

c2017-074  
OPP--OPPOSITION

## LEGISLATIVE COUNCIL

### Retail Trading Amendment (Boxing Day) Bill 2017

First print

#### Proposed amendments

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No. 1      **Freedom from victimisation**

Page 2, clause 3. Insert after line 6:

(1)      **Section 8B**

Insert after section 8A:

**8B      Freedom from victimisation**

- (1)      Section 210 of the *Industrial Relations Act 1996* extends to the victimisation of an employee or prospective employee because the person refuses or fails to work in a shop on Boxing Day.
- (2)      Accordingly, any such victimisation is a contravention of Part 1 of Chapter 5 of that Act.

No. 2      **Freedom from victimisation**

Page 2, clause 3. Insert after line 6:

(1)      **Section 14CB**

Insert after section 14CA:

**14CB      Freedom from victimisation**

- (1)      Section 210 of the *Industrial Relations Act 1996* extends to the victimisation of an employee or prospective employee because the person refuses or fails to work in a bank on Boxing Day.
- (2)      Accordingly, any such victimisation is a contravention of Part 1 of Chapter 5 of that Act.

No. 3      **Fines for contravention**

Page 2, clause 3. Insert after line 6:

(1)      **Section 19A**

Insert after section 19:

**19A      Penalty notices**

- (1)      An inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed any of the following offences:

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- (a) an offence against section 5 constituted by opening on Boxing Day with any staff who have not freely elected to work on that day,
  - (b) an offence against section 14C (2A) constituted by opening on Boxing Day with any staff who have not freely elected to work on that day.
- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (3) The amount payable under a penalty notice issued under this section is \$3,000 for each member of staff who did not freely elect to work on that day (up to a total amount not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (4) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

**No. 4      Removal of sunset provisions**

Page 2, clause 3 (2), lines 9–11. Omit all words on those lines. Insert instead:

- (2) **Section 27 Sunset of amendments made by Retail Trading Amendment Act 2015**

Omit “1 December 2017” wherever occurring.

Insert instead “1 December 2019”.

**No. 5      Removal of sunset provisions**

Page 2, clause 3. Insert after line 14:

- (4) **Schedule 3, heading**

Omit “1 December 2017”. Insert instead “1 December 2019”.

- (5) **Schedule 4, heading**

Omit “1 December 2017”. Insert instead “1 December 2019”.