




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

---

Record of Proceedings, 18 August 2022

## **TRADING (ALLOWABLE HOURS) AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr WEIR** (Condamine—LNP) (12.36 pm): I rise to make a contribution to the debate on the Trading (Allowable Hours) and Other Legislation Amendment Bill 2022. This bill was introduced into the chamber by the Hon. Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, and referred to the committee on 25 May 2022. The committee reported back on 22 July 2022. As stated in the explanatory notes, the proposed amendments to the Trading (Allowable Hours) Act 1990 are to implement the committee's recommendations. The recommendations were made in report No. 15, 57th Parliament—*Inquiry into the operation of the Trading (Allowable Hours) Act 1990*—which was tabled on 31 January this year.

The Trading (Allowable Hours) Act 1990 prescribes whether a retail shop can open for business depending on the class of shop. Exempt shops classified as exempt according to the type of goods or services they sell, as listed in schedule 1AA of the trading hours act, are exempt from trading hours restrictions and may trade at any time, subject to any restriction provided for by other legislation. Independent retail shops included in exempt shops are determined to be independent retail shops on the basis of their small business characteristics, such as the number of staff working in the shop. Non-exempt shops, including hardware shops and shops selling motor vehicles and/or caravans with particular trading hours, may operate during permitted core trading hours as prescribed in the trading hours act according to categories which are defined by their location.

The bill amends the categories of core trading hours for non-exempt shops to reduce the number of categories from five to four by combining the 'seaside resorts' and 'any other area' categories with the hours prescribed for 'seaside resorts'; to include the Mossman and Port Douglas Tourist Area with other tourist areas; and to rename the current categories of core trading hours to trading area types. The Australian Automotive Dealers Association, the Motor Trades Association of Queensland and the Caravan Trade and Industries Association of Queensland supported the bill as it does not alter trading hours for shops selling motor vehicles or caravans. The Chamber of Commerce and Industry Queensland also supported this position.

The National Retailers Association submitted that it saw no need in the near future for any changes to the hours set out in the legislation for each trading area type. However, the NRA proposed a standing mechanism to allow trading hours in each trading area to be reviewed from time to time to account for changes to business or trading conditions without the need to return to parliament. The NRA suggested that the QIRC is the most appropriate body to conduct such a review. In response to the issues raised by submitters the department provided the following information.

The objectives of the Trading (Allowable Hours) Act 1990 include setting trading hours, including to set these hours differently based on the needs of particular locations and particularly to facilitate trading in tourist areas; however, the act also empowers the QIRC to recategorise locations to benefit from more favourable trading hours should a need be identified. This will continue with the provisions of the bill. The bill amends the Trading Hours Act to remove the power of the QIRC to make orders to

vary core trading hours for non-exempt shops from the hours prescribed in the act. The amendments mean that any variation to core trading hours would only be possible by amendment to the Trading Hours Act. The bill provides for the QIRC to continue to make orders about the localities or parts of localities where non-exempt shops are situated as it is empowered to do under the existing act.

The CCIQ and Master Grocers Australia were opposed to the removal of the power of the QIRC to make orders to vary core trading hours for non-exempt shops from the hours prescribed in the Trading Hours Act. The CCIQ contended that businesses should be afforded flexibility to change trading hours in the current trading environment which have largely resulted from the impacts of the COVID-19 pandemic, supply chain constraints and high operating costs. The MGA noted that the removal of the power would prevent the QIRC from particularising trading hours dependent on distinct classes of non-exempt shops. The Trading Hours Act provides for the QIRC to decide on an application and declare a unique or infrequent event of local, state or national significance to be a special event—such as the Kingaroy BaconFest. A declaration enables non-exempt shops operating within a specified area for an event which is declared to be a special event to operate as exempt shops for the declared period.

The bill also amends the Trading Hours Act to ensure that, irrespective of any workplace agreement or industrial award, employees cannot be required to work in circumstances where a shop's trading hours are extended unless they have freely elected in writing to work during the extended hours. It is difficult to find the appropriate balance between work, leisure and family at any time, but when your work hours are extended it is particularly hard. Some businesses do this particularly well; others maybe not so much. The LNP supports this amendment. An example of a business that does this well is Hannas Department Store in Toowoomba. Even though they are in competition with large retailers such as Myer's, Big W, Target and others, they always close at lunchtime on Saturday—always—to allow their workers to have a family life or play sport. As a result they have a very loyal customer base, including myself. This suit, shirt and tie all came from Hannas.

There were also mixed opinions on the extension of the moratorium regarding the government's proposed 12 months, with a number of submitters suggesting an extension of five years. The five-year extension was particularly popular with small traders such as Master Grocers, IGA, SPAR and FoodWorks. These are the stores that are at the heart of our small towns across Queensland, supporting local charities and sporting clubs. It is no different in the electorate of Condamine. These stores are already under pressure from online shopping and home delivery services from Coles and Woolies. If you drive to Pittsworth or Crows Nest or if you go out to Clifton, you will see those delivery vans driving around. It impacts the small stores in those towns.

**Ms Leahy:** It impacts jobs too.

**Mr WEIR:** That is a good point, member for Warrego; it does. That is where most of the young kids in those towns get their part-time work. They start their working lives in those stores. It also affects butcher shops and newsagents. It is a tough environment. I support small business. This is the party that does support small business.

The shadow minister, the member for Kawana, will propose an amendment to extend that period to five years. The Trading Hours Act provides criteria for determining whether a shop is an independent retail shop based on the number of people working in all shops in the state operated by the same owner. The member for Kawana will also move an amendment that will change the definition of independent retail shop to a threshold of 40 employees on the same shop floor at any one time and 150 employees in all shops under the same ownership across the state. I support the amendments proposed by the member for Kawana. The other amendments are non-controversial. I support the amendments that will be proposed by the member for Kawana and encourage the House to also do so.