

REPEALED CAR YARDS ORDER
PREVIOUSLY KNOWN AS THE
TRADING HOURS - NON-EXEMPT SHOPS SELLING MOTOR VEHICLES -
STATE

IMPORTANT INFORMATION

The below Trading Hours – Non-Exempt Shops Selling Motor Vehicles – State - Order was repealed on the commencement (31 August 2017) of the Trading (Allowable Hours) Amendment Act 2017. Refer s. 16EA(3) and s. 57.

Section 16EA of the Trading (Allowable Hours) Act 1990 defines *repealed car yards order* means the order titled ‘Trading Hours – Non-Exempt Shops Selling Motor Vehicles – State’ made by the industrial commission under section 21 on 8 December 1989, as it was in effect immediately before the commencement of the *Trading (Allowable Hours) Amendment Act 2017*.

For the purposes of defining various areas within the State the Trading (Allowable Hours) Act 1990 has been amended at s. 16EA(3) to provide a *prescribed area* means any of the following areas within the meaning of the repealed car yards order-

- (a) The Gold Coast Area;
- (b) Redcliffe Peninsula;
- (c) City of Brisbane Area;
- (d) City of Logan Area;
- (e) Town of Beenleigh Area;
- (f) Near North Coast Area;
- (g) Shire of Pine Rivers Area;
- (h) Redland Shire Area;
- (i) City of Ipswich.

This order will be referred to for the purposes of defining the abovementioned areas.

The original Order was first published in the QGIG dated 5 August, 1994, Vol. 146, No. 23, pages 878 - 880.
This copy now contains all amendments since that date.

Trading Hours Act 1990
Trading (Allowable Hours) Amendment Act 1994
(amendment of Commission Orders - Section 8.2)

Pursuant to the issue by the Queensland Industrial Relations Commission of Orders regulating Trading Hours the Order titled **Trading Hours - Non-Exempt Shops Selling Motor Vehicles - State** is reprinted as at 16 May 1994 incorporating the amendments as prescribed by section 4.4 of the *Trading (Allowable Hours) Amendment Act 1994* effective from 16 May 1994.

I hereby certify that the Order contained herein is a true and correct copy of the order titled **Trading Hours - Non-Exempt Shops Selling Motor Vehicles - State** as at 16 May 1994.

Dated at Brisbane this twenty-sixth day of July, 1994.

M.J. CALLEN,
Industrial Registrar.

**TRADING HOURS - NON-EXEMPT SHOPS SELLING
MOTOR VEHICLES - STATE**

ORDER

Application

1. This Order shall apply to any and every non-exempt shop situated throughout the whole of Queensland in, from or at which any motor vehicle is or is usually sold whether employees are or are not employed in such shops.

Definitions

2. For the purposes of this Order, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them:-

"Non-Exempt Shop" - As defined in section 2.1 of Part 2 of the *Trading Hours Act 1990*.

"Motor Vehicles" - Shall include cars, trucks, tractors, and motor cycles.

"Holidays" - Those to be observed as Public Holidays under the *Holidays Act 1983*.

"Closed" - In relation to a non-exempt shop including showrooms from or at which new and/or used motor vehicles are sold, closed by being locked to the complete exclusion of the public:

Provided that where a non-exempt shop is an open air display at which new and/or used motor vehicles are displayed for sale and cannot be locked to the complete exclusion of the public, such non-exempt shop shall be deemed to be closed when all doors, bonnets and windows to new and/or used motor vehicles, showrooms, offices, and security chains and gates are locked, or otherwise securely closed to prohibit soliciting the sale of new and/or used motor vehicles, or the internal display of same and no employee including a licensed salesperson normally employed as such but excluding a watchman or caretaker normally employed as such, is on the premises, and where no person is available for the purpose of making or soliciting the sales of new and/or used motor vehicles.

"Occupier" - As defined in section 2.1 of Part 2 of *Trading Hours Act 1990*.

"The Gold Coast Area" - That part of the eastern portion of the State within the following boundaries:- Commencing at the junction of the sea coast and the southern bank of the Coomera River thence along the southern bank of that river of its junction with Coombabah Creek; thence by the southern bank of that creek to the Gold Coast Highway; thence westerly along the Gold Coast Highway to its junction with the Pacific Highway; thence by a straight line to the point on the Nerang River situated one kilometre in a direct line westerly from the nearest point on the western boundary of the Pacific Highway; thence by a line parallel to, and one kilometre to the west of, the western boundary of the Pacific Highway to the intersection of that line with the Tallebudgera Creek Road; thence by a straight line to a point on the Queensland-New South Wales border situated six kilometres in a direct line from the sea coast at its nearest point; thence by that border to its junction with the sea coast; thence by the sea coast to the point of commencement.

"Redcliffe Peninsula" shall mean and include the local authority area of the City of Redcliffe (which includes Clontarf, Woody Point, Margate, Kippa Ring and Scarborough).

"City of Brisbane Area" shall mean and include the local authority area of the "City of Brisbane" as defined by the *City of Brisbane Act 1924-1982*.

"City of Logan Area" shall mean and include the local authority area defined as the Shire of Logan by the *"Local Government (Adjustment of Boundaries) Act 1978"*.

"Town of Beenleigh Area" shall mean the area enclosed by a line commencing at the point at which the Pacific Highway crosses the Albert River (approximately 2 1/4 kilometres south-west of the Beenleigh Post Office) and thence by following the Albert River in a northerly direction to the point where it intersects the Logan River; and thence by following the Logan River in a westerly direction to the point where Albert Street crosses the Logan River; and thence along Albert Street, Beenleigh Road and Logan River Road to the point where Teys Road intersects Logan River Road; and thence along Teys Road, Prangley Road and Bahrs Scrub Road to the point where Bahrs Scrub Road intersects Beenleigh-Beaudesert Road; and thence by a straight line extended from Bahrs Scrub Road, in the same direction as Bahrs Scrub Road, to the point where that line intersects the Albert River; and thence along the Albert River back to the starting point.

"Near North Coast Area" - The area containing those portions of the Shires of Noosa, Maroochy, Landsborough and Caboolture east of 152.55 degrees east longitude.

"Shire of Pine Rivers Area" shall mean and include the Local Authority area of the Shire of Pine Rivers area as defined by the *"Local Government (Adjustment of Boundaries) Act 1978"*, as amended.

"Redland Shire Area" shall mean and include the Local Authority area of the Redland Shire as defined by the *"Local Government (Adjustment of Boundaries) Act 1978"*, as amended.

"City of Ipswich" shall mean the area shown on Department of Natural Resources Map, titled Plan of City of Ipswich LGB66 Edition 2.

Derivatives of any term to which a meaning is assigned by this clause shall have a corresponding meaning.

Trading Hours

3. (1) Except as hereinafter provided the trading, hours of non-exempt shops from which motor vehicles are sold shall be:-

	Opening Time	Closing Time
Monday to Friday	8.00 a.m.	9.00 p.m.
Saturday	8.00 a.m.	5.00 p.m.

and shops shall be kept closed on:-

- Sundays
- Holidays
- December 25th

(2) The trading hours of non-exempt shops in the Gold Coast area (as defined), Redcliffe Peninsula (as defined), City of Brisbane area (as defined), City of Logan area (as defined), Town of Beenleigh area (as defined), near North Coast area (as defined), Shire of Pine Rivers (as defined) and Redland Shire (as defined) and City of Ipswich (as defined) shall be:-

	Opening Time	Closing Time
Monday to Friday	8.00 a.m.	9.00 p.m.
Saturday and on Holidays	8.00 a.m.	6.00 p.m.

and such shops shall be closed on December 25, Good Friday, April 25 and Labour Day.

It is recommended that employees be invited to work only on an entirely voluntary basis on such public holidays as are permitted for trade and on any alternate days gazetted for either Christmas Day or Anzac Day.

Shops to be Closed

4. Every non-exempt shop from which motor vehicles are sold shall be closed except during the trading hours such shop is permitted to be opened by this Order:

Provided that any person may demonstrate and/or sell, and/or deliver motor vehicles to prospective clients at a place other than such shop during the hours that such shop is required to be closed:

Provided further that no demonstration and/or sale of motor vehicles shall be permitted on Sundays.

Other Orders to Apply

5. Except in relation to the sale of motor vehicles this Order shall not affect or apply in any way in respect to trading by non-exempt shops where the trading hours of such non-exempt shops are fixed by or under any other Order made pursuant to the provisions of the *Trading Hours Act 1990*.

Sale of Motor Accessories, Etc.

6. Notwithstanding anything to the contrary contained in this Order, for the purposes of clause 4 hereof a non-exempt shop from which motor vehicles are sold shall not be regarded as being opened for business by reason alone of the sale thereof of any petrol, lubricants, motor tyres, tubes, batteries, accessories or automotive replacement parts in areas or places where the sale of petrol is not restricted.

Operation

7. This Order shall take effect and be operative as from the sixth day of January, 1990.

Dated this eighth day of December 1989.

By the Commission,
[L.S.1 M.J. CALLEN,
Industrial Registrar.

Operative Date: N/A
Rescission and New Order