



Western Australia

## **Retail Trading Hours Amendment Act 2016**

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As at 16 Nov 2016

No. 35 of 2016

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## **Retail Trading Hours Amendment Act 2016**

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## **Retail Trading Hours Amendment Act 2016**

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**No. 35 of 2016**

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

*[Assented to 16 November 2016]*

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

**1. Short title**

This is the *Retail Trading Hours Amendment Act 2016*.

**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.

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

**3. Act amended**

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

**4. Section 4 amended**

(1) After section 4(1) insert:

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

(2) In section 4(3):

(a) delete “is used as —” and insert:

is —

(b) in paragraph (d) delete “and is”;

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

running; or

(d) after paragraph (d) insert:

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

(3) After section 4(3) insert:

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

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

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day and removed from that location before midnight on that day; and

- (b) some or all of the retail shops in the group are operated by different persons; and
- (c) none of the shops in the group is a motor vehicle shop.

**5. Section 5 amended**

In section 5(2) delete “or 14B(4)”.

**6. Section 12 amended**

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

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

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

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

**7. Section 12A deleted**

Delete section 12A.

**8. Section 14A amended**

In section 14A(1):

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

paragraph.

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



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

Delete sections 14B and 14C.

**10. Section 15 amended**

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

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

**11. Section 25 amended**

Delete section 25(2) and insert:

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

**Part 3 — Subsidiary legislation repealed**

**12. Regulations repealed**

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

**13. Orders repealed**

These orders are repealed:

- (a) the *Retail Trading Hours (Rottnest Island Holiday Resort) Order 2007*;
  - (b) the *Retail Trading Hours (Rockingham Holiday Resort) Order 2012*;
  - (c) the *Retail Trading Hours (Wanneroo Holiday Resort) Order 2012*.
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