

## Trading (Allowable Hours) Amendment Bill 2017

### Summary of issues raised in submissions

Clause and policy issue	Issues raised [include sub no, name and page no in brackets]
Clause 4 – Amendment of s 5 (Exempt shops)	<p>It is the experience of retailers in other jurisdictions that the bar to achieve a ‘special event’ is so high that retailers have largely given up bothering to apply. In the many years that this has been in place in NSW only three retailers have ever been granted a special event exemption, one of which was overturned on appeal. [Sub no. 9, Retail Council, p 2.]</p> <p><b>Response</b>  <b>Exempt shops are now to include shops in an area surrounding a special event as declared by the Queensland Industrial Relations Commission (QIRC). Applications may be made by an organisation, a chief executive of a Government department, a local government or any other person. In deciding on a special event the QIRC must consider the cultural, religious or sporting significance of the event and its significance to the economy and the tourism industry.</b></p> <p>Suggest that “Natural Disaster” be inserted into 5(1)(c) or reference to the State Emergency Services Act (<i>Fire and Emergency Services Act 1990</i>) for when the National Retailers Association is asked by customers and local governments to open non-exempt stores in natural disaster events to get supplies to the community. [Sub no. 13, National Retailers Association, p 2.]</p> <p><b>Response</b>  <b>In declared disaster situations, a District Disaster Coordinator may be established under the <i>Disaster Management Act 2003</i> with the power to maintain or restore an essential service. In the past this power has been effectively used to authorise the opening of shops outside allowable trading hours to provide perishable foods.</b></p>
Clause 5 – Amendment of s 6 (Independent retail shops)	<p>Oppose moves in 6(1)(b) and 6(1)(c) as businesses of this size are not genuine “mum and dad” operations. Believes that certain protections for genuine independent retail stores to assist these businesses should not enable large retailers to exploit the system by restructuring their businesses and disguise themselves as small retailers. [Sub no. 13, National Retailers Association, p 3.]</p> <p><b>Response</b>  <b>This amendment will provide benefits to independent retailers, who will be able to employ an increased number of staff in a single shop or in multiple shops before being designated a non-exempt retailer and becoming subject to trading hours’ restrictions. It will provide businesses more opportunity to expand their operations and be more competitive. It will enable businesses nearing the current employment cap to employ additional workers in a manner that best suits the needs of their business. These businesses would also avoid some of the administrative costs associated with managing employment levels and business structures to comply with the current lower employment thresholds.</b></p>

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Clause 7 – 16A Definitions for division	<p>As there will be a five year moratorium on changes to retail hours in inner city Brisbane, the term ‘tourist area’ should be extended prior to the moratorium to include the whole of the Brisbane CBD, Fortitude Valley, RNA precinct, Woollongabba (West of Ipswich Rd), South Brisbane, Southbank, Petrie Terrace and West End precincts to trade on and reflect the proposed extended trading hours for Tourism Precincts until 10pm Monday-Saturday and until 9pm Sundays and most Public Holidays. [Sub no. 1, Andrew Aschman, p1] [Sub no. 2, Confidential, p 1.]</p> <p>Concern that the Cairns CBD as it currently stands in the Order is not included in the Tourist Area list. Requests that, as the Cairns CBD has hours serving a tourist function, it be included in the Tourist Area definition. Consider that all the tourist areas which meet the criteria would be included and that using the term “i.e.” in our view is not a comprehensive list. Also consider that the Townsville Tourist precinct would be better served by the inclusion of the Townsville Tourist Area as a substitute for The Great Barrier Reef Wonderland Tourist Complex. [Sub no. 13, National Retailers Association, p 4.]</p> <p>The definition of 'tourist area' (section 164) does not fully reflect those areas in the 2017 trading hours order (Trading Hours - Non-Exempt Shops Trading by Retail - State), principally the omission of the Cairns CBD (section 6 of Trading Hours Order), and possibly other areas such as the Townsville (section 7) and Yeppoon (section 13) tourist areas. The omission of certain areas/ such as Cairns CBD, from the designated 'tourist areas' at section 164 will mean that relevant applicants will be subject to the proposed new section 59 (Moratorium on trading hours orders and restriction on making applications) in seeking additional hours, which imposes a 'moratorium period' (as defined at section 55) on trading hours applications and orders for 5-years after the day of the Amendment Bill's commencement. Cairns CBD, would not be able to go through the 'opt-in' process outlined at the proposed new section 58 (Opt-in process for s16D - particular shops south-east Queensland area and tourist areas etc.) to apply for the designation as a 'tourist area', and hence the allowable hours for tourist areas. In this regard, this would put such locations at a relative disadvantage in terms of their allowable/core hours compared with other tourist locations. The Shopping Centre Council of Australia recommends that Cairns CBD, and possibly other tourist areas, are included in the 'tourist area' definition. (Sub no. 18, Shopping Centre Council of Australia, p 2.)</p> <p><b>Response</b></p> <p><b>Currently in the Bill, the term “tourist area” includes New Farm, Hamilton North Shore, Gold Coast Tourist Area, the Great Barrier Reef Wonderland Tourist Complex and the town of Port Douglas. Rather than continuing the different hours for each of these areas already provided for in trading hours’ orders, standard hours will apply to all areas in the defined “tourist area”. The standard hours represent the earliest starting time and latest closing times in any of the areas.</b></p> <p><b>Identification of areas to be included in the defined “tourist area” has been based whether an area’s hours already exceed the extended hours to be introduced by the Bill. The current trading hours in the Cairns CBD exceed the hours to be introduced by the Bill by allowing late night trading on Saturday and Sunday in a regional area outside south-east Queensland. That area should therefore be included as part of the defined “tourist area”. The Government will move an</b></p>

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	<p><b>amendment during consideration in detail of the Bill to add the Cairns CBD to the defined “tourist area”.</b></p> <p><b>The current trading hours in the Townsville and Yeppoon Tourist Areas and other areas do not exceed the hours which will be introduced by the Bill (i.e. 7am-9pm on Monday to Friday, 7am-6pm on Saturday and 9am-6pm on Sunday and most public holidays) and so will not be included in the defined “tourist area”.</b></p>
<p>Clause 7 – 16D Shops other than hardware shops</p>	<p>Deregulation of trading hours shifts market share of independent supermarkets to the major chains, which has a quantifiable negative impact on employment and aggregate economic activity. [Sub no. 4, Qld IGA State Board. P1-2.] [Sub no. 10, SPAR, p 2] [Sub no. 12, Form Submission A, p 1] [Sub no. 14 MGA Independent Retailers, p 5] [Sub no. 15, Retail Guild, p 2]. For example, immediately following the deregulation of trading hours in December 2016, IGA supermarkets lost \$1million per week in turnover, this loss in turnover reduced wages by approx. \$5.5 million, which will lead to a reduction in employment across the network of approximately 128 fulltime jobs. Negative impacts to turnover and employment that flow from deregulation of trading hours increases over time. The major chains do not increase the number of employees with extended trading hours [Sub no. 4, Qld IGA State Board. P1-2.] Submission no. 10 (pp 2-3) from SPAR provides a similar example as a result of the extension to trading hours in December 2016, and specifically mentions the impact on employment for young people, which decreased as a result of a lack of sales, along with a closure of some stores and the impact on the community in regional areas. Similar examples given in submission no. 14 [MGA Independent Retailers, p 10]</p> <p>Online shopping is not a reason for extending trading hours as most deliveries happen during normal business hours and should not play a part of any decision to deregulate shopping hours. Social norms are also not a reason for deregulating, as many progressive countries regulate trading hours, [Sub no. 10, SPAR, p 3]</p> <p>Independent supermarkets need to find every competitive advantage to compete, including trading hours. Over the past 20 years, successful ‘trading hours applications’ by the National Retailers Association have caused decreased sales of independent supermarkets, including the submitter’s stores. The recent extension to trading hours has led to reducing employment numbers by 10% on Saturday, and meant that the submitter hasn’t been able to donate as much to local communities and had to reduce goods purchased from farmers and lessened the use of local services. A further deregulated market will cause some smaller supermarkets to close and therefore decrease competition and have a significant impact on consumer choice. [Sub no. 6, CONFIDENTIAL, pp 1-2]. Sub no. 12, Form Submission A (p 1) also refers to impact on local economy, reduction in choice, and reduction in employment. Dispute the additional jobs that will be created, particularly if smaller independent retailers are forced to close as they can’t compete. The Government has failed to recognise the importance of small supermarkets and their role in the community as long-standing centres of communities, contributors to the local communities through relationships with local producers and as sponsors in the community. The amendments will destroy the multiplier effect made by independent supermarkets. [Sub no. 14 MGA Independent Retailers, p 5]</p>

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	<p>Deregulating trading hours advantages big business by increasing their market share (and their profits for shareholders) at the expense of small business which impacts on local economies. [Sub no. 10, SPAR, p 5] [Sub no. 12, Form Submission A, p 1.]</p> <p>Competition will be destroyed and the market will be handed to the two major supermarket chains, as the additional trading hours given to independent supermarkets will deprive independent supermarkets of a small but vital business advantage. [Sub no. 14 MGA Independent Retailers, p 6.]</p> <p>In circumstances where there is a shift in market share, which is a likely outcome from the Trading (Allowable Hours) Amendment Bill 2017, all businesses should have protection from anti-competitive behaviour by other businesses. It is submitted by the Guild, that the Bill insofar as it increases and deregulates trading hours for those businesses with greater market share, should be deleted or stayed until the Misuse of Market Power Bill is passed by the Federal Parliament. [Sub no. 15, Retail Guild, p 3.]</p> <p>The Retail Guild submits that all provisions of the Bill that have the effect of increasing trading hours should be deleted or amended. [Sub no. 15, Retail Guild, p 3.]</p> <p>CCIQ remains concerned about the impact of the majors' market dominance over small businesses because of the proposed reforms as contained in the Bill currently being considered by the Committee. Queensland's 414,000 small businesses are concerned about the monopoly of major market players and their dominance of the home hardware market. However, a number of measures can be taken to ensure the independent retail sector can address the dominance of the major market players. These changes include a five year moratorium on the extension of trading hours for non-exempt stores' trading hours, altering the definition of a non-exempt shop and combining the newly defined independent retail shops with exempt shops, and allowing only the government and not the QIRC to alter retail trading hours across the state. CCIQ also strongly recommends the process of undertaking a Business Impact Statement (BIS) to be attached to cabinet-elevated legislation. [Sub no. 11, CCIQ, p 2.]</p> <p>Changes to trading hours for shops engaged in selling motor vehicles will not increase business as the same number of vehicle sales will be spread over a seven-day period, having a direct impact on operating costs, which will then have an impact on the consumer, and may put at risk business, livelihood and employee arrangements. [Sub no. 3, Irelands, p 2.] [Submission no. 17, MTAQ, p 2].</p> <p>SME's may be compelled to compete or risk trade diversion to larger entities that over the medium to longer term threatens the viability of their businesses. It has the potential to put SMEs at risk of the loss of business opportunity leading to business failure and insolvencies. [Sub no. 3, Irelands, p 2.] In addition, this affects contributions to community events and organisations.[Submission no. 17, MTAQ, p 4].</p> <p>Recommends the government evaluate trading hours for shops selling motor vehicles in the context of a holistic industry</p>

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	<p>policy which includes the industrial relations framework and employment policy to provide for a robust evaluation of the trading hours for the motor vehicle sector. [Sub no. 3, Irelands, p 2.]</p> <p>There is no empirical evidence of consumers seeking Sunday trading for the motor vehicle dealing sector. The consensus view of the membership of the Motor Trades Association Queensland is that the current 1990 Trading Hours Non-exempt Shops Selling Motor Vehicles State Order be retained with no changes. Hence, the MTAQ recommends the Bill be amended to reflect this view. The deregulation in respect of the State Order should not proceed unless simultaneous and appropriate amendments are made and stapled to industry and industrial relations provisions that apply to the motor vehicle sector [Submission no. 17, MTAQ, p 2].</p> <p>The Bill puts the cart before the horse. The focus should be on how employers will treat employees with an extension to trading hours to prevent staff being exploited or sacked because they do not want to work the extra hours. [Sub no. 5, John Freeman, p 1.]</p> <p>The new trading hours do not provide significant improved flexibility. In an average week for a non-exempt retailer from SE Queensland the new hours only allow an extra ten hours trading, with an extra hour on weekdays and an extra five hours on Saturday. There are also no changes to Sunday trading which has become one of the busiest days of the week in metropolitan Queensland and other parts of the country. [Sub no. 9, Retail Council, p 1.]</p> <p>The new trading hour regime will also play a major role in further eroding the competitiveness of Queensland retailers compared to their interstate and international rivals. The proposed Bill shows a complete lack of awareness that, via online shopping, a retailer in 2017 is not just competing with the shop next door, they are competing with the retailer in the next state and the retailer in another country. [Sub no. 9, Retail Council, p 1.]</p> <p>Trading hours schedule – in the schedule, “in any other area” is meant to deal with stores that can trade Sundays and those areas where an “opt in” is still required. Placing non-exempt that either do or don’t trade Sundays in one category will cause confusion as there is no distinguishable difference between them in the table provided. The table does not address non-Sunday traders in such a way to provide clarity on standard trade and public holidays. [Sub no. 13, National Retailers Association, p 3.]</p> <p>Closed Days – The National Retailers Association understands that non-exempt stores listed in applicable tables 16D can trade all public holidays other than those listed as closed days in 16A. This includes all stores listed in the new categories: SEQ area, Tourist area, In any other area, current six-day traders (those areas that do not currently trade Sunday i.e. Mt Isa). [Sub no. 13, National Retailers Association, p 3.]</p> <p>Would like to confirm the hours of trade for those stores that do not trade Sunday. For those stores (six day traders) in the</p>

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	<p>category of 'in any other area', is it considered the hours of trade for non-exempts are those listed Monday to Friday and Saturday in 16D? [Sub no. 13, National Retailers Association, p 4.]</p> <p><b>Response</b></p> <p>Clause 16D sets core trading hours for all non-exempt shops, other than hardware shops, for the south-east Queensland area, tourist areas and other areas.</p> <p>The hours applying on Sundays and public holidays 'in any other area' are qualified by the note cross reference at the end of the section which links to provisions explaining the opt-in process which must occur before those hours apply.</p> <p>The maintenance of a separate set of trading hours for shops selling motor vehicles or caravans is not considered justified especially given that trading for the full spread of hours provided in the Bill is not compulsory but is a decision for the individual business.</p> <p>In south-east Queensland, the allowable trading hours reflect the QIRC decision which granted uniform trading hours across south-east Queensland effective from 1 December 2016. These hours will now be set by the legislation. South-east Queensland is home to 70% of Queensland's population and 69% of total retail trading businesses registered in the State. It is estimated by Queensland Treasury that the extension and standardisation of trading hours for non-exempt shops in south-east Queensland will provide annual benefits of up to \$60 million in Gross State Product and 720 jobs.</p> <p>Outside south-east Queensland, trading hours will be standardised for those towns that currently have Sunday and public holiday trading. Approximately ten percent of the State's population live in regions where Sunday trading by the larger retail shops is currently prohibited. It is estimated by Queensland Treasury that economic and employment benefits of standardisation of trading hours for non-exempt shops outside of south-east Queensland are up to \$19 million in Gross State Product and 225 jobs.</p> <p>The Review raised concerns by stakeholders opposed to less restrictive trading hours, in particular concerns that small business would be negatively impacted by deregulating trading hours for larger, currently regulated businesses. However, there is little evidence of that concern with similar rates of participation for small businesses in deregulated states and territories.</p>

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<p>Clause 7 – 16F Christmas trading hours—general</p>	<p>Closure at 6.00pm instead of 9.00pm erodes choice and convenience for consumers to pick up goods needed for Christmas Day, especially when people are still at work until 5.00pm/6.00pm. Proposes a scenario that allows non-exempt stores to remain open voluntarily between 6.00pm-9.00pm Monday-Saturday (SE QLD) and Monday-Friday (Regional QLD), with the extra hours being voluntary for workers. [Sub no. 1, Andrew Aschman, p1] [Sub no. 2, Confidential, p 2.]</p> <p>Christmas Sunday trade – Understands that all non-exempt stores across the state (as per Schedule 16D, and six day traders) can trade the three Sundays prior to Christmas, this was previously two. The hours of trade for all stores across the state will be 8.00am-6.00pm. [Sub no. 13, National Retailers Association, p 4.]</p> <p>Christmas Midnight trade – Understands that all non-exempt stores across the state (as per 16D, and six day traders) can trade until midnight 18-23 December regardless of the day of the week that these days fall on. [Sub no. 13, National Retailers Association, p 4.]</p> <p><b>Response</b></p> <p><b>Extended hours are to be prescribed for the period prior to Christmas Day which are a set of standard hours that will apply across the State. The hours represent the earliest starting time and latest closing time in the current orders which allow extended pre-Christmas trading in various areas of the State. The extended shopping hours' arrangements in the immediate lead up to Christmas Eve currently in place for Westfield Chermside and Garden City will also continue to apply.</b></p> <p><b>The Review considered that the 6pm closing time on Christmas Eve, is a reasonable compromise which allows most workers to go home at a reasonable hour, balancing costs for all industries if a public holiday was to be declared from 6pm.</b></p>
<p>Clause 7 – 16G 24-hour Christmas trading for particular shops</p>	<p>The 'address' descriptions of the Westfield Chermside and Garden City shopping centres (section 16G (3)) is appropriate within their current operating footprint, however the relevant 'Lot' descriptions need to be amended to reflect the current property/title record. While the descriptions in the Amendment Bill reflect the 2017 trading hours order, the legislation should be amended to correctly reflect the current record. This does not materially affect the policy or legislation.</p> <ul style="list-style-type: none"> <li>. Westfield Chermside - Lot 1 on SP 192393</li> <li>. Westfield Garden City - Lot 1 on SP 265246</li> </ul> <p>In relation to any future possible changes to the title(s) for these shopping centres, such as through redevelopment or expansion of these properties, the acquisition of additional adjoining properties, and related lot consolidation, it is recommended that the following words are inserted into the current definitions:</p> <ul style="list-style-type: none"> <li>. After 'shopping complex': "known as, and trading as Westfield Chermside/Garden City".</li> </ul>

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	<p>. After Lot/SP: ", or the lots and survey plans as amended or modified from time to time".[Sub no. 18, Shopping Centre Council of Australia, p 2.]</p> <p><b>Response</b>  <b>The Government will move an amendment during consideration in detail of the Bill to define the Westfield shopping complexes at Chermside and Garden City by reference to a street address rather than real property descriptions.</b></p>
<p>Clause 15 – Amendment of s 23 (Powers and procedures relevant to proceedings under ss 21 and 22)</p>	<p>The Bill should be amended so that ‘local governments’ cannot initiate applications to the Industrial Commission to deregulate trading hours. [Sub no. 4, Qld IGA State Board, p 2.]</p> <p><b>Response</b>  <b>Local governments are included in the organisations that may make application to the QIRC for proceedings under ss 21 and 22, along with industrial organisations and other organisations. This provision permits local governments to make applications to the QIRC for Sunday and public holiday trading in towns where Sunday and public holiday trading do not currently exist.</b></p>
<p>Clause 19 – Amendment of s 26 (Matters relevant to s 21 order)</p>	<p>If the additional consideration is to be added it needs to be more concise. We would suggest that (ga) is amended to read “the likely impact of the order on current employees”, as it would be problematic to argue to the impact of employees who may be employed because of additional jobs. [Sub no. 13, National Retailers Association, p 4.]</p> <p>Section 26 of the Act should be amended to include a requirement that social and community impacts assessments and a better off overall test should be applied by QIRC when considering new applications. [Sub no. 15, Retail Guild, p 4.]</p> <p><b>Response</b>  <b>The Government is satisfied that the criteria as amended by the Bill in s.26 are adequate for consideration by the QIRC in making their decisions.</b></p>
<p>Clause 28 – 36B Protection for employees—extended hours under Trading (Allowable Hours) Amendment Act 2017</p>	<p>The new regulations introduce an excessive amount of red tape for owners and employees. If retailers want to open in any of the new ‘extended’ hours they have to get, in writing, from all employees that they have freely elected to work. Given that retail shifts change from week to week, especially casuals, this may mean that every day every staff member is rostered on, for what might only be an extra hour or two, they will need to fill in extra paperwork to show that they have freely elected to work. [Sub no. 9, Retail Council, p 2.]</p> <p><b>Response</b>  <b>Submissions to the Review highlighted the need to ensure that retail employees who are routinely working what are</b></p>



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	<p>considered to be unsociable hours are not compelled to work further hours. Under New South Wales legislation, any employee of a shop exempted to trade on a restricted day must freely elect to work without any coercion, harassment, threat or intimidation by or on behalf of the shop owner. This has provided a model for the protection of Queensland's retail workers and prescribes that it is an offence for an employer to require an employee to work during the extended hours introduced by the Bill unless they have freely elected (i.e agreed in writing) to work those hours. The requirement to evidence agreement in writing already forms part of the legislation at s36A in respect of similar protections for the south-east Queensland area and additionally is a requirement for voluntary work in the October 2016 decision allowing extended trading in south-east Queensland.</p>
Clause 30 – 46B Review of Act	<p>A specific date should set be down for review, such as June 2019, so that the timeframe is clear to all stakeholders and is reflective of the fast-changing nature and high level of disruption being experienced by retailers. [Sub no. 9, Retail Council, p 2.]</p> <p><b>Response</b>  <b>The Bill provides for a five year moratorium on further trading hours' applications to amend the allowable trading hours for non-exempt shops with a commitment to further review prior to the end of the moratorium period. The Bill at s.46B provides that the Act must be reviewed within five years from commencement.</b></p>
Clause 31 – 55 Definitions for division	<p>It was the submitter's understanding that the proposed moratorium period was to commence at the date of proclamation, with an end five years from that date. The definition of the moratorium period contained within this clause significantly changes the intent of the Government's announcement. The submitter, in effect, is now unable to make an application to vary trading hours. The NRA recommends that this is changed to 5 years from proclamation date, otherwise the effect will be a moratorium of 5 years and 6 months. This moratorium produces an unintended consequence which amounts to retrospective legislation in relation to a matter the NRA lodged with the QIRC in 2015, and which is yet to be determined. [Sub no. 13, National Retailers Association, p 4.]</p> <p><b>Response</b>  <b>The moratorium prohibiting applications to the QIRC for other than extended hours opt-in applications, commences from the introduction date of the Bill so as to prevent applications to the QIRC being lodged before the proposed commencement of the amending legislation. This would potentially dilute the effect of the uniform hours which are a feature of the Bill.</b></p>

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<p>Clause 31 – 58 Opt-in process for s 16D—particular shops outside south-east Queensland area and tourist areas etc</p>	<p>While the LGAQ would prefer that the order making power of the QIRC be limited, we recognise the moratorium for five years for non-exempt shops on further trading hours applications will relieve some pressure from smaller independent retailers. [Sub no. 8, LGAQ, p 1.]</p> <p>The persistence with a ban on Sunday and Public Holiday trading for many regional Queensland areas shows a disrespect to people of regional Queensland and reflects a lack of understanding about modern life, and treats retailers, employees and consumers in many regional areas as second class citizens who are unable to have the same opportunities as city-based Queenslanders. [Sub no. 9, Retail Council, p 1.]</p> <p>In rural and regional Queensland, people do not want a change to the current trading hours, and do not want to see a dominance of Coles and Woolworth. Instead they want competition, choice and local jobs maintained. [Sub no. 12, Form Submission A, p 1.]</p> <p><b>Response</b>  <b>The Review received some strong opposition to any extension of trading hours for non-exempt shops and any extension of trading on Sundays to all of the State was of major significance to the current trading position for independent supermarkets. The Bill provides for an opt in provision to allow regions that do not currently have Sunday and public holiday trading, to decide whether they want the ability to trade on a Sunday or public holiday and then make application to the QIRC to make those hours applicable in their area.</b></p>
<p>Clause 31 – 59 Moratorium on trading hours orders and restriction on making applications</p>	<p>The Government should impose a moratorium on any further deregulation of trading hours until it can be sure any changes to trading hours will increase employment and economic activity in Queensland. [Sub no. 4, Qld IGA State Board, p 2.]</p> <p>Recommends the Bill not progress any further and the Queensland Government impose a moratorium on applications to further deregulate trading hours until a full impact assessment is completed on the recent South East Queensland trading hours changes. [Sub no. 6, CONFIDENTIAL, p 2] [Sub no. 14, MGA Independent Retailers, p 9.]</p> <p>The extended trading hours has been disastrous for independent supermarkets and the Bill must not be confirmed as law until extensive dialogue occurs within the industry. [Sub no. 10, SPAR, p5]</p> <p>The five year moratorium is an excessively long time for a sector that is changing as quickly as retail is. The new trading hour regulations are not fit for purpose in 2017, they will be completely outdated in another five years. Would like to see the moratorium be removed from the Bill [Sub no. 9, Retail Council, p 2.]</p> <p>The moratorium will not achieve the economic growth predicted by the Minister due to negative impact on small to medium businesses. [Sub no. 15, Retail Guild, p 2]</p>

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	<p><b>Response</b></p> <p>The Review recognised the complexity associated with the different trading hours arrangements in Queensland. The complexity has arisen from the many successful applications made to the QIRC for extended hours over the past decade. The five year moratorium period will provide certainty in relation to trading hours over the next five years. The moratorium will also allow independent supermarkets time to adjust to the extended trading in the Bill and provide time for Government to gather information and consider the effects of extended trading hours in preparation for the future review.</p>
Clause 31 – 60 Existing applications for orders under former s21	<p>The National Retailers Association (NRA) currently has an outstanding application which has not been dealt with by the Commission. The commission is aware of <i>TH2015/2 Gold Coast Coastal Tourism</i> which was heard in January 2016, over 12 months ago. The effect of the moratorium being introduced from the date of introduction is that the outcome of TH2015/2 will now not be able to be incorporated into the new legislation, regardless of the Commission's findings. Advice to the NRA from the Department is that the Commission will have no choice now but to reject the application. Moreover, having gone through the process of making the application back in 2015, and considering the NRA will be prevented from making that application again for five years, the NRA is keen to ensure that the decision will be able to be implemented if the application is granted. The NRA strongly urges the Parliament not to legislate against an application that was made back in 2015. Proposes excluding from the moratorium duly made applications that were afoot at the time of the moratorium coming into force. [Sub no. 13, National Retailers Association, p 5.] The Shopping Centre Council of Australia also suggests the Bill be amended to enable the QIRC to deal with this application. [Sub no. 18, Shopping Centre Council of Australia, p 3.]</p> <p><b>Response</b></p> <p>The Bill at section 60 provides for a transitional provision that requires applications made but not determined before the introduction of the Bill must be dismissed. Only those applications seeking to 'opt-in' to Sunday and holiday trading hours outside of south-east Queensland can be decided by the QIRC. The application described falls under these criteria and does not seek the extended opt-in hours.</p>
Clause 32 – Insertion of new schs 1AA and 1AB	<p>The NRA agrees with the list of inclusions for an Exempts Shop, and we agree with the inclusions and deletions made as a result of the review. [Sub no. 13, National Retailers Association, p 6.]</p> <p>The Bill does not give Dalby access to the opt in provisions in Clause 31 of the Bill which inserts Clause 58 into the Act which prevents the extended Core Hours in Clause 16D of the Bill from operating, a determination is made by the QIRC that they should. The Bill has classified Dalby as a Tourist and Seaside Resort Town pursuant to Schedule 1AB of the Bill. Dalby is a productive agricultural and gas producing town. It is not a tourist nor Seaside Resort Town and should not be treated as one for the purposes of this Bill. This is also the case for Moranbah, Biloela, Emerald, Gympie and Ingham. Schedule 1AB should be reviewed and amended to only include tourist areas, and a definition of "tourist area" should be included in the Bill. (Sub no.</p>

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	<p>15, Retail Guild, p 3-4].</p> <p><b>Response</b>  <b>The Bill does not classify Dalby as a Tourist and/or Seaside Resort. All areas listed in schedule 1AB are separate and distinct and represent those areas outside south-east Queensland in which Sunday and public holiday trade is already allowed by orders of the QIRC. The Bill defines ‘tourist area’ at section 16A.</b></p>
Recommendation 10	<p>In recommendation 10, allowances have been made for “An application for special event or local festival status and the designated area will be made to the QIRC for determination”. The National Retailers Association (NRA) considers the intension of this provision is to allow for quick and effective decisions to be made by the QIRC on matters of significant interest. However, the QIRC has no option than to hold hearings and call for interested parties which will inevitably cause long delays and higher costs than can be practicable for a short local festival or event. The NRA seeks a simple and cost effective framework in which to ensure these applications are not frustrated and held up unnecessarily. [Sub no. 13, National Retailers Association, p 5.]</p> <p><b>Response</b>  <b>The Bill at section 5 provides for applications to be made to the QIRC to declare a special event so that all shops connected to the event in a specified area and for a given time are exempt shops (i.e. exempt from any trading hours restrictions). While the QIRC has general powers as well as specific non-exhaustive powers under the <i>Industrial Relations (Tribunals) Rules 2011</i> to make directions orders about the conduct of proceedings before it, the Bill does not include any specific powers for the QIRC to impose particular requirements on applicants in respect of these new applications. This new provision has been drafted in this way so as not to encumber or delay the process.</b></p>
Changes to other legislation	<p>To assist the independent retail sector counteract the majors’ market dominance over small businesses, it is suggested that amendments to the Liquor Act be made to allow independent retailers to participate in the packaged liquor market. [Submission no. 11, CCIQ, p 2.]</p> <p>If the Government is intent on making changes to the trading hour’s laws then it should give serious attention to providing fairness in permitting the same commodities to be sold in all stores. There is a distinct inequity between the ability to make sales of liquor in larger supermarkets but smaller supermarkets are prevented by law from making such sales. The Government should seriously consider equality so that sectors are able to sell liquor which would provide a means to small businesses of sustain their livelihoods. [Sub no. 14 MGA Independent Retailers, p 6.]</p> <p><b>Response</b>  <b>The proposed changes to the Liquor Act (i.e sale of packaged liquor from retail shops) are outside the terms of reference for the Review.</b></p>

Clause and policy issue	Issues raised [include sub no, name and page no in brackets]
	<p>The State's brick-and-mortar retailers, particularly small businesses, will require greater flexibility, a more suitable operating environment and less red tape to move forward with more certainty. Queensland has the opportunity to improve fairness in the marketplace and create a more competitive operating environment for businesses, by implementing genuine reform to our <i>Retail Shop Leases Act 1994 (QLD)</i> similar to that undertaken in NSW in late 2016. [Submission no. 11, CCIQ, p 4.]</p> <p><b>Response</b>  <b>The proposed changes to the <i>Retail Shop Leases Act 1994</i> are outside the terms of reference for the Review.</b></p> <p>CCIQ also strongly recommends the process of undertaking a Business Impact Statement (BIS) to be attached to cabinet-elevated legislation. [Sub no. 11, CCIQ, p 2.]</p> <p><b>Response</b>  <b>The Review process included extensive consultation with stakeholders and an independent reference group with expert members from the tourism industry, business and unions. An independent survey was also conducted by the Office of the Queensland Government Statistician of over 3000 households to gauge their views on trading hours. There were also over 170 submissions made to the Review to assist in the Review's consideration of the significant issues.</b></p>
Support for the Bill	<p>The Southern Downs Regional Council supports the bill because it will facilitate the creation of jobs for residents, support sustainable population and tourism growth, provide more flexibility and convenience for both tourists and residents, attract investment and mitigate the retail dollar leakage to Toowoomba. [Sub no. 7, Southern Downs Regional Council, pp 1-3].</p> <p>The Queensland Tourism Industry Council (QTIC) offers its support for the Trading (Allowable Hours) Amendment Bill 2017 (the Bill), reform which the QTIC has long advocated for and has actively contributed to as part of the Trading Hours Review Reference Group. [Sub no. 16, Queensland Tourism Industry Council, p 1.]</p>