



Government of Western Australia
Department of Commerce

EXPLANATORY MEMORANDUM

Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009

RETAIL TRADING HOURS AMENDMENT (JOONDALUP SPECIAL TRADING PRECINCT) BILL 2009

Overview of Bill

The purpose of this Bill is to amend the *Retail Trading Hours Act 1987* (the Act) to change the term "tourism precinct" appearing in section 12A to "special trading precinct", and to create a new special trading precinct in Joondalup.

The change of terminology from "tourism precinct" to "special trading precinct" is intended to reflect the fact that the existing precincts in Perth and Fremantle serve a broader purpose than merely providing shopping facilities for tourists, and are patronised by shoppers from neighbouring parts of the city and beyond. The third Joondalup special trading precinct, to be established by clause 5 (see below), is intended to serve this broad range of purposes. The term "holiday resort", also used in the principal Act, is not affected by this Bill.

Part 1 – Preliminary

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| Clause 1 | Sets out the name of the Act. |
| Clause 2 | Provides for the commencement of sections 1 and 2 of the Act on the day on which it receives Royal Assent, while the rest of the Act is to commence on the following day. |
| Clause 3 | Provides that the Act amends the <i>Retail Trading Hours Act 1987</i> . |
| Clause 4 | <p>Deletes the word "tourism" appearing in section 12(2)(a) and inserts in its place the words "special trading".</p> <p>Section 12(1) prescribes the trading hours that apply to general retail shops. Section 12(2) provides that sub-section (1) does not apply to certain classes of shops. Section 12(2)(a) states that one of these classes is shops in a "tourism precinct or holiday resort".</p> <p>This change is simply a change in nomenclature.</p> |
| Clause 5 | <p><u>Subclause 1</u></p> <p>Deletes the word "tourism" wherever appearing in section 12A(1), (2) and (3) and inserts in its place the words "special trading".</p> <p>Section 12A(1) provides that the Minister by order may fix the times when general retail shops in tourism precincts and holiday resorts are required to be closed.</p> <p>Section 12A(2) provides that the order may apply to all general retail shops in a tourism precinct or holiday resort, or such shops of a class specified in the order, or such shops as are specified in the order.</p> |

Section 12A(3) provides that, in the case of a tourism precinct, the order may also apply to general retail shops "that are in the immediate vicinity" of the precinct, and that are specified, or are of a class specified in the order.

As with the change to section 12(2)(a), these changes are simply changes in nomenclature from "tourism precinct" to "special trading precinct".

Subclause 2

Deletes the definitions of "Fremantle tourism precinct", "Perth tourism precinct" and "tourism precinct" from section 12A(4).

Section 12A(4) is the definitions provision for section 12A.

This change removes the generic definition of "tourism precinct" and the two specific exemplars of such precincts, namely the "Fremantle tourism precinct" and the "Perth tourism precinct" from that provision. New definitions of special trading precincts are inserted by the next subclause of the Bill (see below).

Subclause 3

Inserts into section 12A(4) in alphabetical order the following definitions: "Fremantle special trading precinct", "Joondalup special trading precinct", "Perth special trading precinct", and "special trading precinct".

This change inserts a new generic definition for "special trading precinct", and definitions for three specific exemplars of such precincts, namely the "Fremantle special trading precinct", "Joondalup special trading precinct", "Perth special trading precinct", and "special trading precinct".

The wording of each of the specific definitions provides that the relevant precinct definition means "the area or areas prescribed for the purposes of this definition." This style replicates the current definition of each of the tourism precincts. The detailed definitions of the tourism precincts are supplied by the *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Regulations 2007*. It is intended that amended Regulations, providing the detailed definitions of the three special trading precincts, will be come into force simultaneously with the changes to the principal Act made by this Bill.

Subclause 4

This inserts a new transitional provision into the Act, as section 12A(5), which will preserve the effect of any existing references to the Perth tourism precinct and the Fremantle tourism precinct "in any written law or other document or instrument" by requiring them to be read and have effect as though they are references to the Perth special trading precinct and the Fremantle special trading precinct, respectively.