



## SERVICE STATIONS (TRADING HOURS)

No. 61 of 1975

### ANALYSIS

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**AN ACT to make provision for regulating the trading hours of service stations and for matters incidental thereto and to amend the *Factories, Shops, and Offices Act 1965*.**

[11 December 1975]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Service Stations (Trading Hours) Act 1975*. Short title.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—

“motor accessories” means any article or thing manufactured, constructed, or designed for use in or on or as a part of a motor vehicle or for the purpose of the maintenance or repair of a motor vehicle;

“ordinary closing hours”, when used in relation to service stations situated in a roster area, means the times at which a service station situated in that area in respect of which no permit is in force under section 5 is required by section 4 to be kept closed;

“petrol pump” means any pump or similar device that may be used for the delivery of any liquid fuel from the place at which it is kept directly to the fuel tank of a motor vehicle;

“petroleum products” means any liquid intended for use as a fuel for a motor vehicle propelled by means of an internal combustion engine, any lubricant intended for use as a lubricant in a motor vehicle, and kerosene;

“proprietor”, when used in relation to a service station, means a person occupying that service station or having the management or control of the business carried on there;

“public holiday”, when used in relation to a service station, means Good Friday, Christmas Day, Anzac Day and any other day that persons regularly employed in the sale of petroleum products and motor accessories are or would be under a determination made under the *Wages Boards Act 1920* allowed to take as a holiday from that service station without loss of wages;

“roster area” means an area declared to be a roster area under section 4;

“service station” means premises at which a petrol pump is installed and at which any petroleum products or motor accessories are offered or exposed for sale by retail to the public.

(2) A service station shall be deemed to be open unless—

(a) it is shut up in such a way as to exclude all persons from entering for the purchase, inspection, or removal of any petroleum products or motor accessories kept for sale therein; and

(b) each of the petrol pumps in the part not so shut up has been rendered inoperable by locking the delivery hose into the body of the pump and taking the key away.

(3) Notwithstanding anything contained in subsection (2), where at a service station both self-serve petrol pumps and petrol pumps that are not self-serve petrol pumps are installed that service station shall not be deemed to be open by reason only of the fact that a self-serve petrol pump has not been rendered inoperable.

(4) For the purposes of subsection (3), “self-serve petrol pump” means a petrol pump from which a petroleum product may be obtained by an operation that involves the insertion of coins or bank notes in the pump or in any machinery or device associated with it.

**3—(1)** Any person who is—

Authorized officers.

(a) an authorized officer within the meaning of the *Factories, Shops, and Offices Act 1965*; or

(b) appointed as an authorized officer under this section,

may enter a service station at all reasonable times to ascertain whether the provisions of this Act are being complied with.

(2) The Secretary for Labour may appoint authorized officers for the purposes of this Act.

**4—(1)** Where the Minister is satisfied that it is necessary or desirable to regulate the trading hours of service stations in any area, he may declare that area to be a roster area for the purposes of this Act.

Roster areas and general opening hours of service stations in those areas.

(2) The Minister may revoke or vary any declaration made under this section.

(3) A declaration or revocation or variation of a declaration under this section is of no effect unless—

(a) notice thereof is published in the *Gazette*; or

(b) notice thereof is served on the proprietor of each service station that is situated within the area to which the declaration relates.

(4) A notice under subsection (3) (b) may be served on the proprietor of a service station by sending it by post to that service station addressed to him by name or to the proprietor of that service station without further description.

- (5) A service station in a roster area may be kept open—
- (a) between the hours of 6.30 a.m. and 6.30 p.m. on any day that is not a Friday, Saturday, or Sunday, or a public holiday;
  - (b) between the hours of 6.30 a.m. and 8.30 p.m. on any Friday that is not a public holiday; and
  - (c) between the hours of 6.30 a.m. and noon on any Saturday that is not a public holiday,

and, except as may otherwise be authorized by a permit under section 5, shall remain closed at any other time.

Permits  
authorizing the  
opening of  
service stations  
during ordinary  
closing hours.

**5—(1)** Where the Minister is satisfied that it would be in the public interest for a service station in a roster area to be allowed to be kept open during the ordinary closing hours, he may, on an application by the proprietor of the service station, grant a permit authorizing and requiring that service station to be kept open during ordinary closing hours at such times and on such days as may be specified in the permit.

(2) The Minister may revoke or vary a permit granted under this section.

(3) A permit shall not be granted under this section in respect of a service station for the first time unless the prescribed annual fee is paid, and, unless a further prescribed fee is paid, no permit shall be granted in respect of that service station after the expiration of 12 months from the date on which a permit, in respect of which a prescribed annual fee was paid, was last granted under this section in respect of that service station.

(4) A permit shall not be granted under this section in respect of a service station unless the Minister is satisfied that the proprietor can and will provide at least the services prescribed under this Act or approved by the Minister.

(5) In the exercise of his powers under this section the Minister shall endeavour to ensure that no greater number of service stations

is allowed to be kept open in a roster area at any time during ordinary closing hours than is, in his opinion, reasonably necessary to meet the needs of the public in that area at that time.

(6) Subject to subsection (5) the Minister, in so far as he considers it practicable to do so, shall exercise his powers under this section in respect of any one roster area in a manner that is agreed upon by the proprietors of the service stations situated in that area in respect of which permits are in force and the proprietors of any other service stations in that area who desire to obtain permits, but otherwise shall endeavour to ensure that no undue preference is given to, or any undue detriment is suffered by, any of those proprietors by reason of the exercise of those powers.

(7) In any roster area the proprietor of a service station that is not permitted to be kept open under this section shall display, so the public can easily read it, a notice stating which and where is the nearest service station permitted to be kept open.

Penalty: \$50.

(8) Regulations under this Act may prescribe the requirements with which a notice referred to in subsection (7) shall comply and unless those requirements are complied with the notice shall be deemed not to have been displayed in accordance with subsection (7).

(9) The proprietor of a service station shall, while his station is permitted to be open under this section, affix his permit in some conspicuous place at his station.

Penalty: \$50.

**6** Nothing in this Act prohibits the keeping open of part of a service station in which goods other than petroleum products or motor accessories are sold, or offered or exposed for sale, if no petroleum products or motor accessories are sold, or offered or exposed for sale, in that part. <sup>Mixed business.</sup>

**7** The proprietor of a service station who allows a service station to remain open at any time that it is required by this Act to be kept closed is guilty of an offence. <sup>Offences.</sup>

Penalty: For a first offence \$50; for a second or subsequent offence \$1 000.

## Regulations.

**8** The Governor may make regulations for the purposes of this Act.

Amendment of  
the *Factories,  
Shops, and  
Offices Act*  
1965.

**9** The *Factories, Shops, and Offices Act* 1965 is amended—

- (a) by omitting from section 3 the definition of “closed”;
- (b) by omitting from that section the definition of “petrol filling station”;
- (c) by omitting from that section the definition of “petroleum products”;
- (d) by omitting from that section the definition of “petrol pump”; and
- (e) by repealing Part VIII.

Transitional  
provisions.

**10—**(1) A declaration made by the Minister under section 62 of the *Factories, Shops, and Offices Act* 1965 that is in force immediately before the commencement of this Act continues in force as if it were a declaration made under section 4 of this Act.

(2) A permit granted by the Minister under section 64 of the *Factories, Shops, and Offices Act* 1965 that is in force immediately before the commencement of this Act continues in force as if it were a permit granted under section 5 of this Act.