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### **Trading (Allowable Hours) Amendment Bill 2017**

The Retail Council welcomes the opportunity to provide feedback on the *Trading (Allowable Hours) Amendment Bill 2017*.

The Retail Council is the voice of Australia's top retailers and is driven to achieve sustainable growth of retail in Australia for the benefit of the consumer, the industry and the economy.

As you may be aware, the Retail Council made a submission to the recent review into Queensland retail trading hours, chaired by Mr John Mickel. Our key recommendation in this submission was:

*Retail trading hours in Queensland should be modernised to reflect the needs of consumers in the 21<sup>st</sup> century. All retailers in Queensland should be permitted to trade throughout the year except for Christmas Day, Good Friday and the morning of ANZAC Day until 1pm.*

The *Trading (Allowable Hours) Amendment Bill 2017* falls well short of genuine modernisation of trading hours in Queensland and represents a lost opportunity for the State to deliver for all Queenslanders.

Indeed, for most consumers the new trading hour regulations do not provide significantly 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 5 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.

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. It is disappointing that the Queensland Government has decided to treat retailers, employees and consumers in many regional areas as second-class citizens who are unable to have the same business, employment and shopping opportunities as city-based Queenslanders.

The new trading hour regime will also undoubtedly 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. Whether the Queensland Government likes it or not, consumers will shop when it is convenient for them and if their local retailer cannot open when they want to shop then they will jump online to make their purchases. This harms the very people that the Government claims to protect, smaller retailers and their staff.

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 for many staff, 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. These types of provisions are workable for 'special event' days, but not for every day of the year.

With respect to the new exemptions to trade on special events, it is the experience of retailers in other jurisdictions 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.

The Government is to be congratulated for:

- removing some of the complex system of local government-based trading hour rules. This will help the tourism sector in particular, which suffered from visitors being confused about marginally different hours even in neighbouring LGAs. However, the Bill does not remove all of the complexity.
- combining the definitions of exempt and independent stores into a single definition and expanding some of the staffing rules around exempt stores.

We note that the Bill imposes a five-year moratorium on further changes to retail trading hours, other than 'special event' applications or applications from regional councils to 'opt-in' to the new regulations. This 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. We strongly encourage that the moratorium be removed from the Bill.

The Bill also includes provision for a review of the new regulations "within 5 years from commencement". We strongly encourage that a specific date is set down for a 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.

This proposed Bill means Queensland will retain its position as having one of the most complex retail trading hour regimes in the world. This Bill is a missed opportunity and fails to deliver a modern system for all Queensland retailers, retail employees and consumers.

Kind Regards

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