

Western Australia

Retail Trading Hours Regulations 1988

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Retail Trading Hours Regulations 1988

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Retail Trading Hours Regulations 1988

1. Citation

These regulations may be cited as the *Retail Trading Hours Regulations 1988*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Retail Trading Hours Act 1987* comes into operation¹.

3. Interpretation

In these regulations unless the contrary intention applies —
chief executive officer means chief executive officer of the department principally assisting the Minister with the administration of the Act;

form means a form in the Schedule.

4. Metropolitan area

For the purposes of the Act the metropolitan area means the region described in the *Planning and Development Act 2005* Schedule 3².

5. Goods and services for sale at small retail shops

Under section 10(3)(a) of the Act goods and services of all descriptions, other than motor vehicles, are prescribed for the purposes of sale at a small retail shop.

*[Regulation 5 inserted in Gazette 23 Dec 1994 p. 7074;
amended in Gazette 13 Apr 1995 p. 1321.]*

6. Application for small retail shop certificate

An application under section 11(1) of the Act for a certificate certifying a retail shop to be a small retail shop is to be made in a form approved by the chief executive officer.

*[Regulation 6 inserted in Gazette 23 Dec 1994 p. 7074;
amended in Gazette 2 Nov 1999 p. 5471.]*

7. Special retail shops — categories, goods and services

- (1) The categories of shops set out in column 1 of the Table to this regulation are prescribed for the purposes of section 10(4)(a) of the Act.
- (2) The goods and services set out in column 2 of the Table to this regulation opposite a category of special retail shops are, for the purposes of section 10(4)(b) of the Act, goods and services that are prescribed in relation to a special retail shop of that category.

Table

Column 1	Column 2
Shop Categories	Goods and Services
1. Art and craft (shops engaged in the sale of art and craft works)	Original art and craft works; prints and reproductions of original works; art and craft supplies; art and craft related reading materials; calico or similar re-useable shopping bags.
2. Souvenirs (Shops offering items of tourism significance)	Souvenirs featuring Australian flora, fauna, locations, characteristics or events or national significance; souvenirs projecting the flavour of the pioneering era or Aboriginal culture; original Australian art and craft works, reading materials and video cassettes or tourism significance; souvenirs and jewellery featuring Australian minerals and pearls;

Column 1 Shop Categories	Column 2 Goods and Services
3. Pharmaceutical (shops from which the principal activity involves the dispensing of medical prescriptions)	souvenirs crafted from unique Australian woods, hides or skins; Australian coins; calico or similar re-useable shopping bags. Goods and services which may be sold or provided in a pharmacy under section 40A of the <i>Pharmacy Act 1964</i> ; calico or similar re-useable shopping bags.
4. Domestic development shops (shops offering items for domestic improvements, construction and maintenance, floral arrangements and products for the establishment and maintenance of gardens)	Swimming pools; spas; patios; garages; garden sheds; home additions; household fixtures and fittings (excluding free standing furniture other than shelving units, carpets and electrical items other than ceiling fans); ready to assemble raw timber and finished timber household furniture, and kitchen cupboard panels, sold in flat pack form; desk fans; indoor television antennae; floor mats and rugs; synthetic rolled matting, synthetic grass and marine carpeting; flowers; greenstocks; seeds bulbs; reticulation equipment; hoses, sprinklers and fittings; fertilizers, pesticides, herbicides and applicators; compost tumblers; landscaping and garden decorative products; plant containers and household items for the display of garden produce; construction, maintenance and garden related books and video cassettes; domestic construction and maintenance materials; paint and wallpaper products and accessories; tools; outdoor furniture and accessories; household cleaning products (excluding powered equipment); swimming pool chemicals and accessories; extension cords and electrical fittings (excluding decorative light

r. 7

Column 1 Shop Categories	Column 2 Goods and Services
	fittings); computer cables; barbecues; kitchenware (excluding electrical items); solid fuel space heaters; outdoor lighting; water heaters; gas powered camping equipment and accessories; awnings and blinds; personal safety equipment (excluding clothing except overalls); playground equipment; auto body filler and spray putty; auto surface primer and body black; art and craft supplies; calico or similar re-useable shopping bags.
5. Marine Craft (shops engaged in the sale of marine craft)	Marine craft and vessels associated spare parts and accessories, boating related books and video cassettes; calico or similar re-useable shopping bags.
6. Video shops	Digital video disks, video cassette tapes and video head cleaning products; promotional items relating to any video; confectionery and savouries; calico or similar re-useable shopping bags.
7. Duty Free Shops (shops which trade only as inwards duty free shops or outwards duty free shops as defined under the <i>Customs Act 1901</i> of the Commonwealth in respect of which permission is granted under section 96A(2) or 96B(3) of that Act)	Goods offered for sale duty free under the terms of the permission granted; calico or similar re-useable shopping bags.

Column 1 Shop Categories	Column 2 Goods and Services
8. Motor Vehicle Spare Parts Shops (shops other than shops located on premises on which motor vehicles are sold)	Motor vehicle spare parts accessories and lubricants; tools; motor vehicle related books and video cassettes; boating equipment limited to flares, anchors, life jackets, boat drainage bungs, navigation lights, fuel line bulbs, outboard motor water pump impellers, outboard motor service parts (filters, points, etc.), zinc anodes, outboard motor fuel tanks, outboard motor pull cords, and outboard motor shear pins; calico or similar re-useable shopping bags.
9. Sports Venue Shops (shops located at special sports participation venues)	Sporting goods and associated equipment relevant to the sports activities at each applicant venue; calico or similar re-useable shopping bags.
10. Newsagencies and book shops	Newspapers, books and stationery requisites; magazines and periodicals; greeting cards; educational requisites; educational toys (excluding mains operated computer games and equipment); photograph albums; sheet music; playing cards; paper plates, cups, doilies; lottery tickets; party decorations; smoker's requisites; small replacement items of sporting equipment (fishing hooks, table tennis balls, darts, etc.); calico or similar re-useable shopping bags.
11. Hotel Tourist shops (shops catering for tourist requirements in hotels classified as "4" star or "5" star under a scheme of classification approved by the Minister or any hotel that is in the opinion of the chief	Newspapers, books and stationery; haberdashery; clothing; sporting equipment; giftware; photographic equipment; cassette tapes, records and compact discs; toys; original art and craft works; prints and reproductions of original works; souvenirs featuring Australian flora, fauna, locations,

r. 8

Column 1 Shop Categories	Column 2 Goods and Services
executive officer ³ of an equivalent standard)	characteristics or events of national significance; souvenirs projecting the flavour of the pioneering era or aboriginal culture; souvenirs and jewellery featuring Australian minerals and pearls; souvenirs crafted from unique Australian woods, hides or skins; Australian coins and stamps; first aid requisites; toilet and cosmetic requisites; smokers requisites; hairdressing services; flowers and floral arrangements; travel goods; calico or similar re-useable shopping bags.

[Regulation 7 amended in Gazette 23 Mar 1990 p. 1466-7; 5 Oct 1990 p. 5123; 4 Jan 1991 p. 8; 25 Oct 1991 p. 5450; 22 Dec 1995 p. 6175; 20 Sep 1996 p. 4718; 4 Apr 1997 p. 1752-3; 2 Nov 1999 p. 5471-2; 20 Feb 2001 p. 1079; 3 Jul 2001 p. 3281; 13 Feb 2004 p. 538; 20 Apr 2004 p. 1298.]

8. Certificate for special retail shop

- (1) An application under section 11(1) of the Act for a certificate certifying a retail shop to be a special retail shop shall be made on Form No. 5.
- (2) The certificate certifying a retail shop as a special retail shop shall be in Form No. 6.

9. Change in ownership, directorship or nature of business

The operator of a small retail shop or special retail shop shall notify the chief executive officer of any change in the ownership, directorship or nature of business of the small retail shop or special retail shop, as the case may be, within 14 days of such change.

Penalty: \$1 000.

10. Display of certificate

The operator of a small retail shop or a special retail shop shall display the certificate issued under section 11(2) of the Act in a prominent position, clearly visible to staff and members of the public, within the retail shop.

Penalty: \$1 000.

11. Goods for sale at filling station

- (1) Under section 14A(1)(b) of the Act the following goods are prescribed for the purposes of sale at all filling stations —
- (a) food (excluding canned fruit and vegetables, canned meat, canned seafood and fresh meat other than prepacked quantities not exceeding 500 g weight);
 - (b) first aid requisites;
 - (c) smokers' requisites;
 - (d) toilet and cosmetic requisites;
 - (e) garden and landscaping products (excluding furniture and powered equipment);
 - (f) reading material and stationery requisites;
 - (g) pet and veterinary requisites;
 - (h) household cleaning products (excluding powered equipment);
 - (i) replacement sporting equipment (including fishing hooks, lines, sinkers, bait, balls and tees);
 - (j) film;
 - (k) flash bulbs;
 - (l) light globes;
 - (m) torches;
 - (n) dry batteries;
 - (o) pantyhose;
 - (p) candles;
 - (q) boot and shoe laces;

- (r) cotton, needles and pins;
 - (s) sunglasses;
 - (t) work of local artists including paintings, pottery and handicraft products;
 - (u) local souvenir products; and
 - (v) swimming pool chemicals and accessories.
- (2) The following goods are prescribed for the purpose of section 14A(1)(d) of the Act (*prescribed small filling stations*) —
- (a) work clothing;
 - (b) travel rugs;
 - (c) 12 volt and 24 volt vehicle accessories;
 - (d) video cassettes and pre-recorded music;
 - (e) portable barbeques and requisites;
 - (f) cameras;
 - (g) coolers;
 - (h) portable cassette or compact disc players;
 - (i) canned food.
- (3) The following small filling stations are prescribed small filling stations for the purposes of sections 14A(1)(d) and 14C(4)(a)(ii) of the Act —
- (a) Coles Express Kewdale
518 Abernethy Road
Kewdale WA 6105;
 - (b) BP Kewdale Truckstop
549 Abernethy Road
Kewdale WA 6105;
 - (c) Caltex Maddington
Lot 566 Kelvin Road
Maddington WA 6109;

- (d) Coles Express Middle Swan
45 Great Northern Highway
Middle Swan WA 6056.

*[Regulation 11 amended in Gazette 13 Oct 1995 p. 4803-4;
11 May 2007 p. 2029-30.]*

11A. Application for small filling station certificate

An application under section 14C(1) of the Act for a certificate certifying a filling station to be a small filling station is to be made in a form approved by the chief executive officer.

[Regulation 11A inserted in Gazette 11 May 2007 p. 2031.]

12. Prescribed service

The service specified in the Table to this regulation is a prescribed service under section 3 of the Act.

Table

The provision of bays for the display of
secondhand vehicles for sale at a car
market.

Schedule

[Forms 1, 2, 3 and 4 deleted in Gazette 23 Dec 1994 p. 7074.]

Form No. 5

Western Australia

Retail Trading Hours Act 1987

[s. 11]

SPECIAL RETAIL SHOPS
APPLICATION FOR CERTIFICATE

1.
(Names of proprietors or body corporate)
operators of the retail shop known as
.....
located at
hereby apply for a certificate in relation to that retail shop certifying it to be a
special retail shop within the category prescribed
under the *Retail Trading Hours Act 1987*.

2. In support of this application we the undersigned (all operators/directors to
sign) declare that only goods or services or both that are prescribed in relation to
a special retail shop of the category are sold or
provided at the retail shop.

Signatures

.....

.....

Witness

Form No. 6
Western Australia
Retail Trading Hours Act 1987

[s. 11]

SPECIAL RETAIL SHOP CERTIFICATE

The retail shop known as

located at

and operated by

.....

is a special retail shop within the category

prescribed for the purposes of section 10(4)(b).

This certificate is issued subject to the following conditions —

- (a) the chief executive officer of the department of the Public Service administering the *Retail Trading Hours Act 1987* must be notified within 14 days of any change of ownership, directorship or nature of business; and
- (b) this certificate must be displayed in a prominent position, clearly visible to staff and members of the public, within the special retail shop.

.....
Chief Executive Officer

Notes

- ¹ This is a compilation of the *Retail Trading Hours Regulations 1988* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Retail Trading Hours Regulations 1988</i>	12 Aug 1988 p. 2756-60	1 Sep 1988 (see r. 2 and <i>Gazette</i> 12 Aug 1988 p. 2695)
<i>Retail Trading Hours Amendment Regulations 1990</i>	23 Mar 1990 p. 1466-7	23 Mar 1990 (see r. 2)
<i>Retail Trading Hours Amendment Regulations (No. 2) 1990</i>	5 Oct 1990 p. 5123	5 Oct 1990 (see r. 2)
<i>Retail Trading Hours Amendment Regulations (No. 3) 1990</i>	4 Jan 1991 p. 7-8	4 Jan 1991 (see r. 2)
<i>Retail Trading Hours Amendment Regulations 1991</i>	25 Oct 1991 p. 5449-50	25 Oct 1991 (see r. 2)
<i>Retail Trading Hours Amendment Regulations 1992</i>	31 Jan 1992 p. 481-3	1 Feb 1992 (see r. 2)
<i>Retail Trading Hours Amendment Regulations (No. 2) 1992</i>	1 May 1992 p. 1796	1 May 1992
<i>Retail Trading Hours Amendment Regulations 1994</i>	23 Dec 1994 p. 7074	23 Dec 1994
<i>Retail Trading Hours Amendment Regulations 1995</i>	13 Apr 1995 p. 1321	13 Apr 1995
<i>Retail Trading Hours Amendment Regulations (No. 2) 1995</i>	13 Oct 1995 p. 4803-4	13 Oct 1995
<i>Retail Trading Hours Amendment Regulations (No. 3) 1995</i>	22 Dec 1995 p. 6174-5	22 Dec 1995
<i>Retail Trading Hours Amendment Regulations (No. 2) 1996</i>	20 Sep 1996 p. 4718	20 Sep 1996
<i>Retail Trading Hours Amendment Regulations 1997</i>	4 Apr 1997 p. 1752-3	4 Apr 1997
Reprint of the <i>Retail Trading Hours Regulations 1988</i> as at 21 May 1999 (includes amendments listed above)		
<i>Retail Trading Hours Amendment Regulations 1999</i>	2 Nov 1999 p. 5471-2	2 Nov 1999
<i>Retail Trading Hours Amendment Regulations 2001</i>	20 Feb 2001 p. 1079	20 Feb 2001

Citation	Gazettal	Commencement
<i>Retail Trading Hours Amendment Regulations (No. 2) 2001</i>	3 Jul 2001 p. 3281-2	3 Jul 2001
<i>Retail Trading Hours Amendment Regulations 2004</i>	13 Feb 2004 p. 537-8	13 Feb 2004
<i>Retail Trading Hours Amendment Regulations (No. 2) 2004</i>	20 Apr 2004 p. 1297-8	20 Apr 2004
Reprint 2: The Retail Trading Hours Regulations 1988 as at 5 May 2006 (includes amendments listed above)		
<i>Retail Trading Hours Amendment Regulations 2007</i>	11 May 2007 p. 2027-31	11 May 2007 (see r. 2 and <i>Gazette</i> 11 May 2007 p. 2017)

- ² Formerly referred to the Third Schedule of the *Metropolitan Region Town Planning Scheme Act 1959*. Under the *Reprints Act 1984* s. 7(3)(g)(i) the current reference was substituted for the former one.
- ³ Under the *Acts Amendment (Public Service) Act 1987* s. 31(1)(f) a reference in a written law to “Permanent Head” is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the chief executive officer. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).