

AUSTRALIAN CAPITAL TERRITORY

TRADING HOURS ORDINANCE 1962

EXPLANATORY MEMORANDUM

No. 19 of 1962

The draft Trading Hours Ordinance 1962, which is intended to come into operation on the 1st January, 1963 adopts, with modification, recommendations of the Joint Parliamentary Committee on the Australian Capital Territory, and would replace the existing Trading Hours ordinance 1926-1931.

The existing Ordinance regulates the hours during which specified classes of shops may be kept open. The draft Ordinance would regulate the hours during which goods may be sold. The new method of regulation is more appropriate to the controls and exemptions contained in the draft Ordinance.

The draft Ordinance will not apply to:

- (a) registered pharmacists;
- (b) hawkers;
- (c) sales made:
  - (i) otherwise than in the course of carrying on a business;
  - (ii) at a National Agricultural Society show;
  - (iii) at an exhibition or fair approved by the Minister.
- (d) the sale of liquor;
- (e) sales of the following exempt goods:
  - (i) foodstuffs and non-alcoholic beverages;
  - (ii) ice;
  - (iii) petrol, fuel-oils, and lubricants;
  - (iv) motor vehicles and motor vehicle and engine parts;
  - (v) tyres and tubes;

- (vi) flowers;
- (vii) newspapers, books and periodicals;
- (viii) tobacco, cigars, cigarettes, cigarette papers, cigarette holders, matches, pipes and pipe cleaners.
- (ix) soap, toothpaste, toothbrushes, shaving cream and lotions, cosmetics, razors and razor blades, adhesive bandages and toilet paper and tissues.

The draft Ordinance does not contain the provisions of the existing Ordinance requiring a shopkeeper to make an election in respect of his trading hours on Wednesdays but contains a new provision which would prohibit the delivery at a shop, after trading hours, of goods sold or serviced at the shop.

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A comparative table of the principal provisions of the existing and the draft Ordinance, and of the exemptions provided by each, follows:

	<u>1926-1931 Ordinance</u> <u>Trading Hours</u>	<u>Draft Ordinance</u> <u>Selling Hours</u>
Monday, Tuesday.	6 am – 6 pm.	6 am – 6 pm
Wednesday	6 am – 1 pm or 6 pm depending on election	6 am – 6 pm
Thursday	6 am – 6 pm	6 am – 6 pm
Friday (late shopping day)	6 am – 6 pm or 10 pm depending on election as to Wednesday	6 am – 9 pm When the late shopping day falls on a public holiday the preceding weekday of the same week is made the late shopping day.
Under both Ordinances the Minister may vary the late shopping night of a shop or class of shops.		
Saturday	6 am – 10 pm or 1 pm depending on election as to Wednesday.	6 am – 12 noon

#### EXCEPTIONS, EXEMPTIONS, AND SUNDAY TRADING.

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| (i) Newsagents and booksellers may trade until 10 pm on Fridays and Saturdays and until 8 pm on other weekdays.  | (i) Books, magazines and newspapers may be sold at any time.  |
| (ii) Tobacconists and hairdressers may trade until 10 pm on Fridays and Saturdays depending on their elections with regard to Wednesday and Saturday.                    | (ii) Smokers' requisites, cosmetics, and some specified toiletries may be sold, and hairdressing services provided, at any time |
| (iii) <u>1926-1931 Ordinance.</u><br>Chemists, druggists and dispensaries may trade until 11pm on any day except between 10.30 am – 12.30 pm and 6 pm – 8 pm on Sundays. | (iii) <u>Draft Ordinance.</u><br>Registered pharmacists may trade at any time.  |
| (iv) Fruit, vegetables, flowers, confectioners and undertakers shops and billiards or bagatelle rooms may remain open until 11 pm on all weekdays.                       | (iv) All foodstuffs may be sold at any time. Services and billiard rooms etc. are not regulated.                                |

<u>1926-1931 Ordinance.</u>	<u>Draft Ordinance.</u>
(v) Restaurants, cafes and fish, oyster and food shops may trade until 12 pm on all weekdays.	(v) All foodstuffs may be sold at any time.
(vi) When newsagencies, bookshops or tobacconist or hairdressing shops are kept closed during any weekday public holiday, they may be kept open until 6 pm., or 7 pm in the case of a hairdressers or tobacconists' shops, on that day of the week on which the closing time is 1 pm., and where the public holiday is Xmas Day, New Years Eve or Good Friday they may be kept open until 10 pm on the day preceding the holiday.	(vi) Smokers' requisites, cosmetics and some specified toiletries may be sold, and hairdressing services provided, at any time.
(vii) when Xmas Day falls on a Sunday or Monday, a shop which usually closes at 1 pm on Saturdays may be kept open until 10 pm on the Saturday before Xmas Day if it was closed at 6 pm on the preceding Friday and if no shop assistants are employed on the Monday or Tuesday following Xmas Eve.	(vii) When Xmas Eve, or New Years Eve falls on a weekday other than a public holiday and is not a late shopping night, a shopping night, a shopkeeper may elect that Xmas Eve or New Years Eve shall be his late shopping night of the respective week.
(viii) Where a shop is kept closed on a weekday observed as a holiday for religious purposes it may be kept open until 6 pm., or 7 pm in the case of hair dressers and tobacconists' shops, on the day (of that week) on which the closing time of the shop is 1 pm.	(viii) Services such as hairdressing are not regulated. Smokers' requisites, cosmetics, and some specified toiletries may be sold at any time.
(ix) Pastry and bakery shops, tea rooms, delicatessens and confectioners' shops may open for the sale of most food stuffs and non alcoholic beverages from 8.30 am to 10 am., 12.30 pm to 6.30 pm and 8.30 pm to 10 pm on Sundays.	(ix) Foodstuffs may be sold at any time.

1926-1931 Ordinance.

- (x) The Ordinance does not regulate the trading hours of railway refreshment rooms, bookstalls, or to hotels or charitable bazaars.

Draft Ordinance.

- (x) Foodstuffs and non-alcoholic beverages, newspapers, books, periodicals, smokers' requisites, cosmetics, and some specified toiletries may be sold at any time.