

Retail Trading Hours Amendment Bill 2015

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Western Australia

LEGISLATIVE COUNCIL

(As amended in Committee)

Retail Trading Hours Amendment Bill 2015

A Bill for

An Act to amend the *Retail Trading Hours Act 1987* and, as a consequence, to repeal certain regulations and orders made under that Act.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Retail Trading Hours Amendment Act 2015*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — *Retail Trading Hours Act 1987* amended**

2 **3. Act amended**

3 This Part amends the *Retail Trading Hours Act 1987*.

4 **4. Section 4 amended**

5 (1) After section 4(1) insert:

6

7 (2A) Despite subsection (1), this Act does not apply to
8 Rottnest Island.

9

10 (2) In section 4(3):

11 (a) delete “is used as —” and insert:

12

13 is —

14

15 (b) in paragraph (d) delete “and is”;

16 (c) in paragraph (d) delete “running.” and insert:

17

18 running; or

19

20 (d) after paragraph (d) insert:

21

22 (e) a retail shop located in a short-term market.

23

24 (3) After section 4(3) insert:

25

26 (4A) For the purposes of subsection (3)(e) a retail shop is
27 located in a short-term market if —

28 (a) it is one of a group of retail shops that are
29 placed at a particular location on a particular

s. 5

- 1 day and removed from that location before
2 midnight on that day; and
3 (b) some or all of the retail shops in the group are
4 operated by different persons; and
5 (c) none of the shops in the group is a motor
6 vehicle shop.
7

8 **5. Section 5 amended**

9 In section 5(2) delete “or 14B(4)”.

10 **6. Section 12 amended**

11 (1) Delete section 12(2) and insert:
12

13 (2) Subsection (1) does not apply to a motor vehicle shop.
14

15 (2) Delete section 12(4) and insert:
16

17 (4) Subsection (3) does not apply to a motor vehicle shop.
18

19 **7. Section 12A deleted**

20 Delete section 12A.

21 **8. Section 14A amended**

22 In section 14A(1):

23 (a) in paragraph (b) delete “paragraph; or” and insert:
24

25 paragraph.
26

27 (b) delete paragraphs (c) and (d).

1 **9. Sections 14B and 14C deleted**

2 Delete sections 14B and 14C.

3 **10. Section 15 amended**

4 In section 15(1)(e)(iii) delete “in, or prescribed for the purposes
5 of, a relevant paragraph of section 14A(1).” and insert:

6

7 in section 14A(1)(a) or prescribed for the purposes of
8 section 14A(1)(b).

9

10 **11. Section 25 amended**

11 Delete section 25(2) and insert:

12

13 (2) A person commits an offence if the person operates a
14 retail shop that is certified to be a small retail shop
15 under section 10(3)(c) and is not owned and operated
16 in accordance with section 10(3)(a), (b), (ba), (bb),
17 (bc), (bd) and (be).

18

1 **Part 3 — Subsidiary legislation repealed**

2 **12. Regulations repealed**

3 The *Retail Trading Hours (Holiday Resorts) Regulations 2012*
4 are repealed.

5 **13. Orders repealed**

6 These orders are repealed:

- 7 (a) the *Retail Trading Hours (Rottnest Island Holiday*
8 *Resort) Order 2007*;
- 9 (b) the *Retail Trading Hours (Rockingham Holiday Resort)*
10 *Order 2012*;
- 11 (c) the *Retail Trading Hours (Wanneroo Holiday Resort)*
12 *Order 2012*.

13
