

13 June 2022

Committee Secretary
Education, Employment and Training Committee
Parliament House
George Street
Brisbane QLD 4000

via email: EETC@parliament.qld.gov.au

Dear Committee Secretary

RE: ARA SUBMISSION - TRADING (ALLOWABLE HOURS) BILL 2022

The Australian Retailers Association (ARA) welcomes the opportunity to comment on the draft *Trading (Allowable Hours) Bill 2022* (the Bill).

The ARA is the oldest, largest and most diverse national retail body, representing a \$360 billion sector that employs 1.3 million Australians and is the largest private sector employer in the country. As Australia's peak retail body, representing more than 100,000 retail shop fronts and online stores, the ARA informs, advocates, educates, protects and unifies our independent, national and international retail community.

The ARA reaffirms our previous comments provided in October 2021 to the Parliamentary Inquiry into Queensland's *Trading (Allowable Hours) Act 1990*.

We remain of view that complete deregulation of trading hours is desperately needed in Queensland. Deregulation will boost Queensland's post-pandemic, economic recovery by creating jobs, supporting local retail trade in the community and enabling increased flexibility for retailers to choose when they open their doors to meet changing consumer behaviour and demand. In addition, deregulation will enhance competition, ultimately resulting in better pricing outcomes for consumers.

In support of our view, we cite research undertaken in relation to consumer attitudes to proposed extended trading hours (Sundays and public holidays) in Mt Isa in 2014. The overall findings from that research were that 80% were in favour of proposed extended trading hours. Those surveyed, responded that extended trading would be more convenient and suit their lifestyle, as well as provide more jobs, increase business for smaller retailers and reduce congestion at other times.¹ Given that we are now in 2022, consumer expectations are that extended trading hours are the norm and restrictions around trading hours appear antiquated.

Failure to deregulate will be at the detriment of a retail recovery in Queensland as well as the vibrancy of local shopping precincts as a sense of normality returns to social life in the community.

In relation to the proposed changes to retail trading hours in the Bill, the ARA makes the following recommendations which we believe will support the creation of more choice and flexibility for consumers, drive a retail recovery in local communities and support bricks-and-mortar retailers to remain competitive with increasing online competition in the post-COVID economy.

¹ [Mortimer, Gary \(2014\) Dalby shopping precinct survey report: consumer attitudes towards proposed extended trading hours at Dalby](#). Queensland University of Technology, Business School, Australia.
Available: <https://eprints.qut.edu.au/77741/>

Proposed Change in the Bill	ARA Recommendations
1. Streamlining the categories of core trading hours for non-exempt shops by reducing the number of categories from five to four and re-categorising the Mossman and Port Douglas Tourist Area to support the local tourism industry.	ARA agrees with this proposed change. However, we recommend that the categorisation system be repealed in favour of a consistent state-wide approach to trading hours, given the issues raised by the local community in Far North Queensland are not unique to Mossman and Port Douglas. Such an approach would provide greater choice and flexibility to consumers in regional centres and would create an immediate boost to employment and economic activity in regional areas.
2. Clarifying special event declarations made by the Queensland Industrial Relations Commission (QIRC) which exempt all shops in a stated area from trading hours restrictions, including to provide clear guidance on the matters the QIRC must have regard to.	ARA recommends that these provisions be removed from the bill, as they create the potential for fewer regional events to be declared special events and the potential for a two-tiered approach to trading hour exemptions where a special event has been declared. Any legislative change that places further restrictions on trading hours on regional communities and special events moves us further away from full deregulation in Queensland and will have detrimental impact on the viability of planned and future events.
3. Clarifying that the power of the QIRC to make orders for non-exempt shops is limited to determining the category of core trading hours that should apply to a particular location and to determining definitions and boundaries of such locations.	ARA recommends that the legislation move away from a location-based regulatory framework and instead, adopt a consistent state-wide approach to trading hours. Such an approach would enable flexibility for consumers, decrease complexity for retailers, modernise the retail economy, enabling greater competition with online and particularly offshore retailers.
4. Ensuring consistent voluntary work protections for employees from working extended hours, including where extended hours arise due to an order or special declaration of the QIRC, unless the employee has freely elected to work extended hours.	ARA recommends that this provision be removed because it duplicates existing agreements between employers and employees on working hours. These provisions are sufficiently protected from any form of coercion under existing industrial relations laws.
5. Extending two existing moratoriums for a further 12 months until 31 August 2023 to ensure ongoing stability for the retail industry and community.	ARA maintains our position that both moratoriums are lifted, rather than extended.
6. Retaining previous reforms that have been found to be working effectively.	ARA strongly recommends complete deregulation of retail trading hours across Queensland, for the reasons outlined in this submission.

Thank you again for the opportunity to comment on the draft Bill. The ARA welcomes changes to the Bill allowing greater flexibility in hopes that the government re-considers its position on the recommendations made by the Parliamentary Inquiry and adopts an approach based on deregulation of trading hours in Queensland rather than continuing to put off full reform in this area.

The ARA would also welcome the opportunity to appear before the Committee at the public hearing scheduled for 20 June.

Any queries in relation to this submission can be directed to our policy team at policy@retail.org.au.

Yours sincerely,



Paul Zahra
Chief Executive Officer