




Speech By
Hon. Grace Grace

MEMBER FOR BRISBANE CENTRAL

Record of Proceedings, 1 March 2017

TRADING (ALLOWABLE HOURS) AMENDMENT BILL

Introduction

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (4.06 pm): I present a bill for an act to amend the Trading (Allowable Hours) Act 1990 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Trading (Allowable Hours) Amendment Bill 2017 [\[315\]](#).

Tabled paper: Trading (Allowable Hours) Amendment Bill 2017, explanatory notes [\[316\]](#).

The Palaszczuk government is today introducing the most significant changes to Queensland's retail trading hours in more than two decades. The changes in this bill will modernise and simplify current trading hours to support jobs, cut red tape and increase choice for consumers. A massive 99 specific trading hours provisions, contained in over 40 pages of orders from the QIRC, will be replaced by just six trading hours provisions covering all large stores across the state. Based on previous independent studies, Queensland Treasury estimate the proposed changes have the potential to increase gross state product by up to \$79 million and support up to an additional 945 full-time equivalent jobs.

The key proposed reforms in the bill will mean: allowable trading hours for non-exempt shops under the act will be extended in South-East Queensland from 7 am to 9 pm Monday to Saturday, in line with the decision by the QIRC in late 2016, and in regional Queensland from 7 am to 9 pm Monday to Friday and 7 am to 6 pm on Saturday. Trading hours for Sunday and public holiday trading will be standardised across Queensland from 9 am to 6 pm. Those regional towns that currently do not have Sunday and public holiday trading will be able to opt in to these trading hours through an application to the Queensland Industrial Relations Commission. That situation does not change.

Special tourist areas such as Port Douglas will have access to extended trading hours that meet the needs of domestic and international visitors. There will be provision for special trading hours applications to be made for extended trading around international events, such as the Commonwealth Games. Trading hours restrictions will be removed for butcher shops, special exhibitions and trade shows. All hardware stores can open on Sundays from 6 am. Extended trading hours will apply in the period leading up to Christmas for non-exempt shops in all areas of the state, with trading to close from 6 pm on Christmas Eve to allow retail workers to go home and be with their friends and family.

The employment thresholds at which independent retail shops become subject to the same trading restrictions as larger non-exempt shops will be lifted, from 20 to 30 employees on the floor in any one shop and from 60 to 100 employees where a number of related shops are operated. This will remove a current brake on employment and business expansion for smaller retail businesses; and the people of Queensland will be able to buy cars and caravans on a Sunday.

In introducing these reforms, the government also recognises that changes to trading hours can have impacts on retail workers and their families. That is why this bill includes protections for retail workers that will make it an offence for an employer to require an employee to work the extended trading

hours that are being introduced unless the employee has freely elected to work those hours. This agreement to work must be made in writing. The requirement for agreement applies to all hours which are being extended by this amendment bill, not to Sundays and public holidays only.

The bill also amends the act to include the impact on employees as a new criterion for the QIRC to consider in deciding trading hours applications. With the exception of applications in relation to international events and any opt-in applications for Sunday and public holiday trading, there will be a five-year moratorium on further trading hours applications to extend the allowable trading hours for non-exempt shops. The moratorium will provide a period of stability and certainty for all parties and put a temporary end to the ongoing process and costs involved with retail organisations applying to the QIRC for trading hours orders. A review of the new trading hours arrangements will be held prior to the end of the moratorium period.

The introduction of these reforms follows a comprehensive review of Queensland retail trading hours by an independent reference group chaired by former Speaker and now QUT School of Justice Associate Professor John Mickel. The government announced the review on 31 August 2016 in response to concerns raised by business and the community that Queensland's trading hours arrangements are complex and confusing and may act as a disincentive to business expansion, employment and economic growth. The reference group comprised key business groups, the Queensland Tourism Industry Council and unions and was asked to look at how the regulatory framework for trading hours could be improved.

The review received over 170 submissions from business, consumers, workers and other community representatives. These submissions responded to questions raised in an issues paper released by the reference group on 2 October 2016. John Mickel delivered the review's report to government in December 2016, making 13 recommendations for the reform of trading hours in Queensland. The report was released publicly on 13 February 2017.

The report from John Mickel highlighted a number of complexities and anomalies with current trading hours arrangements. For example, under the current regulations, as mentioned, there are 99 different trading hours provisions. For Sunday alone, there are 30 different trading zones across Queensland. Easter Sunday is closed for trading in South-East Queensland but open for trading in major regional centres. Under the act, non-exempt shops close at 5 pm on a Saturday but 6pm on a Sunday. In South-East Queensland most major hardware shops cannot open until 9 am on a Sunday.

Once an independent retail shop has more than 20 employees on the shop floor, they fall into the non-exempt shop category. This acts as a brake on employment. These examples highlight how the current regulation of trading hours is confusing for consumers and complex for retailers. For 20 years, successive Queensland governments have failed to act and tackle these issues. By contrast, the Palaszczuk Labor government has grasped the nettle on this major piece of economic reform.

The retail trade industry in Queensland employs 255,000 Queenslanders, or 11 per cent of all jobs across the state, paying about \$9.9 billion in wages and accounting for \$76 billion in sales. Independent studies on the relaxation of trading hours restrictions have projected an economic benefit to Queensland ranging from \$200 million to \$253 million. The Palaszczuk government can make these positive changes for Queensland because we can work with business, unions and employees and we work in the best interests of all Queenslanders.

This bill is by no means a total deregulation of trading hours. As part of the review, a survey of over 3,000 Queenslanders was conducted, which found there was no overwhelming push for the deregulation of trading hours for all businesses. Consistent with the findings of the review, this is a sensible extension and simplification of current trading hours. We have got the balance right.

I also note that in response to concerns expressed by stakeholders in regional areas, the government has not accepted the recommendation from the review to extend Sunday and public holiday trading automatically to those 23 major regional towns that currently do not have it. Instead, industrial organisations and any other organisation, including a local council, can apply to the QIRC for their local area or region to opt in to those provisions. Currently, there are three such applications for the areas of Pittsworth, Warwick and Stanthorpe.

The bill before the House will now be referred to the relevant committee before it returns for debate, likely to be in the May sittings of parliament. However, for the benefit of the House I would like to flag that we do intend to progress one particular set of amendments to the trading hours legislation separately in advance of this amendment bill. These urgent amendments to the Trading Hours (Allowable Hours) Act 1990 will be moved later today by the Attorney-General during consideration in detail of the Liquor and Other Legislation Amendment Bill 2017. The amendments are to establish Easter Sunday as an open trading day for all non-exempt—large—shops in South-East Queensland.

This will complement legislative amendments already passed as part of the Industrial Relations Act 2016 which make Easter Sunday a public holiday from 2017. Easter Sunday falls on 16 April in 2017 and it is important to provide business, consumers and the public with certainty in terms of whether it will be an open or closed trading day.

One of the recommendations from the review was that the government consider standardisation of those public holidays that are to be treated as closed days for all non-exempt shops across the state. Under the current trading hours arrangements, non-exempt shops in South-East Queensland and regional areas without seven-day trading are required to be closed on five public holidays each year: Good Friday, Easter Sunday, Anzac Day, Labour Day and Christmas Day. These are the non-exempt shops in the south-east area. However, in the major population centres and tourist areas outside South-East Queensland the restriction only applies to four public holidays. They are able not to operate on Good Friday, Anzac Day, Labour Day and Christmas Day as Easter Sunday is an open trading day in those areas.

It makes sense to standardise closed trading days across Queensland as this will provide consumers, businesses and workers with greater certainty. Making Easter Sunday an additional closed trading day throughout the state would impose economic costs through lower consumer welfare, employment and retail sales affecting a peak time for tourism and visitors to the state, particularly now that Easter Sunday is a public holiday. It would also be a backward step, considering that many areas outside of South-East Queensland are able to open on Easter Sunday. For these reasons, the aim of the urgent amendments to be introduced later today is to confirm Easter Sunday as an open trading day in South-East Queensland in time for Easter 2017.

In conclusion, the amendments in this bill simplify and bring uniformity to trading hours arrangements, allowing retailers to set their hours to best service their customer needs. This is a huge reduction in red tape that will mean more jobs for Queenslanders, a stronger economy and a healthier retail competition, which means lower prices for customers. Importantly, no-one will be made to work any of the additional hours allowed by the changes unless they have voluntarily agreed to do so. More jobs, more choice and less red tape: that is what these reforms are all about.

Finally, I wish to place on record my sincere thanks and appreciation to the review chair, Mr John Mickel, and the members of the reference group for their sterling work on what is a very complex issue. The final outcome reflected in the bill now before the House today is a victory for common sense, jobs, the economy, and the community. I commend the bill to the House.

First Reading

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (4.21 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Referral to the Finance and Administration Committee

Mr DEPUTY SPEAKER (Mr Stewart): In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (4.21 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the Finance and Administration Committee report to the House on the Trading (Allowable Hours) Amendment Bill by 28 April 2017.

Question put—That the motion be agreed to.

Motion agreed to.