



Australian Capital Territory

# **Trading Hours Act 1996**

**A1996-40**

**Republication No 1**

**Effective: 9 September 1996 – 29 May 1997**

Republication date: 12 November 2008

Last amendment made by A1996-45  
(republication for new Act and amendments  
by A1996-45)

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

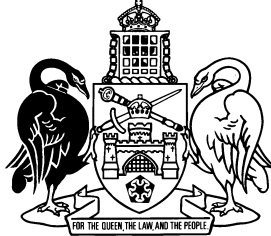
This is a republication of the *Trading Hours Act 1996* effective 9 September 1996 to 29 May 1997.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

---

## TRADING HOURS ACT 1996

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

### TABLE OF PROVISIONS

Section

#### PART I—PRELIMINARY

1. Short title
2. Commencement
3. Repeal
4. Interpretation
5. Application of Act

#### PART II—TRADING HOURS OF LARGE SUPERMARKETS

6. Trading hours
7. No trading outside hours

#### PART III—INSPECTORS

8. Inspectors
9. Identity cards
10. Powers of inspectors
11. Production of identity cards

*Trading Hours Act 1996*

**TABLE OF PROVISIONS—continued**

Section

**PART IV—MISCELLANEOUS**

12. Conduct of directors, servants and agents

**SCHEDULE**

**ACTS REPEALED**



Australian Capital Territory

---

## TRADING HOURS ACT 1996

An Act relating to the trading hours of certain supermarkets

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Trading Hours Act 1996*.<sup>1</sup>

#### Commencement

2.<sup>1</sup> (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### Repeal

3. The Acts set out in the Schedule are repealed.

#### Interpretation

4. In this Act, unless the contrary intention appears—

*Trading Hours Act 1996*

“applicable trading hours”, in relation to a large supermarket, means the period of time during which, under section 6, that supermarket may be open for the purpose of trading;

“inspector” means a person referred to in subsection 8 (3);

“large supermarket” means a supermarket that—

- (a) exceeds 400 square metres in floor area; and
- (b) is situated in a town centre;

“Territory Plan” means the Territory Plan as in effect from time to time under the *Land (Planning and Environment) Act 1991*;

“town centre” means any of the following areas referred to in the Territory Plan:

- (a) the Belconnen Town Centre;
- (b) the Civic Centre;
- (c) the Woden Town Centre;
- (d) the Tuggeranong Town Centre.

### **Application of Act**

**5. (1)** The Minister may, by instrument, declare that this Act does not apply to a part of the Territory specified in the instrument and, while the instrument is in effect, this Act does not apply to that part of the Territory.

**(2)** An instrument under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

## **PART II—TRADING HOURS OF LARGE SUPERMARKETS**

### **Trading hours**

**6. (1)** The Minister may, by instrument, specify the periods of time during which large supermarkets generally, or large supermarkets included in a specified class of large supermarkets, may be open for the purpose of trading.

**(2)** An instrument under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

*Trading Hours Act 1996*

(3) Where, at any time, no instrument under subsection (1) is in effect in relation to a large supermarket, the periods of time during which that supermarket may be open for the purpose of trading are—

- (a) from 7 a.m. to 7 p.m. on a day from Monday to Thursday;
- (b) from 7 a.m. to 10 p.m. on a Friday;
- (c) from 7 a.m. to 7 p.m. on a Saturday; and
- (d) from 7 a.m. to 5 p.m. on a Sunday.

**No trading outside hours**

7. (1) A person shall not keep a large supermarket open for the purpose of trading at a time that is outside the applicable trading hours.

Penalty: 200 penalty units.

(2) Subsection (1) shall not be taken to be breached by a trading transaction outside the applicable trading hours with a person who had entered the supermarket during those hours.

**PART III—INSPECTORS**

**Inspectors**

8. (1) There may be 1 or more inspectors for the purposes of this Act.

(2) The Chief Executive shall create and maintain 1 or more offices in the Government Service the duties of which include performing the functions of an inspector.

(3) An inspector shall be any public servant for the time being performing the duties of a Government Service office referred to in subsection (2).

**Identity cards**

9. (1) The Chief Executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.

(2) Upon ceasing to occupy, or to act in, an office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the Chief Executive.

Penalty: 1 penalty unit.

**Powers of inspectors**

**10. (1)** For the purposes of this Act, an inspector may, at any time when it is open, enter and inspect a large supermarket or a place that he or she reasonably believes to be a large supermarket.

**(2)** A person shall not obstruct, molest or hinder an inspector in the exercise of his or her powers under this section.

Penalty: 200 penalty units.

**Production of identity cards**

**11.** An inspector who enters premises for the purposes of this Act is not authorised to remain there if he or she does not produce his or her identity card to the occupier on request.

**PART IV—MISCELLANEOUS**

**Conduct of directors, servants and agents**

**12. (1)** Where, for the purposes of this Act, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show—

- (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and
- (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.

**(2)** A reference in subsection (1) to the state of mind of a body or person shall be read as including a reference to—

- (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
- (b) the body's or person's reasons for the intention, opinion, belief or purpose.

**(3)** Any conduct engaged in on behalf of a body corporate or a natural person by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for the purposes of this Act, to have been engaged in also by the body or person unless the body or person establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct.



*Trading Hours Act 1996*

(4) A reference in this section to engaging in conduct shall be read as including a reference to failing or refusing to engage in conduct.

---

*Trading Hours Act 1996*

**SCHEDULE**

Section 3

**ACTS REPEALED**

*Trading Hours Act 1962*

*Trading Hours Act 1968*

*Trading Hours Act 1971*

*Trading Hours Act 1972*

*Trading Hours (Amendment) Act 1977*

*Trading Hours (Amendment) Act 1984*

---

*Trading Hours Act 1996*

**NOTE**

1. The *Trading Hours Act 1996* as shown in this reprint comprises Act No. 40, 1996 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Trading Hours Act 1996</i>	40, 1996	10 July 1996	Ss. 1 and 2: 10 July 1996 Remainder: 9 Sept 1996 (see <i>Gazette</i> 1996, No. S206)	
<i>Trading Hours (Amendment) Act 1996</i>	45, 1996	9 Sept 1996	9 Sept 1996	—

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 4 .....	am. No. 45, 1996
Ss. 6, 7 .....	am. No. 45, 1996

© Australian Capital Territory 2008