by the Minister

Without limiting the matters to which the Minister may consider for the purposes of determining whether to recommend the making of an Order under section 5A of the Act, the Minister may have regard to the following matters:

- (1) in regards to a certain event:
 - (a) the nature of the event, its history and tradition, and the extent of community participation;
 - (b) the benefit that the event generates to the local community;
 - (c) the extent to which the general requirement for shops to close on Easter Sunday would adversely affect the running of the event;
 - (d) the extent to which the shops which are the subject of the proposed exemption are related to the event;
 - (e) where a Municipal Council is proposing an exemption, evidence that it has consulted with the local community about the proposal; and
 - (f) the extent of support by the local community to permit the shops to open on Easter Sunday;
- (2) the existence of extenuating local circumstances; and
- (3) whether an exemption would clarify the practical operation of the Act.

Length of period for which exemption Order applies

The Act provides that an Order operates for the period specified in the Order or, if no period is specified, until it is revoked.

As a matter of policy, the period of the Order will be in accordance with the nature of the event or the grounds on which the exemption was granted. In the case of on-going events, it is intended that an Order will generally be valid for a period of five (5) years from the date on which the Order is provided, although the Order can be renewed if necessary.

Submissions

It is generally expected that submissions proposing an exemption should be submitted in writing and should be made or endorsed by the relevant Municipal Council.

Closing date for submissions

To ensure that the community has a reasonable period each year to prepare for shop trading arrangements on Easter Sunday, submissions from Municipal Councils or others that are seeking an exemption should be received by **close of business 31 January** in the year in which the special exemption is being sought.

Submissions should be sent to the following address:

Easter Sunday exemptions,
c/- Director, Small Business,
Department of Innovation, Industry and Regional Development,
Level 14/55 Collins Street,
Melbourne, Victoria, 3000.

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