

Trading (Allowable Hours) and Other Legislation Amendment Bill 2022

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(via Parliamentary Committees submission portal)

Submission on the Trading (Allowable Hours) and Other Legislation Amendment Bill 2022

Introduction

1. As the Queensland Small Business Commissioner (QSBC), I welcome the opportunity to provide a further submission to the Education, Employment and Training Committee addressing aspects of the Trading (Allowable Hours) and Other Legislation Amendment Bill 2022 (the Bill).
2. The office of the small business commissioner is established under the *Small Business Commissioner Act 2022* and commenced on 3 May 2022. The role was previously established, from 28 May 2020 to 2 May 2022, under the *COVID-19 Emergency Response Act 2020*.
3. The main object of the *Small Business Commissioner Act 2022* is to establish the office of small business commissioner to enhance the operating environment for small business in Queensland and reduce the time and costs associated with resolving disputes involving small businesses.

The Bill generally

4. On 15 October 2021 the QSBC made a submission to the Education, Employment and Training Committee in relation to the Inquiry into the operation of the *Trading (Allowable Hours) Act 1990 (the Act)* proposing that the Act be streamlined and simplified to improve productivity and flexibility while maintaining a reasonable level of protection for Queensland small businesses.
5. The Bill generally addresses many of the issues raised in the QSBC's previous submission; however, the following issues should be considered further.

Clause 9

6. The expansion of the list of areas to include the 'Mossman and Port Douglas Tourist Area' and the 'Townsville Tourist Area' is supported.
7. It is noted that the areas stated are geographical areas and that the 'Pacific Fair Shopping Centre' has now been omitted from the list; however, it later appears in Clause 11 in 'Description of trading areas' 'In type 1 trading areas' (on page 11 of the Bill).

Clause 11

8. The expansion of trading hours 'In type 1 trading areas' is supported.

9. The 'Pacific Fair Shopping Centre' is listed in the in 'Description of trading areas' 'In type 1 trading areas' (on page 11 of the Bill) but has been omitted from '16AA References to particular areas' in Clause 9.

Clause 17

10. The insertion of the new section 22 is supported.
11. Section 22(c) should be amended to better address the impact of an order not only on the core trading hours of non-exempt shops but on all local shops in the area to avoid any adverse impact. It could state '(c) the effect of the order on the shops in the area'.
12. Section 22(f) should be amended to address the interests of the local economy and consumers more specifically. It could state '(f) the interests of local businesses and their customers'.

Clause 21

13. The insertion of 'Division 3 Special event declarations' is supported.
14. Section 31A(2) should also require that the declaration include the reasons for the decision in relation to the things that must be considered in section 31B.
15. Section 31B is supported; however, subsection (2) should include having regard to 'whether the event will have economic benefits for local business communities and not just major retailers'.
16. There is no provision for streamlining special event declarations for recurring events.

Conclusion

17. The QSBC broadly supports the Bill and submits that the above amendments be considered to further improve its effectiveness.
18. Any questions regarding this submission can be directed by email to [REDACTED].

Yours sincerely



Maree Adshead
Small Business Commissioner

