



New South Wales

Shop Trading Amendment (Transitional) Regulation 2009

under the

Shop Trading Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Shop Trading Act 2008*.

JOHN ROBERTSON, MLC
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to provide for the following additional transitional arrangements to apply during the 2 years after the commencement of the *Shop Trading Act 2008* (the **2008 Act**):

- (a) existing transitional arrangements under the 2008 Act that continue exemptions granted under the *Shops and Industries Act 1962* will be extended to orders under that Act that exempted shops in certain areas from the requirement to close on certain restricted trading days,
- (b) shops in the Sydney commercial business district will be permitted to open on Boxing Day.

This Regulation is made under the 2008 Act, including clause 1 of Schedule 2 (the savings and transitional regulation-making power) and section 22 (the general regulation-making power).

2009 No 623

Clause 1 Shop Trading Amendment (Transitional) Regulation 2009

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1 Name of Regulation

This Regulation is the *Shop Trading Amendment (Transitional) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Shop Trading Regulation 2009

[1] Clause 6

Insert after clause 5:

6 Additional transitional arrangements

- (1) Clause 2 of Schedule 2 (Savings, transitional and other provisions) to the 2008 Act extends to a transitional exemption order as if the order were an existing exemption under that clause that was in force immediately before the repeal of the 1962 Act and as if the order were not limited in its application to an occurrence of the restricted trading day during the pre-commencement period but extended to any occurrence of the restricted trading day during the transition period.
- (2) A shop in the Sydney commercial business district is exempted from a requirement under the 2008 Act to be kept closed on Boxing Day during the transition period.
- (3) In this clause:
 - 1962 Act* means the *Shops and Industries Act 1962*.
 - 2008 Act* means the *Shop Trading Act 2008*.
 - pre-commencement period* means the period of 12 months immediately before the commencement of the 2008 Act.
 - Sydney commercial business district* means the district described in Schedule 2.
 - transition period* means the period of 2 years after the commencement of the 2008 Act.
 - transitional exemption order* means an order under section 85 of the 1962 Act that permitted a shop to be kept open on a restricted trading day during the pre-commencement period.

[2] Schedule 2

Insert after Schedule 1:

Schedule 2 Sydney commercial business district

The Sydney commercial business district is the district described as:

- (a) having a northern boundary composed by the southern shoreline of Port Jackson Harbour, extending from Rushcutters Bay to Jubilee Park at Blackwattle Bay, and

2009 No 623

Shop Trading Amendment (Transitional) Regulation 2009

Schedule 1 Amendment of Shop Trading Regulation 2009

- (b) having a western boundary extending from Jubilee Park at Blackwattle Bay, along the western side of Glebe Point Road and City Road, and then in a direct line to the corner of City Road and Cleveland Street, Chippendale, and
- (c) having a south-western boundary extending from the corner of City Road and Cleveland Street, Chippendale, proceeding in a direct line to the corner of South Dowling Street and Todman Avenue, Kensington, and
- (d) having a south-eastern boundary from the corner of South Dowling Street and Todman Avenue, Kensington, proceeding in a direct line to the corner of Council Street and Bondi Road, Bondi Junction, and
- (e) having a north-eastern boundary from the corner of Council Street and Bondi Road, Bondi Junction, proceeding in a direct line to the corner of New South Head Road and Neild Avenue, Rushcutters Bay, and then in a direct line due north to the southern shoreline of Port Jackson Harbour.