

# A Review of Queensland's Trading (Allowable Hours) Act 1990

Monday	8:00	—	4:30
Tuesday	8:00	—	4:30
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Sunday	closed		

**A report by Mr John Mickel**

**Chair — Trading Hours Review Reference Group**

**December 2016**

**The Hon Curtis Pitt MP,**  
Treasurer,  
Minister for Aboriginal and Torres Strait Islander Partnerships,  
Minister for Sport,  
1 William St,  
BRISBANE QLD 4000

**The Hon Grace Grace MP,**  
Minister for Employment and Industrial Relations,  
Minister for Racing,  
Minister for Multicultural Affairs,  
1 William St,  
BRISBANE QLD 4000

**Dear Treasurer and Minister,**

I am pleased to present the report '*A Review of Queensland's Trading (Allowable Hours) Act 1990*'.

The report is the culmination of a wide ranging review of Queensland's trading hours' arrangements. The Queensland trading hours review 2016 (the Review) has considered submissions from business, unions, workers and the community, economic analysis, an extensive household survey on Queenslanders' attitudes to trading hours, and the views and expert knowledge of an independent reference group comprised of representatives of business, unions and the tourism industry.

The report makes 13 recommendations that I consider will improve trading hours' regulation in Queensland to promote employment and economic growth while balancing the interests of workers, consumers and small and large businesses.

The Review found that the current patchwork of trading hours across the State is unnecessarily complex to navigate, causes confusion for retailers and consumers, does not adequately reflect contemporary shopping and leisure preferences and detracts from Queensland's appeal as a tourist destination. While there is a general appreciation across the community that these issues must be addressed, there is not an overwhelming call for a total deregulation of the trading hours for all retail businesses at this time.

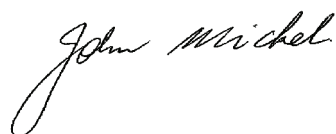
Retail industry workers and their Unions and the community at large have raised legitimate concerns about the negative consequences of extended trading hours on quality of life and work and family balance, particularly for working families with school-aged or younger children. Also, the impacts on regional and rural communities, where their local economies, population densities and consumer preferences and work patterns are not the same as those in the south-eastern portion of the State, have been very important to my considerations.

These genuine stakeholder and community concerns must be balanced against the economic benefit and competition arguments for reduced regulation made by the Australian Productivity Commission, the Queensland Competition Authority and other bodies.

On balance, there is a case for greater liberalisation and standardisation of allowable trading hours across Queensland. Reducing complexity and removing the heavy hand of Government regulation will enable Queensland businesses to determine how best to grow and service customer demand. There is also a case for ensuring stability by placing a moratorium on applications for further changes being made to the State's trading hours' arrangements.

As Chair of the reference group, I would like to acknowledge the contribution of all members of the reference group to the task of overseeing this review of Queensland's trading hours' laws. All members participated in good faith and with open minds. Points of view were shared robustly and respectfully. Not all members of the reference group will agree with all of the recommendations in this report. This is not surprising considering the diversity of interests amongst stakeholders and the variety of views expressed through the submissions, surveys and analysis. However, there was a considerable level of agreement on most of the recommendations. Where disagreement did exist, I have sought to ensure that the report properly reflects the positions of the reference group representatives.

I would like to thank Mr Tony Schostakowski and Mr Mark Hopgood and the other members of the Secretariat within the Office of Industrial Relations, Queensland Treasury, who worked diligently to develop the Issues Papers, explore ideas and assist me with preparing the final report. I also acknowledge the support of Dr Simon Blackwood and Mr Tony James from the Office of Industrial Relations during the Review.



Yours sincerely,

**John Mickel**

Chair  
Trading Hours Review Reference Group

## Glossary

ABS	Australian Bureau of Statistics
AWU	The Australian Workers' Union of Employees, Queensland
CCIQ	Chamber of Commerce and Industry Queensland
LGAQ	Local Government Association of Queensland Ltd.
Liquor Act	<i>Liquor Act 1992 (Qld).</i>
MGA	Master Grocers Australia
MTAQ	Motor Trades Association of Queensland
NRA	National Retail Association
QCU	Queensland Council of Unions
QGSO	Queensland Government Statistician's Office
QIRC	Queensland Industrial Relations Commission
QTIC	Queensland Tourism Industry Council
QUT	Queensland University of Technology
SCCA	Shopping Centre Council of Australia
SDA	Shop, Distributive and Allied Employees' Association (Queensland Branch) Union of Employees
Trading Hours Act	<i>Trading (Allowable Hours) Act 1990 (Qld).</i>
UV	United Voice, Industrial Union of Employees, Queensland

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## Executive summary

On 31 August 2016, the Queensland Government established an independent reference group to consider and report to the Government on Queensland's current regulatory framework for trading hours. The reference group, which is comprised of key business groups, the Queensland Tourism Industry Council and unions, was asked to look at how the trading hours' regulatory framework could be improved. In particular, how it could promote employment and economic growth while continuing to balance the interests of workers, small and large businesses and reflect the needs of consumers. Mr John Mickel, Associate Professor with the School of Justice at Queensland University of Technology (QUT) and former Speaker of the Queensland Legislative Assembly was appointed as the chair of the reference group.

The terms of reference for the Review are at Appendix 1 of this report.

Queensland's retail trading hours' regulation, in common with all other jurisdictions in Australia, has been subject to increasing liberalisation over recent decades. In particular the large retailers operating supermarkets and department stores have seen allowable trading hours expanded through the introduction of late night shopping, the extension of trading to Saturday afternoon and the introduction of Sunday trading in many parts of each of these States. These changes have been in response to changing consumer demand and shopping patterns, tastes and preferences, as well as other societal changes such as population shifts and technology.

The liberalisation of trading hours has differed from state to state. In New South Wales, Victoria and Tasmania this process has resulted in totally deregulated retail trading hours while in Queensland, South Australia and Western Australia changes have resulted in a considerable extension of shopping hours but not deregulation. In Queensland, changes in retail trading hours have resulted from major legislative change in 1994 and 2002 and numerous successful applications to the Queensland Industrial Relations Commission (QIRC) for the extension of retail trading hours for non-exempt (large) shops.

Queensland's process for changing retail trading hours has created a lack of uniformity and uncertainty of trading hours between different areas and in the types of non-exempt (large) shop that may open on Sundays and public holidays. This creates complexity and confusion for consumers and places an administrative burden on small and large business. A recent decision of the QIRC to standardise trading hours within south-east Queensland has assisted in reducing this complexity but there remains considerable variation and anomalies for the treatment of retail trading hours throughout regional Queensland. Queensland's regulatory framework has created other concerns which have been raised in relation to the classification and trading hours' arrangements for independent retail shops and exempt shops. This complexity and confusion has led to calls to assess the appropriateness of the current trading hours' legislation, a process which the current review has undertaken.

The Review received 179 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. These submissions provided a diverse range of observations, comments and suggestions for the treatment of trading hours in this State.

The terms of reference for the Review included consideration of the economic and employment impacts of trading hours'

regulation. In terms of overall contribution to the Queensland economy, as measured by gross value added, retail trade accounted for 5 per cent of the State's overall economic activity in 2015-16. Queensland's retail sales are estimated to have totalled \$76 billion in 2014-15 and retail is the second largest employer with 11 per cent of Queensland's total employment. As a source of employment, a third of all retail employees are aged between 15 and 24, making it the second highest employer of young people, after accommodation and food services. Retail trade is also a significant contributor to Queensland's tourism sector, with Queensland being Australia's second largest tourist destination.

Recent studies, including by the Australian Productivity Commission, strongly suggest that significant economic and employment benefits are available through reduced trading hours' regulation. In particular, studies by the Queensland Competition Authority (2013) and Professor Henry Ergas (2014) signal a net economic benefit to Queensland ranging from \$200million to \$253million in Gross State Product per year. Previous relaxation of trading hours' regulation in Queensland and in other jurisdictions has been found to stimulate employment growth. Additionally, while a 2014 Chamber of Commerce and Industry Queensland (CCIQ) survey into the State's trading hours highlighted small businesses concerns about the impact of increasing allowable trading hours, it also showed approximately two-thirds of businesses indicated no impact on sales, profitability, employment and investment if trading hours were to be further expanded. The Productivity Commission also found consistently high small business participation rates of around 90 per cent in both regulated and deregulated states and territories, suggesting that trading hours have little influence over the level of market participation by small retail businesses.

Further analysis of the economic and employment impacts of trading hours' regulation is at Chapter 3 of this report.

Consideration of the impact of any increase in allowable trading hours on workers and their families was another significant term of reference for the Review and was prominent in the submissions. Retail industry workers and their unions raised significant concerns about the negative consequences of extended trading hours on quality of life and work and life balance, particularly for families with school-aged or younger children. Concerns also centred around worker safety and security, the availability of public transport corresponding with later finishes and earlier starts; and general pressure on staff to accept working unsociable hours to retain employment.

Also, the impacts on regional and rural communities, where local economies, population densities, consumer preferences and work patterns are not the same as in the south-eastern part of the State were also raised in submissions. These concerns are heightened at the prospect of late night trading on weekends in regional Queensland and the speed at which change may be implemented.

These are genuine stakeholder and community concerns which must be balanced against the economic argument for reduced regulation proffered by the Australian Productivity Commission and the Queensland Competition Authority, and those advocating for consumer convenience.

Further details of the issues raised in submissions to the Review are at Chapters 4 and 5 of the report.

The Review also commissioned an independent survey of 3,364 Queensland households to gauge the community's views on trading hours' regulation. While approximately half of respondents agreed that retail businesses should be able to determine their own trading hours there was not an overwhelming movement

towards the deregulation of trading hours for all retail businesses.

In the survey, 58.9 per cent of respondents agreed/strongly agreed that allowable trading hours for large retail shops should be the same for both Saturdays and Sundays, compared with 28.1 per cent who disagreed/strongly disagreed. 58.3 per cent of respondents agreed/strongly agreed that allowable trading hours for large retail shops should be the same for all areas of the state, compared with 28.9 per cent who disagreed/strongly disagreed.

The Review makes 13 recommendations.

These recommendations broaden Queensland's allowable trading hours, remove the complexity associated with existing trading hours' regulation that has become a source of frustration, confusion and increased cost for consumers and retailers alike, while ensuring important protections for retail workers.

The proposed changes will replace the 99 specific trading hour provisions for non-exempt shops contained in over 40 pages of trading hours' orders issued by the QIRC with six legislated allowable trading hours provisions covering all non-exempt shops in south-east and regional Queensland and in special tourism areas; for extended trading hours arrangements prior to Christmas each year; and for hardware stores throughout the state. This represents a significant reduction in the regulatory burden and complexity associated with Queensland's existing trading hours' regime, and will allow retailers greater flexibility to set their hours to best service consumer demand and grow their business.

Specifically, the recommended core trading hours for non-exempt (large) retail shops are:

- south-east Queensland - 7am to 9pm Monday to Saturday, and 9am to 6pm on Sunday and public holidays. These hours recognise the recent decision of the QIRC which extended trading hours for the south-east Queensland region;
- the remainder of the State - 7am to 9pm Monday to Friday, 7am to 6pm on Saturday and 9am to 6pm on Sunday and public holidays. This will standardise allowable trading hours across the remainder of the State. In doing so it will allow Sunday and public holiday trading in regional towns where this is currently not allowed and also make 24 specific trading hours orders redundant;<sup>1</sup>
- motor vehicle and caravan sales yards will also be allowed to trade these hours;
- in the lead up to Christmas the whole of the State will have increased trading hours from 8am to 6pm on the three Sundays prior to 18 December and until midnight Monday-Sunday in the period 18-23 December each year. It is also proposed that shops be closed from 6pm Christmas Eve. 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. This will result in seven orders becoming redundant and mean that large retailers will not have to make an application to the QIRC each year for extended trading in the lead up to Christmas. It is proposed that large retailers be required to close at 6pm on Christmas eve;
- in the special tourist areas of the Gold Coast Coastal Tourist Area, Port Douglas, Great Barrier Reef Wonderland, Hamilton North Shore and New Farm, trading hours will be standardised. The five existing trading hours' orders for these areas will be replaced with one in-common set of trading hours so that they can trade from 6am to 10pm Monday to

Friday, 7am to 10pm on Saturday and 7am to 9pm on Sunday and public holidays; and

- the large hardware shops (non-exempt shops) will have standard starting times throughout the State of 6am (7 days a week) while closing times will be the relevant closing hours for non-exempt stores in the area, (i.e. 9pm throughout the State Monday to Friday, 9pm on Saturdays in south-east Queensland and 6pm on Saturdays in the remainder of the State, 6pm throughout the State on Sundays and public holidays and Monday-Saturday 10pm and Sunday 9pm in the special tourist areas).

The report recommends that consideration be given to standardisation of the closed public holiday days for all non-exempt shops across the State. Under the current trading hours' arrangements, non-exempt shops in some parts of the State (i.e. south-east Queensland and areas without seven day trading) are required to be closed on five public holidays each year being Good Friday, Easter Sunday, ANZAC Day, Labour Day and Christmas Day, while in other parts of the State the restriction only applies to four holidays - Good Friday, ANZAC Day, Labour Day and Christmas Day.

The recommendations also propose that the legislation remove all trading hours' restrictions on shops located in the State's international airports, cruise terminals and casinos and also in designated areas related to special events that support the State's tourism industry. In addition it is recommended to reclassify butcher shops and special exhibitions and trade shows into the category of exempt shops. This will remove the obligation of trade show and exhibition holders to make an application to the QIRC for each special exhibition and will make another fifteen orders of the QIRC redundant.

The limitation on number of employees engaged at any one time before a retail shop falls into the non-exempt (large) shop category will be increased to 30 in any one shop and 100 overall where a number of shops are operated. These shops will continue to operate with restrictions only on Good Friday, Christmas Day and until 1pm on ANZAC Day or if the shop sells predominantly food and groceries, with no restrictions on any day.

The Review recommends that legislation ensure that retail employees are not subject to threat, coercion, harassment or intimidation and cannot be compelled to work on any of the extended trading hours. Furthermore, in the event of a dispute, the QIRC or an industrial magistrate may require an employer to produce evidence supporting that the employee has indicated their willingness and availability to work additional hours as a consequence of extended trading.

It is recommended that reasonable notice be afforded to regional businesses before the new trading hours arrangements are implemented. Furthermore, upon legislation being passed to give effect to these changes, a moratorium of five years be imposed on applications for further relaxation of trading hours, with a full review to be undertaken at the end of that period. It is also recommended that the Mossman and Port Douglas Tourist Area be exempt from trading hours' restrictions during this period to provide case study evidence of the effects of deregulated trading hours.

The Master Grocers Association (MGA) and CCIQ also made submissions relating to amending the *Liquor Act 1992* to allow a new class of liquor licence to permit the sale of packaged liquor in independently owned supermarkets. The Review considers the sale of packaged liquor falls outside its terms of reference.

Further discussion of the recommendations of the Review is at Chapter 6 of this report.

<sup>1</sup> These regional towns include Chinchilla, Kingaroy, Stanthorpe, Roma, Warwick, Pittsworth, Childers, Blackwater, Bowen, Ayr, Charters Towers, Proserpine, Mission Beach, Mt Isa, Weipa and Cloncurry.

# List of Recommendations

## Recommendation 1

All non-exempt shops in the **south-east Queensland area** may open:

- 7am – 9pm Monday to Saturday; and
- 9am – 6pm Sundays and most public holidays.

## Recommendation 2

All non-exempt shops in areas **outside south-east Queensland** may open:

- 7am – 9pm Monday to Friday;
- 7am – 6pm Saturday (consideration is to be given to how extended hours are phased in); and
- 9am – 6pm Sundays and most public holidays.

## Recommendation 3

In special and tourist areas (i.e. the following areas as currently defined in the trading hours' orders - New Farm, Hamilton North Shore, supermarkets in Gold Coast Coastal Tourist Area and Port Douglas, Great Barrier Reef Wonderland Tourist Complex) non-exempt shops may open:

- 6am – 10pm Monday to Friday;
- 7am – 10pm Saturday; and
- 7am – 9pm Sunday and most public holidays.

## Recommendation 4

In all areas of the State hardware and builders' material supply non-exempt shops (as currently defined in the trading hours' order) may open from 6am Monday to Sunday and most public holidays with a closing time the same as other non-exempt shops in their area.

## Recommendation 5

The public holidays on which all non-exempt shops must be closed (closed days) are to be the same in all areas of Queensland.

Consideration is to be given to whether there are to be four closed days (i.e. Good Friday, ANZAC Day, Labour Day and Christmas Day) or five closed days (i.e. Good Friday, ANZAC Day, Easter Sunday, Labour Day and Christmas Day).

## Recommendation 6

Extended trading will apply in the period prior to Christmas Day by allowing non-exempt shops in all areas of the state to open:

- 8am - 6pm on the three Sundays prior to 18 December each year, and
- until midnight Monday-Sunday in the period from 18-23 December.

All non-exempt shops to be closed from 6pm on 24 December.

## Recommendation 7

The trading hours for non-exempt shops selling motor vehicles or caravans are to be the same as for all other non-exempt shops in Queensland (as provided in recommendations 1, 2, 3, 5 and 6).

## Recommendation 8

Legislative protections are to be provided to workers which will ensure that agreement to work on any of the new extended hours is to be voluntary.

## Recommendation 9

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.

It is also recommended that reasonable notice be afforded to regional businesses prior to the new trading hours' arrangements for non-exempt shops being commenced.

## Recommendation 10

The following shops are to be included in the list of exempt shops:

- special exhibitions, trade shows;
- shops in international airports, cruise terminals, casinos, tourist resorts on offshore islands;
- butcher shops;
- shops operating within a designated area around and during international special events (e.g. Commonwealth Games) and for local festivals. An application for special event or local festival status and the designated area will be made to the QIRC for determination; and
- shops in the Mossman and Port Douglas Tourist area to be exempt for a trial period of five years.

## Recommendation 11

The categories of independent retail and exempt shops are to be amalgamated into a single category of exempt shop. Current trading hours' restrictions for independent retail shops on Good Friday, Christmas Day, and to 1pm on ANZAC Day are to remain (other than those selling groceries and fresh food).

## Recommendation 12

The number of persons that may be engaged at an independent retail shop or shops at any one time is to be increased from 20 to 30 in any one shop, and where a number of related retail shops are operated, increased from 60 to 100 overall.

## Recommendation 13

The QIRC will continue to adjudicate allowable trading hours outside the legislated spread of hours for non-exempt shops (however this power is suspended during the period of the proposed moratorium).



# Chapter 1: Introduction

This chapter provides a brief introduction to the report. It describes the rationale for the establishment of the trading hours' reference group and outlines the terms of reference. This chapter also lists the members of the reference group and the stakeholders who have contributed to the Review.

The reference group considered the submissions and the outcomes of consultations at its second meeting on 25 November 2016; and considered draft recommendations on 9 December 2016.

## 1.1 Establishment of the trading hours review

On 31 August 2016, the Government announced the establishment of a reference group to 'examine and report on the current framework for the regulation of trading hours in Queensland and provide advice and recommendations on any alternative models that could be adopted'. The Review is in response to concerns raised by business and the community that Queensland's trading hours arrangements are difficult to navigate and may act as a disincentive to business expansion, employment and economic growth.

The Government appointed Mr John Mickel, Associate Professor with the School of Justice at QUT and former Speaker of the Queensland Legislative Assembly, to chair the Review, with representatives from the listed organisations:

- National Retail Association
- Chamber of Commerce and Industry Queensland
- Master Grocers Australia
- Queensland Tourism Industry Council
- Shop, Distributive and Allied Employees' Association
- Australian Workers' Union
- United Voice
- Queensland Council of Unions

The full terms of reference for the Review is at Appendix 1 and the membership of the reference group is listed at Appendix 2. Media statements in regard to the Review are at Appendix 3.

Secretariat support for the Review was provided by the Office of Industrial Relations, Queensland Treasury.

## 1.2 Conduct of the review

The reference group had its first meeting on 7 October 2016 to discuss and agree on the conduct of the Review and the release of an Issues Paper to assist interested stakeholders frame their submissions to the Review.

The Issues Paper was released on 17 October 2016 and submissions closed on 14 November 2016. The Issues Paper was published on the Queensland Treasury website at <https://www.treasury.qld.gov.au/fair-safe-work/industrial-relations-policy-regulation/trading-hours-review/index.php>.

In addition, consultation with stakeholders was undertaken between September 2016 and early December 2016 (see Appendix 4 for details of stakeholder consultation). 179 written submissions were made in response to the Issues Paper (see Appendix 5 for a list of submissions). All submissions were posted on the Queensland Treasury Review website, unless the submitter requested confidentiality.

# Chapter 2: An Overview of the regulation of trading hours in Queensland

The regulation of Queensland's trading hours', in common with all other jurisdictions across Australia, has been subject to substantial change in recent decades. This change has resulted in the liberalisation of trading hours, in particular the extension of trading hours for larger retailers operating supermarkets and department stores. Appendix 6 provides a summary of major changes to trading hours in Australia.

Throughout Australia until the late 1980's the trading hours for large retailers operating supermarkets and department stores were heavily regulated and generally limited to opening on traditional 'business hours' Monday to Friday and on Saturday mornings. Conversely, for shops identified as small business there were very few or no restrictions placed on their trading hours.

Since then, there has been considerable liberalisation of trading hours across Australia. In New South Wales, Victoria and Tasmania, following the total deregulation of trading hours' restrictions for large retailers operating supermarkets and department stores in those states, restrictions only apply on Christmas Day, Good Friday and ANZAC Day until 1pm. Even in Queensland, South Australia and Western Australia, where trading hours' regulation on larger retailers has been maintained, there has been a substantial extension to the allowable trading hours with the introduction of late night shopping, the extension of trading on Saturday afternoon and the introduction of Sunday trading in many parts of each of these States.

The piecemeal extension of trading hours for larger retailers and other classes of non-exempt shops across Queensland has created complexity for both consumers and business and has led to calls to assess the appropriateness of the current trading hours' legislation. Concerns have also been raised in relation to the classification and trading hours' arrangements for small businesses operating independent retail shops and exempt shops.

## 2.1 Queensland's trading hours laws

The trading hours of shops in Queensland are regulated by the *Trading (Allowable Hours) Act 1990* (the Trading Hours Act) and trading hours orders made by the QIRC.

The Trading Hours Act regulates trading hours in three classes of shops (as defined):

- exempt shops;
- independent retail shops; and
- non-exempt (large) shops.

The primary trading hours' deliberative function of the QIRC has been to make orders for the extension of hours for non-exempt shops beyond the minimum allowable hours in the Trading Hours Act. Queensland is the only jurisdiction in which trading hours for the non-exempt shops are decided by an independent tribunal. In all other jurisdictions, trading hours are decided directly by government in legislation.

## 2.2 Exempt shops

Generally, it could be said that exempt shops are those shops which provide necessities or goods and services which should be accessible to the public at all times e.g. chemists, newsagents, bakeries, take-away food shops, restaurants, fish shops, fruit and vegetable shops and service stations. But it also includes antique, arts and crafts, book, camping equipment, pet, marine, souvenir and sporting goods shops, as well as shops that sell motor vehicle spare parts or motorcycle spare parts. Many of these shops were listed as exempt in 1987 in recognition that they sold goods that people want to buy outside normal business hours, including on Sundays. There are 37 categories of shops listed as exempt.

The upshot is that the traditional notion that the exempt shops category consists only of small business traders is no longer an accurate description of all retailers in this category.

Appendix 7 provides an outline of the regulation of exempt shops in each jurisdiction.

## 2.3 Independent retail shops

Independent retail shops are generally seen as small, independent retail businesses such as 'independent grocery and food stores' and speciality stores such as clothing, footwear and kitchenware shops. These shops can trade without restriction except for Christmas Day, Good Friday and ANZAC day up to 1.00pm, when they must remain closed. Independent retail shops that are predominantly food and/or grocery shops have no restrictions on their trading hours.

Independent retail shops are defined at section 6 of the Trading Hours Act. There are a number of criteria for a shop to be classified as an independent retail shop. The most commonly relied on criteria are that such shops are run by a single operator or a proprietary company and may engage no more than 20 persons in the shop at any one time or, where a number of shops are operated, no more than 60 persons at any one time throughout the State. The independent retail shop classification was introduced in 1987 in place of the existing small shop which sold prescribed goods with not more than two persons engaged in the business with a limit of one employee, i.e. a small corner store.

The limits placed on these shops around the number of employees that can be employed (in an individual shop and in more than one shop across the state) and on trading on certain public holidays are often raised as impediments to business growth and employment.

Appendix 8 provides an outline of the regulation of independent retail (small) shops in each jurisdiction.

## 2.4 Non-exempt shops

Large retailers operating supermarkets and department stores fall within the category of non-exempt shop. Other retailers that fall under this category include, for example, hardware stores, builders' materials supply hardware stores and butcher shops.

Since 1964 the QIRC has been empowered to establish orders for the trading hours of non-exempt shops. The QIRC is able to make orders by reference to:

- opening and closing times;
- selling by wholesale or retail;
- classes/types of non-exempt shops; or
- localities or parts of localities where non-exempt shops are located.

That the QIRC can make orders by reference to these factors has resulted in a plethora of orders. Trading hours' orders have been made in response to applications for:

- particular precincts (New Farm, Hamilton);
- regional town or city (Mackay, Townsville, Toowoomba, etc.);
- major metropolitan centre (Brisbane, Gold Coast);
- type of large retailer (i.e. hardware stores, butchers, caravan saleyards); and
- time of year, i.e. lead up to Christmas.

Further, for each of these orders, the QIRC can establish specific closing and opening times which can differ between precincts, towns, regions and types of retailer.

Appendix 9 provides an outline of the regulation of non-exempt (large) shops in each jurisdiction.

The further extension of trading hours by orders of the QIRC has meant that there now exists a new measure of complexity that has created confusion around trading hours for non-exempt stores.<sup>2</sup> This complexity is reflected in the fact that:

- QIRC orders provide for extended Sunday and public holiday trading (usually 9am - 6pm or 8:30am - 5:30pm) in more than 30 defined areas across Queensland covering most of the major population and tourist areas (e.g. Cairns, Townsville, Toowoomba, Mackay, Rockhampton, etc.);
- QIRC orders provide for extended trading hours in small defined areas of south-east Queensland and regional tourist areas which allowed for earlier trading on week days from 7am, later trading on Saturday to 9pm or 10pm and/or later trading on Sunday to 8pm or 9pm (New Farm, Hamilton North Shore, Gold Coast supermarkets, etc.). The October 2016 decision of the QIRC will increase uniformity in some of those areas; and
- extended Christmas trading hours (e.g. Westfield Chermside).

There are a number of areas and towns where Sunday trading is not allowed.

Woolworths told the Productivity Commission in 2014 that it is prevented from trading on Sundays at a number of regional locations. Those locations still include Chinchilla, Kingaroy, Stanthorpe, Roma, Warwick, Pittsworth, Childers, Blackwater, Bowen, Ayr, Charters Towers, Proserpine, Mission Beach, Mt Isa, Weipa and Cloncurry.

Appendix 10 lists the orders granted by the QIRC from 1988-2015.

The situation in south-east Queensland has been somewhat simplified by a recent QIRC decision. On 14 October 2016, a Full Bench of the QIRC granted an application by the NRA to merge 14 trading hours' zones within south-east Queensland, which extends from the New South Wales border, west to Gatton and North to Noosa.

The trading hours allowed by that decision are from 7:00am to 9:00pm, Monday to Saturday. Sunday trading hours' were not affected by the decision. This decision has resulted in the redundancy of a number of trading hours' zones and increased uniformity of trading hours in south-east Queensland.

It was stipulated in the QIRC's decision that shops are permitted

to trade these extra hours on the condition that employees freely elect to work the extended hours. The QIRC or industrial magistrates court may, at its discretion, require employers to produce written evidence that employees have actively indicated their willingness and availability to work the extra hours granted in the decision.

In October 2016, the QIRC also granted the following applications for extended trading:

- allowing non-exempt shops in parts of south-east Queensland to remain open until midnight on 19, 20, 21 and 22 December 2016. The applications apply to non-exempt shops located within: the City Heart of Inner City of Brisbane; the Westfield Carindale Shopping Centre; the Westfield North Lakes Shopping Centre; the Westfield Garden City Shopping Centre; the Westfield Chermside Shopping Centre; the Kmart Oxenford Centre; the Pacific Fair Shopping Centre; the Robina Town Centre Shopping Centre; and the Sunshine Plaza Maroochydore Shopping Centre; and
- allowing non-exempt shops in regional areas of Queensland without seven day trading to open on the 27 December 2016 public holiday, and therefore limiting the closure of shops to two consecutive public holidays (25 and 26 December 2016).

The piecemeal approach to extending trading hours based on applications to the QIRC has created a lack of uniformity and uncertainty of trading hours between different areas and in the types of non-exempt shop that may open on Sundays and public holidays. This is confusing to business operators and consumers alike. Making and contesting trading hours' applications is also raised as a significant financial burden on business operations.

<sup>2</sup> For example the over and above the legislative uniformity measures introduced in 1994 and 2002.

# Chapter 3: Impacts of current framework and less restrictive trading hours

This chapter examines the impacts of trading hours' regulation on business, employees and the community. Several previous national and state-level reviews, including by the Australian Productivity Commission, have recommended significantly reducing trading hours' regulation on the basis of the economic and employment benefits it will deliver. In particular, the Queensland Competition Authority (2013) estimated deregulated trading hours would deliver net benefits of around \$200 million per year to the State, while Professor Henry Ergas' 2014 (Ergas report<sup>3</sup>) analysis of retail trading hours estimated full deregulation of trading hours in Queensland would increase Gross State Product by around \$253 million per year plus additional benefits to consumer welfare.

Queensland's existing trading hours' regulation imposes a range of costs on three key stakeholder groups: business, employees and the community.

In addition, the current approach to regulating trading hours in Queensland, i.e. through the QIRC, imposes administrative costs on business and Government due to the resources allocated to making applications and submissions, and considering applications, as well as compliance activity related to the enforcement of trading hours' regulation.

## 3.1 Significance of the retail industry in Queensland

The retail trade industry is a significant Queensland industry with sales of around \$76 billion in 2014-15. In terms of overall contribution to Queensland, as measured by gross value added, the retail trade industry accounted for five per cent of overall economic activity in Queensland in 2015-16.

The retail trade industry employed 255,000 Queenslanders in 2015-16, equating to 11 per cent of overall jobs in Queensland and \$9.9 billion in wages.

This highlights the importance of ensuring any regulatory impediments to the operation and employment generating capacity of the retail industry must be appropriate and justified.

## 3.2 Impacts on business

Reforms to retail trading hours' regulation that reduce the costs or regulatory restrictions imposed on business will ultimately enhance the productivity and efficiency of businesses, thereby increasing the incentive for business to invest and grow. This will promote increased economic growth and increased employment opportunities.

There are four main channels through which business is likely to benefit from less restrictive trading hours:

- reduced direct compliance costs;
- increased operational efficiency or productivity;
- increased retail sales; and
- competition and co-location.

## Reduced compliance costs

There are several direct costs that businesses must incur in complying with current regulations. These vary depending on the type of business:

- **Administrative costs:** Non-exempt businesses subject to trading hours' restrictions must ensure they schedule opening hours to comply with regulations, and consider these restrictions in terms of operational and administrative functions (e.g. deliveries, advertising material). For businesses that operate across the State, these costs can be non-trivial, given the number of trading hour zones currently in existence and periodic changes made within each zone.

Queensland's current model of regulation of trading hours requires retail businesses and organisations to make formal applications to an independent arbiter, the QIRC, if they seek an extension of allowable hours. This process may impose significant costs on business and may favour larger, better resourced businesses over small businesses.

- **Staffing:** Independent retailers are currently required to employ no more than 20 staff at a single location and no more than 60 staff in Queensland overall at any one time. This may impose a significant administrative cost on these businesses as the structuring and rostering of staff may need to be managed in a non-optimal way to meet these requirements. To the extent to which some retailers may be required to structure their businesses in order to meet the definition of independent retailer, this could impose significant additional administrative costs on those businesses.

Therefore, reforms that simplify or reduce restrictions on trading hours are likely to result in direct compliance and administrative cost savings for affected businesses.

## Increased operational efficiency and productivity

Trading hours' restrictions reduce a business' ability to operate in the most efficient manner. Two impacts that reduce the efficiency and productivity of businesses are congestion and wastage.

Congestion costs reflect that stores with restricted trading hours may need to invest in a non-optimal level of capital to compensate for the fact that total patronage and sales are more concentrated in a shorter period of time.

For businesses who stock large amounts of perishable products, trading restrictions may increase wastage and/or the need for discounting to reduce stocks of perishable goods. This is particularly relevant for regions where Sunday trading is prohibited or in areas where significant restrictions apply for certain trading days (e.g. public holidays).

Reforms that simplify or reduce restrictions on trading hours are likely to enable businesses to utilise their capital assets and manage their stock more optimally, resulting in increased operational efficiencies and productivity.

## Increased retail sales

It is likely that overall retail expenditure would increase under less restrictive trading hours.

A likely increase in retail sales may result through two main channels: residents switching to retail expenditure from other competing forms of expenditure (e.g. leisure, eating out) due to the increased access to and competitiveness of the retail sector; and increased retail expenditure by tourists.

<sup>3</sup> Prof. Henry Ergas, (2014), Economic Impacts of Deregulating Retail Trading Hours on Queensland's Economy, from <https://www.treasury.qld.gov.au/fair-safe-work/industrial-relations-policy-regulation/trading-hours-review/documents/submission-133-a2.pdf>.

## Increased tourism expenditure

A key sector of the State's economy that may potentially gain significantly from less restrictive trading hours is the tourism sector which is a key contributor to the Queensland economy, accounting for 3.6 per cent of state output and directly employing 135,200 persons (5.8 per cent of the state total) in 2014-15.

Queensland is Australia's second largest tourist destination, behind New South Wales. Based on a broad definition (which includes travel for business and education), Queensland's tourism sector's direct output was \$10.2 billion in 2014-15, 3.6 per cent of the state output. The majority of this tourism activity represented demand for goods and services in the transport (\$2.2 billion), accommodation (\$1.8 billion), retail trade (\$1.5 billion) and cafes & restaurants (\$1.4 billion) industries.

There are two key channels through which less restrictive trading hours may benefit the sector: increased retail expenditure by existing tourists; and an increase in the competitiveness of the State as a tourist destination, leading to an overall increase in tourism.

## Increased retail expenditure by visitors

The imposition of retail trading hours' restrictions may have a meaningful impact on the level of expenditure by tourists, given the fixed timeframe in which tourists can make purchases and the extent to which restrictive hours limit the capacity of retail businesses to meet the demands of tourists. The existing presence of designated tourist zones for retail trading in Queensland implicitly already accepts this argument.

There are nine specific tourist area orders: Gold Coast; Cairns; Townsville; Mossman and Port Douglas; Whitsunday Shire; Great Barrier Reef Wonderland Tourism Complex (in Townsville); Yeppoon; Emu Park; and Tourist or Seaside resorts (comprising Rainbow Beach, Tin Can Bay, Burrum Heads, Woodgate, Moore Park, Keppel Sands, and the islands off the Queensland Coast).

According to Tourism Research Australia, *State Tourism Satellite Accounts, 2014-15* spending on shopping, excluding food products, alcoholic beverages and other beverages and fuel accounted for 12.2 per cent of tourism consumption in Queensland compared with 12.8 per cent in New South Wales and 13.5 per cent in Victoria. If Queensland's share of the discretionary shopping expenditure was similar to the average of New South Wales and Victoria then retail sales could increase by around \$270 million per annum. Based on the average ratio of persons employed to retail sales this additional tourism expenditure could support up to around 900 additional jobs in the retail trade industry in Queensland.

## Increased competitiveness of Queensland as a tourist destination

Only Queensland, Western Australian and South Australia have any significant regulation remaining with respect to retail trading hours. New South Wales, Victoria and Tasmania have substantially deregulated, with trading only restricted on Good Friday, Christmas Day and before 12:30/1pm on ANZAC Day, and Easter Sunday in New South Wales, while the ACT and Northern Territory have fully deregulated.

Therefore, to the extent that the current restrictions on trading hours make Queensland a less desirable tourist destination, it is possible that less restrictive trading hours may help enhance the overall competitiveness of Queensland's tourism industry.

## Impacts on competition

Changing work and leisure patterns have resulted in a shift in consumer demand towards non-traditional retail trading hours. Restricting retail trading hours prevents many businesses from opening at times convenient to consumers, thereby reducing the retail industry's competitiveness with other industries in Queensland, as well as reducing the overall competitiveness of Queensland's retail industry and related sectors (e.g. tourism) with other jurisdictions and with online retailers.

The continued growth of online retail, whose share of total retail expenditure has increased steadily to 6.8 per cent in 2016, has placed many restricted-hours retailers at a comparative disadvantage.<sup>4</sup> Many retailers are unable to compete with larger online businesses around price, the primary motivation for consumers to shop online.<sup>5</sup> However, other factors, such as location, customer service and the consumer being able to view and receive their purchase at the point of sale are key comparative advantages for more traditional 'bricks and mortar' businesses.

## Impacts on small business and benefits of co-location

One of the arguments often raised by stakeholders opposed to less restrictive trading hours is the potential impacts on competition, in particular concerns that small businesses would be negatively impacted by deregulating trading hours for larger, currently regulated businesses.

However, there is little evidence that trading hours' restrictions have a material impact on the overall viability of small retail businesses, with similar rates of participation for small businesses in regulated and deregulated states and territories.

In 2011, the Australian Productivity Commission found that 'consistently high small business participation rates of around 90 per cent in both regulated and deregulated states and territories suggests that trading hours have little influence over the level of market participation by small retail businesses. In Australia, deregulation of trading hours does not appear to have had a deleterious effect on the viability of small retail businesses'.<sup>6</sup> The Productivity Commission came to this conclusion by comparing the proportion of small businesses in the retail industry across states and territories in 2008-09.

## 3.3 Impacts on employment and employees

The retail industry is the second largest employer in Queensland, employing around 255,000 people or 11 per cent of Queensland's total employment.<sup>7</sup> Over 63 per cent of total retail employment occurs in medium and large sized businesses (over 20 workers) in Australia<sup>8</sup>, making non-exempt businesses a key source of employment in the retail sector.

## Increase in employment

Any increase in employment is likely to be delivered through a range of channels:

<sup>4</sup> NAB, September 2016. 'Online Retail Sales Index'.

<sup>5</sup> PWC, 2012. 'Australian online shopping market and digital insights'.

<sup>6</sup> Productivity Commission (PC), December 2011, Economic Structure and Performance of the Australian Retail Industry, p309.

<sup>7</sup> ABS 6291.0.55.003 - Labour Force, Australia, Detailed, Quarterly.

<sup>8</sup> ABS 8155.0 Australian Industry.

- Overall increase in retail sales and labour demand in the industry.
- Increased employment in non-exempt retailers – the extent to which non-exempt businesses increase their opening hours and the number of employees they schedule at these times will determine the employment impact.
- Higher employment in larger independent retailers – independent retailers are currently subject to caps on employment within and across stores. Reducing these restrictions is likely to encourage these retailers to hire additional workers.

While the impact is not clear, there is anecdotal evidence to suggest many independent firms currently limit employment in order to meet regulatory requirements. For example, Master Grocers Australia submitted to the Review that the limit of 20 employees for independent retailers represented “a significant impediment on the community store operator providing an appropriate service to its customers in order to be competitive in the marketplace, and is a substantial limitation on the employment of staff including part-time and casual staff, who might otherwise be able to be utilised in such premises, particularly in rural and regional areas”.

Evidence from previous significant changes in retail trading hours regulation suggest further deregulation is likely to support increased employment in the industry.

For example, the Productivity Commission reported in 2014 that, according to the National Retail Association (NRA), Coles added 450 jobs in Brisbane when Sunday trading was introduced in 2002 in the Brisbane and near metropolitan region.

This claim is also reflected in ABS Labour Force statistics with retail employment in Queensland increasing by 12.6 per cent compared with more modest increases of 6.6 per cent in New South Wales and 6.9 per cent in Victoria in 2002-03. While this increase in retail employment may reflect other factors, it is likely that the introduction of Sunday trading was a meaningful contributor to this increase. Retail employment growth in Queensland was also stronger than New South Wales and Victoria for the next two years.

## Other impacts on employment and employees

The biggest employment impact is likely to be for part-time/casual workers, many of whom value flexibility and choice (e.g. youth and students). These workers are more likely to ‘self-select’ their preferred working hours and access any extended hours of employment given they are more likely to have conflicting responsibilities during current operating hours, particularly on weekdays (e.g. school or higher education).

In regions with designated trading zones, employees have significantly different degrees of availability to work on weekends. On Saturdays, regulated opening hours range from nine to 15 hours, while in regions with Sunday trading, the regulated trading hours vary from nine to 14 hours. These differences are significant and limit the total working hours available to retail employees in many areas, or may require them to travel to other zones to access employment opportunities.

In its recent consideration of the NRA’s application for extended trading hours in south-east Queensland, the QIRC decided that any increase in trading hours for non-exempt stores produces more employment hours for employees. It stated the extra hours may be given to current employees, or to casual, part-time

or full-time employees, and thus resulting in higher levels of employment.<sup>9</sup>

## Loss of family and leisure time

Employee groups have raised concerns that, while working ‘unsociable hours’ may be legally voluntary, some employees may feel pressured to work those hours, with this issue being particularly relevant for full-time retail workers and workers with families.

While this is a significant concern, there may be other factors to take into account, including:

- While the extension of trading hours will shift a portion of the consumer demand into periods that large retailers are prohibited from trading in (i.e. evening and early morning) labour demand is likely to be relatively low as patronage tends to fall over the course of evenings – which in turn will limit the extent to which significant staff would be required in currently prohibited hours.
- The workers likely to be most affected are those working for non-exempt retailers; by definition these are businesses that employ more than 20 workers at any opening time. This larger employment base gives greater scope to accommodate the needs of full-time workers with part-time and casual staff when full-time workers are unable to work at less social hours. As mentioned previously, part-time workers are more likely to self-select into working ‘anti-social’ hours relative to full-time workers.

## 3.4 Impacts on community and consumers

Relaxing trading hours’ restrictions would enable businesses to better meet the needs of consumers by allowing them to open when it is economically viable to trade, and when consumers want to shop.

The nature of work and leisure has changed considerably in recent years, with far greater diversity in work patterns, including increasing female participation, a higher proportion of shift work and increased use of flexible and non-traditional hours. The typical household has also changed, with a greater proportion of dual income households, smaller household sizes and lower rates of religious attendance.

In addition, the increasing number of goods that can be purchased online makes online retail more attractive to consumers.

There is also strong evidence that, where trading hours’ restrictions have been removed or reduced, both in Queensland and in other Australian jurisdictions, consumers have opted to use the new allowable hours. Sunday has become an important day for consumers to do their weekly shopping in regions where it is allowed, while significant numbers of consumers have shifted to later hours both during the week and on weekends when it has been allowed.

For example, Coles reported that Sunday supermarket turnover increased from one to 12 per cent of weekly turnover after Sunday trading was introduced in Victoria 1998, while Sunday became the most important day of trade for Kmart stores, accounting for 18 per cent of trade in 1998.<sup>10</sup> Similarly, a relaxation in trading hours restrictions in Queensland in 1994 which allowed trading

<sup>9</sup> RE: National Retail Association Limited, Union of Employers [2016] QIRC 106, 287.

<sup>10</sup> Tasmania’s Shop Trading Review Group 2000 and Workplace Standards Tasmania 2000 Shop Trading Hours Act 1984, Regulatory Impact Statement. Referenced in PC 2011.

to 9pm during the week and 9am to 5pm on Saturdays shifted around 20 per cent of daily retail expenditure into the new retail trading hours.<sup>11</sup>

Fewer trading hours' restrictions may also result in lower retail prices for consumers, as they would be given more choice to make purchases from more competitive retailers. To the extent that trading hours' relaxation encourages greater competition across a greater range of hours, it may also result in downward pressure on prices for consumers.

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<sup>11</sup> Ergas – from Kiel and Haberkern, 1997.

## Chapter 4: Submissions to the review responding to the terms of reference

The Review released an Issues Paper on 17 October 2016 which requested business and community opinion on shop trading hours' regulation. 179 written submissions were made in response to the Issues Paper. This chapter provides an analysis of the submissions that commented on the terms of reference.

### 4.1 Employment and business growth in Queensland.

The Queensland Government has indicated that sensible economic reform to improve the regulation of retail trading hours in Queensland has the potential to deliver benefit to the community, while delivering for workers and business. The Honourable Curtis Pitt MP, Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport, has described what the reform of trading hours' regulation can deliver:

“For business operators it could mean greater flexibility in meeting consumer demands and the opportunity for increased sales with a potential flow-on to more jobs. We want to ensure our retail sector can secure more scale and economic benefits which also means new jobs in the sector”.<sup>12</sup>

A number of submissions to the Review supported a less restrictive model of trading hours' regulation as it is in the public interest to reflect the needs of consumers in the 21st century.<sup>13</sup> The NRA submission stated that substantial deregulation would deliver a \$440 million boost to the state economy, and add the equivalent of 3,109 full-time jobs.<sup>14</sup> The NRA further argued that based on current shopping patterns it is likely that three-quarters of the economic and welfare gains are achievable by extending trading hours by just two hours per day.<sup>15</sup>

Submissions from employee organisations indicated that they strongly oppose extensions of trading hours and would only support a less restrictive model of trading hours if there are adequate protections for employees.<sup>16</sup> The SDA noted that there are concerns over the effect of substantial deregulation on retail workers or potential loss of jobs in, or closure of, smaller retail businesses as a result of any approved extension of hours.

In contrast, the MGA and CCIQ argue that substantial deregulation of trading hours for non-exempt stores in Queensland will cause a significant reduction in both independent retail stores and employment opportunities across the state as consumers are redistributed away from the independent sector and increased market share shifts towards the larger retail chains.<sup>17</sup> Further, the MGA and CCIQ submit that the only way to positively affect employment and business growth in Queensland is to redefine and combine independent retail shops and exempt shops and allow those stores to trade as 'exempt shops' or to introduce the

sale of packaged liquor in independently owned supermarkets.<sup>18</sup>

### 4.2 The Queensland economy overall or particular regions or sectors of the economy.

Queensland has developed geographically-distinct trading hours' areas. For example, only certain geographical regions or specific areas of the State can trade on Sundays, or have a particular spread of hours between Monday and Saturday. It is estimated that while 90 per cent of Queenslanders have easy access to seven day (Sunday) trading, there are a number of regional towns that do not have Sunday trading including Bowen and Charters Towers. See Chapters 2 or 6 of this report for a list of those towns. The impact of the current patchwork of trading hours' arrangements between regions, and the differences in the treatment for trading hours' restrictions across different retail sectors (large, independent, exempt, hardware etc.) is central to the considerations of the Review.

A number of submissions to the Review proposed that a state-wide approach to trading hours will not advance the interests of the regional communities, particularly with any extension to Sunday trading hours.<sup>19</sup> The Honourable Robbie Katter, MP, argued that extending trading hours is likely to have a severe, negative and direct impact on regional communities and small business owners, already struggling to survive.<sup>20</sup>

The MGA and CCIQ submitted that in order to assist rural and regional areas, any proposed model must ensure that family community businesses who wish to expand their businesses and increase their employment of local persons are not hindered by local trading hours' regulations. Some submissions also suggested that any alternative trading hours' model should reflect the decentralised nature of the Queensland population and allow for regional differences to be taken into consideration.<sup>21</sup> The AWU proposed that a model to achieve this would be to provide the QIRC with the ability to hear submissions based on interests of particular regions.<sup>22</sup>

A number of industry specific organisations, such as Caravanning Queensland, also voiced significant opposition to adopting any alternative models because of the impacts on individual sectors of the economy.<sup>23</sup>

### 4.3 Market share of small and medium-sized businesses.

There has been much debate about the impact of extending trading hours for larger retailers on the market share of medium and small retailers. The existing independent retail shop classification in Queensland is aimed at providing some protection to those small and medium sized retail businesses i.e. retailers employing less than 20 at any one time.

Arguments for and against the relaxation of trading hours' regulations are often seen as a battle between large and small business. A survey conducted by the CCIQ in 2014 found that the market dominance of the major retailers is a key concern amongst

<sup>12</sup> Queensland, Parliamentary Debates, Legislative Assembly, 31 August 2016, 8 (Curtis Pitt, Treasurer).

<sup>13</sup> NRA submission, SCCA submission, Institute of Public Affairs and the Retail Council of Australia.

<sup>14</sup> Ergas report.

<sup>15</sup> NRA.

<sup>16</sup> SDA, AWU, UV and QCU.

<sup>17</sup> MGA and CCIQ.

<sup>18</sup> Ibid.

<sup>19</sup> MGA and CCIQ and the Hon. Robbie Katter MP.

<sup>20</sup> The Hon. Robbie Katter MP.

<sup>21</sup> AWU.

<sup>22</sup> Ibid.

<sup>23</sup> Hardware Association, MTAQ, and Caravanning Queensland.



those businesses opposed to deregulation of shop trading hours. Concern is often expressed that lifting the trading hours' protections enjoyed by independent retailers will lead to those retailers losing their place in the market and result in even greater domination of the grocery sector by the major grocery chains.

Some submissions to the Review pointed out that small businesses are most at risk from deregulated trading hours and are significant contributors to charities and sporting groups and therefore the social fabric of regional communities.<sup>24</sup> The QCU submitted that extended trading hours in shopping centres would place unfair conditions on small businesses as they would encounter a detrimental impact if they decided not to open during the extended hours.

A number of submissions to the Review also considered that any further extension of trading hours for Coles and Woolworths will only serve to increase the market share of the 'duopoly', to the detriment of independent supermarkets and small businesses.<sup>25</sup> The CCIQ and MGA indicated that Woolworths and Coles account for around 80 per cent of the Australian grocery market and these current share figures are conclusive evidence of the power that the national chains hold in the Australian supermarket industry.

The CCIQ and MGA argued that if an alternative model is considered, changes to the Liquor Act should be incorporated to increase employment and stabilise the market share of small and medium retail businesses, allowing independent retailers ample opportunity and the capacity to better adjust to any future increase in non-exempt stores' trading hours.

Some submissions to the Review supported protections for genuine independent grocery retailers but indicated that independent retail shop provisions are being abused by some very large corporations in order to take advantage of the protections that were intended for 'mum and dad' retail businesses.<sup>26</sup>

#### 4.4 Workers and their families.

The impact on workers and their families featured strongly in the submissions to the Review.

While consumers may seek the convenience of extended trading hours, distinct and separate concerns arise for retail workers and their families from extending trading hours.

The SDA, UV, QCU and AWU have all voiced strong concerns opposing the deregulation or extension of trading hours. Whilst these groups do not support the extension or deregulation of trading hours, they acknowledge that it is a possible outcome of the Review. Consequently, these organisations seek the inclusion of legislative provisions to protect workers if trading hours are extended. The SDA, UV, QCU and AWU all consider that an adequate legislative provision should protect workers and provide workers with an ability to work voluntarily during unsociable hours.<sup>27</sup> Further, UV and the AWU argue that they will only support the extension of trading hours where there are explicit penalty/overtime rates that are payable to retail workers working unsociable or extended hours. The Review also notes the view of the QCU, and their affiliates, that any determination of extended trading hours should encompass provisions that recognise the contributions of workers where they work outside 'sociable'

hours.<sup>28</sup> The Review acknowledges the concerns of the QCU, AWU, and UV, however, penalty rates fall outside of the terms of reference of the Review.

A further concern of these submissions is that extended trading hours is a risk to workers, particularly women and young people (retail workers). The QCU raised a number of concerns including:

1. Public transport – unavailability or lack of security when accessing suitable transport for workers working unsociable hours. This is a real concern for workers who are returning home from late night shifts.
2. Staff parking – shopping centres place unfair restrictions on staff parking inside centres – as a result staff have little choice but to park in unsafe areas.
3. Driving home – where extended trading hours staff are suffering from fatigue, there is a significant safety risk in terms of their journey home. The safety risk is greater for less experienced drivers such as young workers.
4. Pressure on staff – particularly short term casual workers, to accept any shift to ensure continued employment. For instance workers whose employment is short term might feel obligated to take a shift in order to maintain their employment.
5. Night fill workers - extended trading hours and closing times have a flow on effect on night fill workers in terms of their journey to and from their workplace (transport, parking and drive home). A change in their rostered hours may cause disruption to their personal arrangements and there is a real concern that families and other care arrangements could be disrupted resulting in an inability to find suitable child care arrangements. Additionally, access to paid child care options is problematic as in some instances suitable child care is not available to affected workers. Also the implementation of 'skeleton staff' arrangements can compromise worker safety as the number of rostered staff may be reduced to accommodate the rostering of staff to cope with the increase in the spread of trading hours, this poses a greater risk to staff safety as they are potentially working in an understaffed environment.

A number of submissions also cautioned that extended trading hours could impact significantly on workers and their families.<sup>29</sup> The QCU stated that any consideration of trading hours' extension must be sensitive to the impact on families, especially at festive times such as Christmas and Easter which are traditionally times of family celebrations especially for children.

A number of submissions also argued that under any trading hours' model, there must be some capacity to address safety issues for employees.<sup>30</sup> The AWU submitted that a possible solution is for the QIRC to act as a 'safeguard' by requiring employers to retain written evidence that employees have actively indicated willingness and availability to work any extended trading hours. This would ensure that employees can freely elect to not work extended trading hours without any coercion, threat or harassment by their employers. The SDA also submits that a key issue for retail workers is the ability to have the choice to elect to work or not work 'unsociable' hours.

<sup>24</sup> LGAQ and the Hon. Robbie Katter MP.

<sup>25</sup> MGA and CCIQ.

<sup>26</sup> NRA.

<sup>27</sup> SDA, UV, QCU and AWU.

<sup>28</sup> QCU.

<sup>29</sup> AWU, SDA, QCU and UV.

<sup>30</sup> Ibid.

They propose that this issue be addressed through legislative provisions providing that all applications for extended hours be heard by the QIRC and for workers to have the availability to elect to work extended trading hours, by a legislative model or review process. Additionally, a number of submissions were of the view that employees should be provided the right to refuse to work during an extended trading hours' period.<sup>31</sup>

A number of individual submissions to the Review also discussed the impact of trading hours' regulation on work and family issues. Appendix 11 provides a comprehensive break down of the submissions, including identifying the key issues for workers and their families in specific industries.

## 4.5 The needs of the Queensland public and visitors to the state.

The impact of trading hours' regulation on the needs of the Queensland public is a significant and recurring area of community debate. Shaping this debate are the substantial socio-economic, demographic and lifestyle expectation changes that have occurred over the past 30 years.

These changes have contributed to a rise in time-poor households and individuals seeking better work-family-life balance who as a result want access to extended shopping hours. In response there have been major shifts in the structure of retail marketplaces and nature of the shopping experience. In short, consumers are seeking greater flexibility in retail trading hours in order to purchase the goods and services they require when they require them.

Opponents of extended trading hours have suggested that extended trading hours are having an adverse impact upon family and social activities such as sport, church, charity work, and other social events. Extended retail trading hours may result in consumers spending more time and money shopping and less time and money on other events and recreational activities. In 2009-2010 in a trading hours application for the Mt Isa region, concerns were raised that local sporting events, community events and family life could suffer with the introduction of seven day trade in Mt Isa. At the time, many community events were held in Mt Isa on a Sunday. Following the consideration of this issue, and several others raised, the application for seven day trading in Mt Isa was refused.

With the changing structure of Australian households consequent to the increase of women in the workforce, the growth of both dual-income households and single parent families, the growth of service-based industries, and working students, extended retail trading hours may offer individuals more flexibility to structure their activities around their family and social activities.

### The needs of visitors to the state

A number of submissions to the Review, whilst opposing the substantial deregulation of trading hours, indicated that they would support extension of trading hours in tourism precincts because tourists have more time to participate in extended trading hours.<sup>32</sup> These submissions suggest that there should be a delineation between peak tourist areas and trading hours.<sup>33</sup> The SDA only supports extensions of trading hours for legitimate

tourism areas such as the Gold and Sunshine Coast with adequate protection for employees.

In contrast, some submissions argue that the current trading hours lead to travellers bypassing regional towns because major stores aren't open, causing harm to the local economy.<sup>34</sup> The NRA argues that the difficulty with the existing tourist destinations is that the allowable hours vary from area to area, and often even among areas in close proximity to one another. To address this complexity the NRA recommend that areas designated as tourist areas be allowed to trade all days of the week from 6am until midnight.

### The needs of the Queensland public

In October 2016, as part of this Review, the Office of Industrial Relations commissioned the Queensland Government Statistician's Office to conduct the Queensland Trading Hours Household Survey 2016 (the QGSO Survey). The Survey report is at Appendix 12.

The primary objective of the survey was to gauge Queensland residents' views on allowable retail trading hours, their legislation and suitability. The survey was conducted by telephone, and 3,364 interviews were completed or partially completed. The response rate for the survey was 35.6 per cent.

The QGSO survey found that 62.3 per cent of respondents in south-east Queensland supported consistent trading hours for large retail shops on weekends.<sup>35</sup> Notably, support for consistent hours on Saturday and Sunday was higher than in the rest of Queensland (51.5 per cent).

Consumers place considerable value on weekend trading. Sunday trading ensures these consumers can shop according to their preferences as determined by their work, leisure and family commitments. According to the QGSO household survey on trading hours, 58.3 per cent agree or strongly agree that allowable trading hours for large retail shops should be the same in all areas of the State.

According to the QGSO household survey, of the Queensland residents whose needs were seldom or never met by the current opening hours of large retail shops, the most common reasons were: respondents wanted to shop late at night (41.8 per cent), existing hours did not suit their working / living arrangements (31.0 per cent), and/or they wanted to shop on weekends (20.6 per cent).

Respondents thought large retail stores should remain closed for Christmas Day (65.9 per cent), Good Friday (53.4 per cent) and ANZAC Day (50.0 per cent). Approximately a quarter (27.9 per cent) believed they should remain open on all holidays.

<sup>31</sup> AWU, QCU, and UV.

<sup>32</sup> QCU, UV and AWU.

<sup>33</sup> QCU and UV.

<sup>34</sup> NRA.

<sup>35</sup> Queensland Trading Hours Household Survey 2016 Q5 'Allowable trading hours for large retail shops should be the same for both Saturday and Sunday, by south-east Queensland versus rest of Queensland'.

## 4.6 Certainty and consistency in retail shop trading hours' arrangements between and within regions of Queensland, including in relation to public holidays and trading hours on those public holidays.

Queensland's model for the regulation of trading hours has produced a variety of different trading hours' arrangements for non-exempt shops across the State. There are a number of considerations on the issues of consistency, both within and across the State, across Australia, and in the treatment of various 'classes' of businesses. Further, the classification of shops as exempt, independent and non-exempt place compliance and search costs on both consumers and businesses.

Numerous submissions to the Review indicated that a major criticism of the current trading hours' system is the confusion and complexity caused by the different trading hours' zones across the State.

The complete removal of the regulations, as recommended in the Ergas Report<sup>36</sup>, would remove the confusion and contradiction that has become the norm in Queensland's trading hours' laws. However full deregulation of trading hours is not widely supported through the submissions or the QGSO household survey.

The NRA recommends a fall-back position to full deregulation of 7am to 10pm trading hours state-wide. The NRA suggests that this model would do away with almost all of the regulation currently embedded in the Trading Hours Order for Non-Exempt Shops. The NRA argue that the notable exception to this would be the various allowances made for non-exempt stores in some areas to trade on extended hours leading up to Christmas. The NRA further recommends removing restrictions relating to public holidays, with the exception of ANZAC Day, Good Friday and Christmas Day and recommends that all non-exempt retailers be required to close on those days. The NRA also recommends that the limitations on otherwise exempt retail businesses that currently apply on ANZAC Day should be retained.

The SDA argues that applications for extended hours have generated considerable confusion around trading hours and that extensions should only be granted where there is an exceptional need. They argue that consideration be given to a central set of permissible hours that should be fixed permanently. The SDA proffered that to achieve this there should be a moratorium (whether five or ten years) to an agreed set of hours so that trading hours can't be changed. The SDA believe that this will eliminate confusion generating from inconsistent applications unless there is an exceptional need for it. This view was supported by the AWU, QCU and UV.

The NRA states that any proposed moratorium should allow exempt shops and independent shops the opportunity to properly adjust to the QIRC's latest decision and provide community stores with greater business certainty and consistency in retail shop trading hours' arrangements. By excluding the QIRC from future trading hours' orders and ensuring changes made to trading hours are by government enacted legislation, it will likely lead to a reduction in the level of variation in trading hours across the State. This would enhance business certainty for investors and allow private owners to advance their community businesses without fear of a sudden devaluation of their investment.

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<sup>36</sup> Ibid.

## Chapter 5: Current model and alternative models for regulating trading hours.

The Issues Paper at Chapter 3 ‘Current model for regulating non-exempt shops (large retailers)’ invited submissions on a number of questions relating to possible models for future regulation of non-exempt shops. This chapter outlines the written submissions made in relation to those questions.

Shop trading hours’ legislation in all Australian jurisdictions traditionally focussed on the restriction of opening hours by non-exempt shops. Although substantial change has occurred in each jurisdiction since the 1980’s significant differences exist between States and Territories.

In Queensland, South Australia and Western Australia non-exempt shop trading hours are subject to a number of restrictions based on geographical location and/or types of shop.

Non-exempt shopping hours are substantially deregulated in New South Wales, Victoria and Tasmania where restrictions on trading apply only on certain public holidays. Shop trading hours are totally deregulated in the Australian Capital Territory and the Northern Territory.

Queensland is the only jurisdiction where trading hours are decided by a combination of regulations set out in the Trading Hours Act and decisions of the QIRC. In all other jurisdictions, trading hours are decided by government in legislation. The Queensland Government legislated for changes to trading hours in non-exempt shops in 1994 and 2002.

The Issues Paper proposed basic models that could be considered for regulating trading hours including:

1. Substantial deregulation (as exists in New South Wales, Victoria and Tasmania);
2. Trading hours decided in legislation by Government;
3. The existing model with changes in legislation to the minimum hours for trading throughout the state or in defined regions;
4. Limitations on the order making power of the QIRC;
5. Changes to the criteria for deciding application for extended trading;
6. No changes to the current arrangements relating to trading hours for non-exempt shops;
7. The amalgamation of independent retail shop and exempt shop categories;
8. Defining independent retail shops; and
9. Defining exempt shops.

### 5.1 Substantial deregulation

Queensland’s current regulation of trading hours through a combination of legislation and decisions by the QIRC has resulted in complex arrangements where the allowable trading hours of a non-exempt shop vary on the basis of its location in a particular region (e.g. south-east Queensland), city, town (e.g. Toowoomba, Cairns, Townsville, etc) or particular precinct within a region (e.g. New Farm, Hamilton North Shore). Additional variations to hours

apply because of the types of goods sold in the non-exempt shop (e.g. hardware, motor vehicles and caravans). In addition to this the trading hours orders allow for increased hours of trade for non-exempt shops in the last month before Christmas each year. In turn these arrangements for non-exempt shops vary from the generally deregulated hours of trade of exempt and independent retail shops. The removal of these arrangements would lead to reduced confusion for business operators and consumers alike.

The 2011 Productivity Commission Report,<sup>37</sup> the 2014 Productivity Commission Report<sup>38</sup> and the Harper Review<sup>39</sup> all recommended the review of, or deregulation of, retail trading hours in jurisdictions which still have regulated trading hours. The Harper Review stated that deregulating trading hours should be a priority for those states where the tightest restrictions on retail trading hours apply, because those jurisdictions are likely to derive the greatest potential gain.

***The Issues Paper asked submissions to consider should there be substantial deregulation of shop trading hours in Queensland by adopting the approach found in a number of other States (e.g. New South Wales, Victoria and Tasmania) where there is minimal regulation of shopping hours other than restricted trading days on certain public holidays?***

A number of submissions support the deregulation or extension of trading hours across Queensland.<sup>40</sup> Submissions indicate it would remove the confusion of Queensland’s trading hours’ laws and remove the current unnecessary impediment to consumer choice and productivity.

In contrast, a number of submissions indicate firm support for retaining the current trading hours’ restrictions.<sup>41</sup> They argued that reduced deregulation would negatively impact rural towns, lead to a significant reduction in the number of independent retail stores and employment opportunities across the State and therefore is not in the public interest.

The MGA and CCIQ oppose deregulation and argue that the different conditions prevailing in Queensland, when compared with the other deregulated eastern states, mean that deregulation of hours should not be extended to Queensland. They point to a number of differences including population density levels, market conditions and the fact that independent retail stores in Queensland are excluded from acquiring a liquor license. They argue that this makes it more difficult for independent retail stores to compete.

<sup>37</sup> Productivity Commission, Australian Government, (2011), Economic Structure and performance of the Australian Retail Industry, from <http://www.pc.gov.au/inquiries/completed/retail-industry/repor>.

<sup>38</sup> Productivity Commission, Australian Government, (2014), Costs of Doing Business: Retail Trade Industry, from <http://www.pc.gov.au/inquiries/completed/retail-trade/report>.

<sup>39</sup> Prof. Ian Harper, Peter Anderson, Su McCluskey, Michael O’Byrne OC, (2015), Competition Policy Review Final Report, from <http://competitionpolicyreview.gov.au/final-report/>.

<sup>40</sup> NRA, SCCA, Douglas Shire Council and Douglas Chamber of Commerce.

<sup>41</sup> MGA, CCIQ, SDA, Member for Mount Isa, the Hon. Robbie Katter MP and LGAQ.

## 5.2 A trading hours model decided in legislation by Government

In 1964 the QIRC was established as an independent trading hours' tribunal having the power to fix by order the trading hours of non-exempt (large) shops and small shops. The reasons behind the amendment were that the Government believed that trading hours should be determined by an independent tribunal. This proposition has been supported in subsequent reviews of trading hours in 1993 and again in 1996. The alternative is to have Government decide trading hours in legislation which is the approach adopted in all other jurisdictions. An advantage of changes being made by government enacted legislation is that it may lead to a reduction in the level of variation and associated complexity in trading hours across the State.

The complexity associated with the QIRC setting hours is in part a result of it being given the power to make orders for non-exempt shops by reference to opening and closing times, selling by wholesale or retail, classes/types of non-exempt shops and localities or parts of localities where non-exempt shops are located.

***The Issues Paper asked submissions to consider should government determine the trading hours through legislation alone, or should the determination of trading hours remain with the QIRC?***

There were a few submissions which argued it would be preferable to determine trading hours through legislation rather than by the QIRC.<sup>42</sup> However, most major organisations were of the view that the determination of trading hours remain with the QIRC<sup>43</sup> although most of these organisations also submitted that a moratorium should be placed on applications to the QIRC.<sup>44</sup> For example the MGA and CCIQ supports a five-year moratorium on any further expansion of trading hours for non-exempt stores, stating it would allow the Government the opportunity to review and consider the effects of the expansion of trading hours for non-exempt stores in south-east Queensland and consider whether any future changes should occur anywhere in the state.

## 5.3 Existing model with changes to allowable hours for trading throughout the State or in defined regions.

Following the introduction of extended trading for Sunday and public holidays for south-east Queensland in 2002 and a number of successful applications to the QIRC for extended trading hours', approximately 90 per cent of Queenslanders now live in areas with easy access to seven day trading by large retail stores. Given this, it could be argued that it is time to extend Sunday and public holiday trading to all of Queensland. The counter argument is that in a number of cases, applications to extended trading hours on Sundays have been unsuccessful in a number of regions (e.g. Mt Isa, Warwick, Kingaroy, Ayr) and on that basis any extensions should be left to the QIRC to determine.

Industry stakeholders have pointed out a number of anomalies where certain classes of shops are not allowed to trade on Sundays when there is an expectation from consumers that those shops should be open.

For example, sales of caravans and motor vehicles are governed by specific QIRC trading hours' orders which do not permit shops selling those goods to open on Sundays and most public holidays in any area of the State. This results in an inconsistency where generally non-exempt shops have long since been allowed to trade on Sundays and most public holidays by the QIRC, while non-exempt shops selling motor vehicles and caravans in the same area are not allowed to trade on those days. These restrictions on motor vehicle and caravan sales were applied for and have consistently been supported by the relevant industry associations.

***The Issues Paper asked submissions to consider that the current Trading Hours Act sets out the basic allowable trading hours for non-exempt shops throughout the State (8am to 9pm Monday to Friday, 8am to 5pm Saturday and closed Sundays and public holidays plus 9am to 6pm Sunday and most public holidays in south-east Queensland,) and gives jurisdiction to the QIRC to decide extended allowable trading hours. Under those arrangements QIRC Orders already permit trading on Sundays and most public holidays for the majority of the State.***

***The Issues Paper further asked submissions to consider if the basic hours in the Trading Hours Act should be amended to permit trading throughout the whole State for uniform basic allowable hours reflecting Orders already made by the QIRC and community and business expectations? What should those hours be? Should such hours be the same for all types of non-exempt shops?***

Organisations that have historically opposed extended trading hours, which includes the MGA and CCIQ, believe uniform basic allowable trading hours' resulting in extension of Sunday and public holiday trading hours for non-exempt stores in all areas of the State would undermine recent decisions by the QIRC which refused applications for such trading (e.g. decisions at Mt Isa and Goondiwindi in 2015 and at Warwick in 2011).

The MGA and CCIQ also argued that a survey they had conducted found that consumer support for extended trading hours is weaker in smaller regional rural communities, where adverse impacts on the local businesses are most likely to be noticed and strongly felt.

The NRA and SCCA both support legislated allowable trading hours for the entire state of 7am to 10pm, 7 days a week, and the removal of restriction on public holidays, with the exception of ANZAC Day, Good Friday and Christmas Day. As an alternative to substantial deregulation, the SCCA and NRA both support trading hours for regional areas of Monday to Friday 7am to 9pm or 10 pm respectively, and 8am to 6pm on weekends and public holidays. The NRA further supports trading hours of 6 am until midnight, seven days a week in declared tourism areas. The SCCA supports this suggestion but considers that it should be extended to non-exempt shops in key commercial districts and the greater city of Brisbane in the two week lead up until Christmas.

Currently there are a number of specific trading hours which have been decided by the QIRC for different classifications of non-exempt shops (e.g. large retailers, hardware stores, butchers, motor vehicles and caravans - see appendix 13 for a full list). The SCCA and LGAQ both support a harmonisation of what defines a non-exempt shop so that there will no differentiation in trading

<sup>42</sup> MGA, LGAQ and member of the public Phillip Dalton.

<sup>43</sup> AWU, NRA, SDA and member of the public Stephen Booth.

<sup>44</sup> SDA, MGA and CCIQ, LGAQ and member of the public Stephen Booth.

hours for stores which currently fall under these classifications.

The SDA is not supportive of extended trading hours, although it does support limited extensions for legitimate tourism areas as long as there are adequate protections for employees. The SDA state the interests for business and consumers would be served by standardising weekend trading hours. An individual submission also argued that extended trading hours should apply in tourism areas.

## 5.4 Limiting the order making power of the QIRC

The Trading Hours Act allows the QIRC to set a diversity of orders relating to opening and closing times, classes/types of non-exempt shops and localities or parts of localities where non-exempt shops are located.

Sunday trading hours for large retailers are generally set at the standard of 9am to 6pm. However there are a number of exceptions across Queensland (e.g. New Farm, Hamilton North Shore, Gold Coast Coastal Tourist Area, Townsville and Port Douglas).

The QIRC has made a different trading hours order for non-exempt butchers who can trade from 6.30am seven days a week and still other orders allowing non-exempt hardware stores in south-east Queensland to trade on Sundays from 9am to 6pm while outside south-east Queensland those shops can trade on Sundays only from 8.30am to 4pm.

The QIRC also deals with applications for extended trading hours in the lead up to the Christmas each year. These arrangements in trading hours' orders generally allow Sunday trade in areas without access to it at other times of the year or extend weekend trading by one or two hours. Other arrangements allow trading until midnight on 23 December or in the days immediately before. Like other trading hours' order arrangements the pre-Christmas arrangements are patchy regarding the areas to which they apply leading to inconsistencies and confusion for traders and the public alike and ultimately achieve extended trading for only a limited number of hours.

The following QIRC orders are also applicable to other specified types of non-exempt shops:

- *Trading Hours - Non-Exempt Shops Selling Motor Vehicles – State;*
- *Trading Hours - Special Displays of New Season Model Motor Vehicles;*
- *Trading Hours - Non-Exempt Shops Selling Caravans – State;*
- *Trading Hours - Agricultural Produce, Fruit and Grain Stores;*
- *Brisbane Market; and*
- *Trading Hours Order - Machinery Warehouses, Wholesale Warehouses and Food and Drug Stores.*

Other orders may also be made by the QIRC permitting special displays or exhibitions (e.g. industrial shows, trade fairs, business expos, motor shows, boat shows and caravan and camping shows) to be conducted outside the hours that shops selling those goods would normally be permitted to trade (e.g. on a Sunday, public holiday or late night). By definition these permits are non-permanent being for a particular occasion or of limited duration each year.

***The Issues Paper asked submissions to consider if the QIRC is to be retained as the arbiter of trading hours' arrangements, should the Trading Hours Act limit the QIRC's order making powers to permitting extended hours for:***

- ***a particular region defined in legislation, rather than localities or parts of localities;***
- ***all non-exempt shops rather than classes/types of non-exempt shops; and***
- ***an area or period, but not to determine the hours (i.e. extended hours to be uniform in a similar manner to the basic hours in the Trading Hours Act).***

***Should the Trading Hours Act set some basic allowable extended trading hours for the Christmas trading period for non-exempt shops?***

There was a consensus amongst the submissions that the QIRC should retain at least some role in the determining trading hours for non-exempt shops over the Christmas period.

While one employer organisation opted for the status quo<sup>45</sup> in regards to the QIRC's current role in this area, another business organisation and two individuals argued<sup>46</sup> that while the QIRC should be allowed some latitude in the determining Christmas trading hours such determinations should be done within legislative guidelines including the definition of localities and basic allowable hours for the Christmas period.

A number of submissions<sup>47</sup> have indicated support for special trading arrangements for their industry.

## 5.5 Changes to the criteria for deciding applications for extended trading

The Trading Hours Act prescribes in section 26 that the QIRC must regard a number of issues in deciding trading hours for non-exempt shops including locality, the needs of the tourist industry or other industries in such locality, the expanding population and the public interest.

Allowable trading hours for non-exempt shops beyond the minimum specified in the Trading Hours Act are decided by the QIRC based on the merit of applications made by interested organisations (e.g. industrial organisations and other organisations representing small, medium or large employers; unions representing employees; other community organisations and local governments).

The Issues Paper asked submissions to consider that the Trading Hours Act currently sets out the criteria to be used by the QIRC in deciding applications for extensions of trading hours. It includes the needs of local industry, the public interest, consumers' interest, and business interest (whether small, medium or large), the view of any local Government and other matters considered relevant by the QIRC. Should the criteria used by the QIRC in deciding applications for extensions of trading hours for non-exempt shops be varied?

<sup>45</sup> NRA.

<sup>46</sup> Members of the public Stephen Booth Phillip Dalton.

<sup>47</sup> Hardware Australia, Motor Trades Association of Queensland and Caravanning Queensland.

A number of submissions<sup>48</sup> were in agreement that there was a need to vary the current criteria used by the QIRC in determining applications for extended trading hours.

Advocates for extended trading by non-exempt shops contend that the criteria used by the QIRC in deciding trading hours should be amended. Essentially the advocated changes are to make the criteria clearer and more focused on measurable components of the 'public interest' such as value of lost trade to the local economy.

Independent retail shops have proposed that the criteria be amended in order to make success in seven day trading applications more difficult to obtain. For example, they propose that the net benefit of the restriction on the competition be fully assessed in any application to extend trading hours and that a substantial lodgement fee be applied to each application.

One employer organisation<sup>49</sup> contended that consideration should be given to including the impact on employment and employees; the views of local authorities; population considerations; tourist needs; the effect on local industries and the needs and preferences of local consumers.

Two employer organisations<sup>50</sup> argued that if the QIRC was to continue to exercise power in determining extended trading hours any applicants who have previously made trading hours applications in a specific region or area which was determined by the QIRC should not be able to make applications relating to that region or area for a period of ten years.

Additionally these organisations<sup>51</sup> believe that section 21 of the Trading Hours Act should be amended to allow any company with an operative Australian Business Number and/or Australian registered organisation be permitted to initiate proceedings before the QIRC.

These particular submissions also recommended that no hearsay or third party evidence be relied upon to satisfy any criteria in determining extension of trading hours submissions.

These submissions were also concerned with the relevant weight given to each criteria and argued that the Trading Hours Act should provide clearer guidance concerning the priority or relative weight to be given to each of the criteria and a minimum number of criteria that must be satisfied before an application can be approved.

It was also submitted that in the instances where a local council failed to have a councillor appear on behalf of the council the position of council should be excluded from the QIRC's consideration and the criteria therefore fail. Furthermore a council must show that they have consulted with their constituents in formulating a position put to the QIRC.

A private submission<sup>52</sup> by a member of the public states the current criteria places undue emphasis on the interests of small business and retail traders at the expense of the silent majority of consumers.

## 5.6 No change from current non-exempt trading hours

The changes in the past three decades to non-exempt shop trading hours have allowed shoppers access to extended trading Monday to Saturday in all areas of the State and access to Sunday and public holiday trade by non-exempt shops for an estimated 90 per cent of Queenslanders. Regional areas without access to Sunday and public holiday trading include Chinchilla, Kingaroy, Stanthorpe, Roma, Warwick, Pittsworth, Childers, Blackwater, Bowen, Ayr, Charters Towers, Proserpine, Mission Beach, Mt Isa, Weipa and Cloncurry.

***The Issues Paper asked submissions to consider should the current arrangements for setting extended trading hours for non-exempt shops be maintained with no changes because they are achieving their purpose under the Trading Hours Act?***

Three employer organisations<sup>53</sup> were vehemently opposed to any extension of trading hours. This opposition was supported by a survey of their membership which showed support for the continued retention of trading hours in particular sectors of between 90 and 96 per cent.

Hardware Australia was particularly concerned that any extension of opening times would unfairly benefit large retailers leading to a monopoly situation which would have a detrimental effect on the profitability of smaller businesses.

The submission of the SDA in opposition to extension of trading hours has already been noted in section 5.3.

## 5.7 Amalgamation of independent retail shop and exempt shop categories

Exempt shops have no restrictions upon when they can open or trade. The Queensland legislation lists 37 types of shop as exempt with 'specified descriptions' of these shops. Generally, a shop's status as an exempt shop is based upon it being a shop that supplies goods or services that should be accessible to the public at all times e.g. a newsagent, a take-away food outlet, restaurant or café, a bakery, or a bait and tackle shop.

Independent retail shops are generally seen as small, independent, retail businesses such as the 'independent grocery and food stores' and specialty shops such as clothing, footwear and kitchenware shops. An independent retail shop may trade without restriction except for Christmas Day, Good Friday and ANZAC Day up to 1.00pm, when they must remain closed. Independent retail shops that are predominantly food and/or grocery shops have no restrictions on their trading hours. They must engage no more than 20 persons at any one time in a single shop or no more than 60 in multiple shops throughout Queensland. Independent retail shops must be owned by single operators, partnerships or proprietary companies that are not related bodies corporate.

Although there is a major difference in the method by which exempt shops and independent retail shops are defined and categorised, the difference in the trading hours that each is allowed to trade is comparatively minor. Effectively this difference is a requirement that some independent retail shops must close

48 NRA, CCIQ, MGA, SCCA and member of public Phillip Dalton submission.

49 NRA.

50 MGA and CCIQ.

51 Ibid.

52 Member of the public Phillip Dalton.

53 Hardware Australia, MTAQ and Caravanning Queensland.

on two and a-half public holidays while all exempt shops and independent retail shops selling food and/or groceries have totally unrestricted hours. It may be questioned what is achieved by such a minor difference in regulation between these two categories of shop.

Common arrangements for exempt and independent retail shops are already a feature of trading hours' regulations in Victoria, South Australia and New South Wales a number of other jurisdictions.

***The Issues Paper asked submissions to consider should the categories of independent retail and exempt shops be amalgamated into a single category of exempt shop having no restrictions on trading hours on any day of the year?***

Two major employer groups argued that there should only be two classes of stores, namely non-exempt and exempt stores.<sup>54</sup> They submitted that exempt stores should not be subject to trading hours' regulations. The exempt store category would include all existing exempt and independent retail stores as well as non-exempt stores not predominantly selling food and groceries e.g. large department stores.

According to these submissions non-exempt stores (i.e. those that would be subject to trading hours' restrictions) would be limited to those businesses predominantly engaged in the retail sale of groceries and fresh food. This definition was further defined on the basis of the store or business being owned and/or operated by:

- an Australian listed public company or a corporation which is a related corporation to such a company within the meaning of the Corporations Law;
- by an entity by whatever name called, which is ultimately controlled by an entity or entities which are not Australian companies or Australian residents; or
- a corporation which, together with each of its related corporations, has a turnover in excess of five per cent of the Australian market for groceries, food and related merchandise.

The AWU argued that they are not opposed to the amalgamation of exempt and independent retail shops into a single category. They were supported by the LGAQ and Retail Council Australia who advocated for the independent retailer definition to be removed and for the definition of exempt and non-exempt shops to be simplified to include a uniform size and type of store. The SCCA does not support the amalgamation of the exempt shop and independent retail categories as it does not believe this would facilitate fair competition.

## 5.8 Defining independent retail shops

An independent retail shop may trade without restriction except for Christmas Day, Good Friday and ANZAC Day up to 1.00pm, when they must remain closed. Independent retail shops that are predominantly food and/or grocery shops have no restrictions on their trading hours. They must engage no more than 20 persons at any one time in a single shop or no more than 60 in multiple shops throughout Queensland.

Owners of independent retail shops report that the current

regulatory arrangements are a disincentive for small business expansion as they discourage successful small businesses from employing more staff, as they will then become non-exempt shops and have limitations imposed on their hours of business. Furthermore, the legislation discourages investment to expand operations by limiting capital to only single operators, partnerships or proprietary companies that are not related bodies corporate.

Most jurisdictions regulating trading hours include a category of 'small' shop equivalent to the independent retail shop. While South Australia defines such shops based on the floor area of the shop, all other jurisdictions use the number of employees and/or corporate structure as the defining factors with some variation between each jurisdiction.

***The Issues Paper asked submissions to consider is the number of employees engaged at an independent retail store or stores at any one time an appropriate criteria for determining that businesses access to more liberalised trading hours? If so, should the current limits be increased? If not an appropriate criteria, what do you consider to be appropriate, for example floor space (as in South Australia) or retail turnover, or public –v- private ownership?***

There were very few submissions that offered any suggestions on the issue of the number of employees engaged at an independent retail shop.

The NRA supports protections for genuine independent grocery retailers but asserts that existing independent retail shop provisions (20 employees) are being abused by some very large corporations in order to take advantage of the protections that were intended for 'mum and dad' retail businesses. It suggests examining the definition of a small business in the New South Wales jurisdiction or consider lowering the employee threshold to ten, including owners, and implementing provisions which ensure that the limit also applies to associated entities.

Two large employer<sup>55</sup> groups proposed no restrictions on the number of staff employed in, or corporate structure of an independent retail shop. Instead they propose a definition of non-exempt shops based on corporate structure with such shops being the only class of shop subject to any regulation of allowable trading hours (i.e. shops currently known as exempt or independent retail shops would have no restrictions on their trading hours, see discussion in 5.7).

The SCCA supports consideration of a definition which includes the number of shops and a much lower number of employees. They recommend that any change to the independent retail store definition needs to be balanced against whether this would further restrict competition with, for instance, full-line supermarkets. The SCCA believed that turnover would be an appropriate consideration as this aligns with other definitions (e.g. the ABS definition of small business having an annual turnover of up to \$2 million per annum).

<sup>54</sup> CCIQ and MGA.

<sup>55</sup> MGA and CCIQ.



## 5.9 Defining exempt shops

The current definition has been criticised as it classifies exempt shops by describing the shop rather than the types of goods sold. It is a definition little changed since its introduction in 1987 and now arguably contains several outdated classes of shop.

The concept of an exempt shop (i.e. no trading hours' restrictions) is common to all jurisdictions which regulate trading hours.

***The Issues Paper asked submissions to consider should any additions or deletions be made to the list of exempt shops?***

The NRA and SCCA were the only groups which made submissions on this issue. They both argued that the current list of exempt shops should be revisited to determine the relevance of the current test. The SCCA recommended that the review consider the current list of exempt shops against the retail categories in the SCCA Sales Reporting Guidelines which are the shop categories used by SCCA members, and other shopping centre companies, in their public and internal reporting and benchmarking.

# Chapter 6: Recommendations

## 6.1 Core trading hours for non-exempt (large) retail shops

The following recommendations are made to improve trading hours' regulation in Queensland to promote business growth and employment while balancing the interests and concerns of workers and the community and meeting the needs of consumers. These recommendations provide for greater liberalisation and standardisation of the allowable trading hours across Queensland, reducing complexity while recognising that in a decentralised state such as Queensland it is appropriate to provide for trading hours' that are suitable for south-east Queensland, for regional and rural areas, for identified tourist areas and for special events. Extending the allowable trading hours does not mean shops must open for all of the allowable hours. Opening hours will remain at the discretion of a shop owner.

The recommendations also provide protections for retail industry workers against coercion, harassment or intimidation. These protections will ensure that they are not compelled to work during the extended hours.

The proposed changes will replace the existing 99 specific trading hours' orders and provisions for non-exempt shops decided by the QIRC with six allowable trading hours' provisions, which will be specified in legislation.

By way of comparison between the existing trading hours' regulations for all non-exempt shops across Queensland and those proposed, Appendix 13 outlines current trading hours for non-exempt shops provided in QIRC orders and Appendix 14 provides the hours proposed in the recommendations to be prescribed in legislation.

The recommendations also propose a moratorium on further changes to Queensland's allowable trading hours', with a further review to be undertaken prior to the expiration of the moratorium. Reasonable notice to allow regional business owners to adjust to any changes in trading hours' arrangements for non-exempt shops is also strongly recommended.

While all members of the reference group participated in good faith throughout the Review, not all recommendations received unanimous support. Where there was not full agreement the concerns raised by particular reference group members are recorded.

### Recommendation 1

All non-exempt shops **in the south-east Queensland area** may open:

- 7am – 9pm Monday to Saturday; and
- 9am – 6pm Sundays and most public holidays.

*Note: Current minimum hours in the Act are 8am – 9pm Monday to Friday, 8am to 5pm Saturday and 9am-6pm Sunday and most public holidays.*

Recommendation 1 recognises the QIRC decision which granted uniform extended trading hours across south-east Queensland effective from 1 December 2016. The recommendation proposed that these hours be prescribed in legislation.

South-east Queensland is home to 70 per cent of Queensland's population and 69 per cent of total retail businesses registered in the State, while 65 per cent of total international and interstate

tourist nights are spent in south-east Queensland.

It is estimated that the extension and standardisation of trading hours for non-exempt shops in south east Queensland will provide annual benefits of \$60 million in Gross State Product and create 720 jobs.

### Recommendation 2

All non-exempt shops in areas **outside south-east Queensland** may open:

- 7am – 9pm Monday to Friday;
- 7am – 6pm Saturday (consideration is to be given to how extended hours are phased in); and
- 9am – 6pm Sundays and most public holidays.

*Note: Current allowable trading hours in the Act are 8am-9pm Monday to Friday, 8am to 5pm Saturday and closed on all Sundays and public holidays. However there are a number of seven day trading hours' orders that have allowed extended trading hours on Sundays and most public holidays outside of south-east Queensland.*

Recommendation 2 provides for the standardising of allowable trading hours for non-exempt shops outside of south-east Queensland Monday to Friday, Saturday, Sunday and on most public holidays.

Approximately ten per cent of the State's population live in regions where Sunday trading by the larger retail shops is currently prohibited. As mentioned in Chapter 2, Woolworths told the Productivity Commission in 2014 that it is prevented from trading on Sundays at a number of regional locations. Those locations still include Chinchilla, Kingaroy, Stanthorpe, Roma, Warwick, Pittsworth, Childers, Blackwater, Bowen, Ayr, Charters Towers, Proserpine, Mission Beach, Mt Isa, Weipa and Cloncurry. The extension of Sunday trading to all areas of the State will resolve a number of anomalies arising from this prohibition.

The estimated economic and employment benefits of this recommendation are \$19 million in Gross State Product and 225 jobs, including \$3.6M in Gross State Product and 42 jobs as a consequence of increased trading hours on Sundays; and \$15.4M in Gross State Product and 183 jobs as a consequence of increased trading hours between Monday and Saturday.

The MGA expressed strong opposition to any extension of trading hours for non-exempt shops and that any extension of trading on Sundays to all areas of the State was of major significance to the current trading position for independent supermarkets.

### Recommendation 3

In special and tourist areas (i.e. the following areas as currently defined in the trading hours' orders - New Farm, Hamilton North Shore, supermarkets in Gold Coast Coastal Tourist Area and Port Douglas, Great Barrier Reef Wonderland Tourist Complex) non-exempt shops may open:

- 6am – 10pm Monday to Friday;
- 7am – 10pm Saturday; and
- 7am – 9pm Sunday and most public holidays.

Recommendation 3 provides for hours to be prescribed in legislation for special areas and tourist areas. Rather than continuing the different hours for each of those zones already

provided for in trading hours' orders, the recommendation proposes a set of standard hours that will apply in all zones. The hours prescribed represent the earliest starting time and latest closing time currently found in any of the zones.

The recommendation will continue to recognise and support tourism activity in these areas.

The reference group achieved consensus on this recommendation.

## Recommendation 4

In all areas of the State hardware and builders' material supply non-exempt shops (as currently defined in the trading hours' order) may open from 6am Monday to Sunday and most public holidays with a closing time the same as other non-exempt shops in their area.

Extending the hours of hardware and builders material supply stores allows traders to open longer hours to service the needs of the public.

The current arrangements for builders' material supply hardware stores and non-exempt hardware stores cover 4 trading hours' orders which have different opening and closing times in south-east Queensland and outside south-east Queensland. Importantly this proposal will allow hardware shops throughout the State to open from 6am seven days a week. The Review found strong support for earlier opening times for hardware stores on weekends. Currently hardware stores on weekends have different opening hours which range from the earliest of 7am on Saturdays in some areas through to a 9am start on Sundays in south-east Queensland.

This recommendation will achieve consistency in trading hours for all types of hardware and builders' material supply non-exempt shops across the state.

The reference group achieved consensus on this recommendation.

## Recommendation 5

The public holidays on which all non-exempt shops must be closed (closed days) are to be the same in all areas of Queensland.

Consideration is to be given to whether there are to be four closed days (i.e. Good Friday, ANZAC Day, Labour Day and Christmas Day) or five closed days (i.e. Good Friday, ANZAC Day, Easter Sunday, Labour Day and Christmas Day).

Under the current trading hours' arrangements a non-exempt shop in some parts of the State (i.e. south-east Queensland and areas without seven day trading) are required to be closed on five public holidays each year being Good Friday, Easter Sunday, ANZAC Day, Labour Day and Christmas Day, while the restriction only applies to four holidays, Good Friday, ANZAC Day, Labour Day and Christmas Day, in other parts of the State. The report recommends that consideration be given to standardisation of the closed days for all non-exempt shops.

Members of the reference group expressed strong views on whether Easter Sunday should be a closed day for all non-exempt shops. Easter Sunday was declared a public holiday in 2016 to take effect in 2017.

Ultimately consensus on this point could not be reached by the reference group.

The SDA supported Easter Sunday being a closed day throughout

the State because of the significance of the day and for the sake of consistency. The QCU agreed with the SDA position adding that Easter is a time for family and friends and shops should be closed to allow retail workers to be with their family and friends. The AWU and UV agreed with this position.

The MGA opposed opening of non-exempt shops on Easter Sunday.

NRA opposed making Easter Sunday a closed day. They indicated a concern that at Easter in some regional areas (outside south-east Queensland) this could lead to a closure of shops on four consecutive days all being public holidays if other recommendations for extended trading in those areas were not implemented. Additionally, making Easter Sunday a closed day in south-east Queensland in the midst of other public holidays on which shops could open (e.g. Good Friday – closed, Easter Saturday – open, Easter Sunday – closed, Easter Monday – open) leads to confusion for businesses and the community as to when shops will be open. The NRA also is of the opinion that Easter Sunday should be a day on which non-exempt shops should be allowed to trade to service the needs of tourists.

## Recommendation 6

Extended trading will apply in the period prior to Christmas Day by allowing non-exempt shops in all areas of the state to open:

- 8am - 6pm on the three Sundays prior to 18 December each year, and
- until midnight Monday-Sunday in the period from 18-23 December.

All non-exempt shops to be closed from 6pm on 24 December.

Recommendation 6 provides for extended hours to be prescribed in legislation for the period prior to Christmas Day. The hours to be prescribed 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 Cherside and Garden City will also continue to apply under this recommendation.

Balancing the extension of hours is the requirement for early closure on 24 December to allow retail workers to spend time with family and friends and additional rest after the busiest retail sales period of the year.

The current orders permitting extended trade in the pre-Christmas period grant major shopping centres the ability to trade longer in the lead up to Christmas, but do not allow retailers outside of major shopping centres the same ability. Extending Christmas trading hours in all areas of the State will allow many businesses to better meet consumer demands, operate more productively and reduce in-store congestion during the most significant time of the year for retail trade.

Traditional retail businesses will also regain some competitiveness relative to online retail. This benefits Queensland to the extent that consumers switch spending away from online businesses located interstate or overseas to local businesses.

To the extent that consistent trading hour extensions over the Christmas period lead employers to lengthen their trading hours, this would create additional working hours. Many businesses

already hire casual, non-permanent staff over the Christmas period to cope with additional demand. The ability to open for longer may encourage employers to hire more staff in the pre-Christmas period, generating additional employment.

Consumers would benefit from consistent, extended Christmas trading hours across the state for all non-exempt businesses in the form of increased convenience, more choice, less congestion and possibly, as the result of increased competition, lower prices.

In respect of this Recommendation several members of the reference group expressed opinions about the proposed closure of non-exempt shops from 6pm on 24 December with the SDA supporting the declaration of a public holiday from 6pm on Christmas Eve.

The SDA support a Christmas Eve public holiday on the grounds that it provides compensation for workers who continue to work at that time. The SDA stated that there are some comprehensive business reports and statistical reports from South Australia indicating that the half day public holiday already operating in that State has no negative effects on businesses. The SDA also stated that they would support the closure of shops but that this closure would not necessarily give all employees the benefit of not working on Christmas Eve.

Both the MGA and QTIC oppose the declaration of a public holiday. The MGA expressed their opposition because of the costs involved. The NRA expressed concerns at the potential costs involved if Christmas Eve was declared a holiday.

It is considered that the 6pm closing time 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.

## Recommendation 7

The trading hours for non-exempt shops selling motor vehicles or caravans are to be the same as for all other non-exempt shops in Queensland (as provided in recommendations 1, 2, 3, 5 and 6).

While the objections raised through submissions were noted by the reference group, it is anticipated that the recommendation will result in increased competition, increased consumer choice and reduced congestion for consumers in these industry sectors. It also anticipated that this recommendation will provide increased employment opportunities.

The reference group achieved consensus on this recommendation.

## 6.2 Protections for workers

### Recommendation 8

Legislative protections are to be provided to workers which will ensure that agreement to work on any of the new extended hours is to be voluntary.

Submissions to the Review highlighted the need to ensure that retail employees who are already routinely working what are 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 (certain public holidays) must freely elect to work without any coercion, harassment, threat or intimidation by or on behalf of the shop owner. This provides a model for the protection of Queensland's retail workers.

The QIRC also included protection of workers in the recent south-east Queensland decision. In that decision the QIRC made it a requirement that shops and shopping centres may trade in accordance with the extended hours on the condition that employees have freely elected to work the extended hours without any coercion, harassment, threat or intimidation by or on behalf of the shop owner, or occupier of the business. In a dispute the QIRC or industrial magistrates court may, at its discretion, require employers to produce written evidence that employees have actively indicated their willingness and availability to work these hours as a result of the extension of allowable hours.

The QCU highlighted a number of related safety issues including the safety of journey to and from work, public transport and staff parking. Attention was drawn to the impacts of extended trading hours on vulnerable groups of workers such as young people and women who have lesser access to safe, affordable and accessible transport, particularly late at night.

The reference group achieved consensus on this recommendation.

## 6.3 Commencement of amendments and review of core hours

### Recommendation 9

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.

It is also recommended that reasonable notice be afforded to regional businesses prior to the new trading hours' arrangements for non-exempt shops being commenced.

A number of submissions highlighted the complexity associated with the different trading hours arrangements found across the State. This complexity has arisen from the many successful applications made to the QIRC for extended hours over the past decade. These submissions supported a moratorium on the basis that it would provide certainty in relation to trading hours over the next five years. The Review acknowledges that the moratorium will also allow independent supermarkets time to adjust to the extended trading hours recommended.

Before the end of the moratorium a further review of trading hours' will be conducted by the Government.

The reference group also observed the importance of allowing reasonable notice before commencement of the new trading hours' arrangements especially for businesses in regional areas where Sunday trading is not currently allowed for non-exempt retail shops who will be most significantly by extended trading hours.

## 6.4 Redefining some non-exempt shops as exempt shops

### Recommendation 10

The following shops are to be included in the list of exempt shops:

- special exhibitions, trade shows;
- shops in international airports, cruise terminals, casinos, tourist resorts on offshore islands;
- butcher shops;
- shops operating within a designated area around and during international special events (e.g. Commonwealth Games) and for local festivals. An application for special event or local festival status and the designated area will be made to the QIRC for determination; and
- shops in the Mossman and Port Douglas Tourist area to be exempt for a trial period of five years.

Recommendation 10 proposes a number of additions to the list of exempt shops which may trade without any trading hours' restrictions.

- Special exhibitions, trade shows - this would negate the need for permits to be issued by the QIRC for special exhibitions (e.g. for trading at car, caravan, camping, boat, home shows and the like).
- Shops in international airports, cruise terminals, casinos, tourist resorts on offshore islands. This would promote Queensland as a world class tourist destination, supporting growth and increased employment opportunities in the tourism industry.
- Butcher shops. This brings the sale of this type of food into line with sales of other types of food which are already exempt (e.g. fish, fruit and vegetables, takeaway food, etc).
- Shops operating within a designated area around and during international special events (e.g. Commonwealth Games) and for local festivals are able to be declared exempt from trading hours' regulation after consideration of an application to the QIRC. The QIRC will decide the appropriateness of area and timeframe for exemption only and may call on submissions from the local government for the affected area in making that decision. The Queensland Government and other organisations conducting or sponsoring the event will have standing to make application in these applications.
- Shops in the Mossman and Port Douglas Tourist area to be exempt from trading hours' restrictions for a trial period of 5 years. This will allow shops in this area to open without restriction to service the needs of cruise ship arrivals and the tourist industry and provide information on the effects of deregulated trading for the post moratorium review of the legislation.

Amending the list of exempt shops as proposed will address several anomalies that exist around Queensland's trading hours', which tend to reduce the competitiveness and efficiency of business in specific sectors and limit employment opportunities.

Special exhibitions and trade shows must currently apply to the QIRC to obtain an order for trading hours for a special exhibitions or displays, which adds complexity, cost and uncertainty to businesses and organisations holding these types of events which by their nature are aimed at facilitating increased demand and economic activity. Adding these to the exempt business list would reduce administrative costs for these types of businesses.

Removing restrictions on shops in international airports, cruise terminals and casinos and in designated areas related to special events would support the State's tourism industry both in terms of facilitating increased retail expenditure by existing tourists and increasing the competitiveness of the State as a tourist destination, leading to an overall increase in tourism.

The proposed reform in Mossman and Port Douglas will benefit local tourism servicing cruise ships arrivals and provide a useful case study on the impacts of deregulation. Submissions from the Douglas Chamber of Commerce and the Douglas Shire Council strongly advocated for this recommendation.

The reference group achieved consensus on this recommendation.

## 6.5 Include independent retail shop in the exempt shop category

### Recommendation 11

The categories of independent retail and exempt shops are to be amalgamated into a single category of exempt shop. Current trading hours' restrictions for independent retail shops on Good Friday, Christmas Day, and to 1pm on ANZAC Day are to remain (other than those selling groceries and fresh food).

Arrangements where independent retail shops form a sub-group of the exempt shop category and the general absence of any trading hours' restrictions for such shops are already a feature of trading hours' regulations in a number of other jurisdictions.

There was general support for this recommendation amongst the reference group.

## 6.6 Definition of independent retail shops

### Recommendation 12

The number of persons that may be engaged at an independent retail shop or shops at any one time is to be increased from 20 to 30 in any one shop, and where a number of related retail shops are operated, increased from 60 to 100 overall.

While alternatives to using employment limits, such as gross turn-over and corporate structure, were explored as a way of distinguishing smaller retailers from the larger retail chains, it was found that these alternatives were unsatisfactory.

Owners of independent retail shops report that the current regulatory arrangements which limit them to engaging no more than 20 employees at any one time are a disincentive for business expansion.

By comparison to other states the number of employees allowed to work at any one time in Queensland shops compares favourably. Victoria allows 20 and Western Australia allows 25 while New South Wales permits only 4 regular employees. However Victoria does permit a total of 100 employees throughout the state.

The MGA submit that recent increases in the requirement that community supermarkets have a strong emphasis on fresh food preparation and rotation of stock makes it harder to operate successfully within the current employment cap to maintain the level of service demanded by the public.

This recommendation 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.

Existing limits on employment that apply to independent retailers may impose a significant administrative cost on these businesses as the structuring and rostering of staff may need to be managed in a non-optimal way to meet these requirements. Reforms that remove the costs or regulatory restrictions imposed on business will ultimately enhance the productivity and efficiency of businesses, thereby increasing the incentive for business to invest and grow.

Reforming the definition of independent retailer will provide successful businesses more opportunity to expand their operations and be more competitive. It would also enable those 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.

Existing employees may benefit from having access to additional working hours, as their employer will not be constrained to limiting in-store staffing levels to the same degree. It is most likely to also create additional employment opportunities for independent retailers.

The reference group achieved general consensus in support of the recommendation.

## 6.7 The role of the QIRC

### Recommendation 13

The QIRC will continue to adjudicate allowable trading hours outside the legislated spread of hours for non-exempt shops (however this power is suspended during the period of the proposed moratorium).

A continued role for the QIRC in determining trading hours' orders and variations as an independent arbiter has been supported by several members of the reference group (NRA, SDA and AWU) but has been opposed by the MGA and CCIQ.

Although the QIRC will not exercise its powers for trading hours' variations during the period of the proposed moratorium, it will consider applications to determine and declare shops at special international events and local festivals as exempt shops.

# Appendix 1: Terms of reference

## Terms of Reference

### Review of Trading (Allowable Hours) Act 1990

The Committee is to examine and report on the current framework for the regulation of trading hours in Queensland and provide advice and recommendations on any alternative models that could be adopted, taking into account the following considerations:

- The impact of the current framework, and any alternative models, on employment and business growth in Queensland.
- The impact of the current framework, and any alternative models, on the Queensland economy overall or particular regions or sectors of the economy.
- The impact of the current framework, and any alternative models, on the market share of small and medium-sized businesses.
- The impact of the current framework, and any alternative models, on workers and their families.
- The impact of the current framework, and any alternative models, in meeting the needs of the Queensland public and visitors to the state.
- The impact of the current framework, and any alternative models, in providing certainty and consistency in retail shop trading hours arrangements between and within regions of Queensland, including in relation to public holidays and trading hours on those public holidays.

Matters concerning the structure and level of penalty rates, or any consideration of reduction in the number of public holidays, are not within the scope of the Review.

## Appendix 2: Reference group

The members of the Trading Hours Review Reference Group were:

Organisation	Member
Chair	<b>Mr John Mickel</b>
National Retail Association	<b>Mr David Stout,</b> Manager of Industry Policy
Chamber of Commerce and Industry Queensland	<b>Mr Nick Behrens,</b> Director Advocacy and Workplace Relations (represented by Proxy Ms Kate Whittle)
Master Grocers Australia	<b>Mr David Sztrajt</b>
Queensland Tourism Industry Council	<b>Mr Daniel Gschwind,</b> Chief Executive Officer
Shop, Distributive and Allied Employees' Association	<b>Mr Chris Gazenbeek,</b> State Secretary
Australian Workers' Union	<b>Mr Ben Swan,</b> Branch Secretary – Queensland (represented by proxy Ms Jacki Power)
United Voice	<b>Mr Gary Bullock,</b> Queensland Secretary
Queensland Council of Unions	<b>Ms Ros McLennan,</b> General Secretary



# Appendix 3: Media announcements

31 August 2016

## Joint Statement

The Honourable Curtis Pitt, Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport.

The Honourable Grace Grace, Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs.

### Time to revisit Qld's complex, confusing and costly retail trading hours

The Palaszczuk Government will establish a reference group to consider how Queensland could maximise an estimated \$200 million annual economic benefit from addressing anomalies in the State's retail trading hours.

Industrial Relations Minister Grace Grace said the current legislation governing trading hours was in need of modernisation to meet current community expectations and economic realities.

Ms Grace said in 2013, the Queensland Competition Authority report "*Measuring and Reducing the Burden of Regulation*", found the "potential for large net benefits from reform" of trading hours" restrictions of approximately \$200 million.

"Queensland trading hours differ between and within regions," she said.

"This is a chance to introduce modern, contemporary arrangements that reflect the realities of the modern economy."

"This is about delivering sensible economic reform that benefits to the public, while delivering for workers and business."

Ms Grace said the Government was establishing a stakeholder panel and would appoint an independent reviewer to oversee the inquiry.

"The anomalies in existing trading hour arrangements may be viewed as limiting employment opportunities," she said.

"An expert panel comprising key stakeholders is required to develop trading hours that reflect the modern economy and consumers' preferences."

Stakeholder groups to be invited to join the reference panel, to be chaired by Associate Professor with the School of Justice at QUT and former Speaker of the Queensland Legislative Assembly John Mickel, include:

National Retail Association, Chamber of Commerce and Industry Queensland, Master Grocers Australia, Queensland Tourism Industry Council, Shop, Distributive and Allied Employees' Association, United Voice and Queensland Council of Unions.

Tomorrow, Minister Grace will introduce a new *Industrial Relations Bill 2016*, including amendments to the *Holidays Act 1983*, to bring Queensland into line with the eastern States and Australian Capital Territory.

"Many Queenslanders think Easter Sunday is already a public holiday, like it is in New South Wales, Victoria and the ACT," she said.

"These amendments will end this confusion and bring Queensland into line with our biggest interstate trading partners."

"Declaring Easter Sunday as a public holiday recognises its religious and cultural significance and ensures that workers required to work on that day are treated the same as they would be if they worked the Good Friday, Easter Saturday and Easter Monday public holidays."

"We'll continue to consult with all relevant stakeholders."

### Examples of current complexities and anomalies:

- On a Saturday shops close at 5pm, on a Sunday they can trade until 6pm
- In Townsville, shops can open at 9am in the designated tourist zone, but can't start until 11am in the rest of Townsville.
- There is a cap of 20 employees for businesses to fit into the category of independent retail shops.
- There are over 30 different zones that can have seven day trade

## 1 September 2016

The Honourable Grace Grace, Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs.

### Business and industry groups welcome Qld trading hours review

Business and industry groups have welcomed the Palaszczuk Government's review of retail trading hours in Queensland.

Industrial Relations Minister Grace Grace said the review could unlock an estimated \$200 million annual economic benefit to the State.

"Current anomalies in the State's retail trading hours are costing Queensland business," she said.

"Business and industry groups acknowledge this cost and they support our review, which will address these anomalies".

"The CCIQ says carefully targeted trading hours reform can help ease the compliance burden and reduce regulatory inconsistencies for business".

"They've acknowledged our commitment to review the current Act, with a view to enabling small business to compete and grow".

"The National Retailers Association also says it's looking forward to working with the government with the hope of reforming retail trade in Queensland".

"They share our commitment to give retailers greater flexibility to better service their customers".

Stakeholder groups from business, industry, tourism and unions are being invited to join the reference panel.

The panel will be chaired by QUT School of Justice Associate Professor and former Speaker of the Queensland Legislative Assembly John Mickel.

"This review is about delivering sensible economic reform that benefits the public, while delivering for workers and business," Ms Grace said.

## Appendix 4: Consultations with stakeholders

Organisation	Date of Meeting/s	
Advance Cairns	13 October 2016	(S. Cowan, K. Byrne, T. Toomey)
Australian Workers' Union	23 September 2016	(B. Swan)
Cairns Airport Corporation	13 October 2016	(F. Ward, D. Owens)
Cairns Chamber of Commerce	24 October 2016	(D. Hancock)
Cairns Regional Council	13 October 2016	(P. Boyd, A. Finocchiaro)
Chamber of Commerce and Industry Queensland	27 September 2016	(N. Behrens)
Coles Supermarkets	03 November 2016	(C. McNeil)
Department of Tourism, Major Events, Small Business and the Commonwealth Games	11 October 2016	(T. Callaghan)
Douglas Chamber of Commerce	12 October 2016	(H. De Ross, J. Walker)
Douglas Shire Council	12 October 2016	(L. Cardew)
Food Works Edmonton Cairns	5 October 2016	(K. Trad)
IGA State Board	24 November 2016	(R. White, T. Jones, B. Hopper, T. Manic)
SPAR Australia	28 November 2016	(K. Jardon)
Local Government Association of Queensland	3 November 2016	(G. Hallam)
Master Grocers Australia	20 September 2016	(J. De Bruin, D. Sztrajt, R. White)
Motor Trades Association of Queensland	28 September 2016	(B. Dale, K. Dewer, T. Kowalski)
Mt Isa City Council	25 October 2016	(J. McCulloch, P. Barwick)
North West Chamber of Commerce	20 October 2016	(T. Crowther)
National Retail Association	20 September 2016	(D. Lamb, D. Stout, M. Cole)
Queensland Council of Unions and United Voice	20 September 2016	(R. McLennan, G. Bullock)
Queensland Industrial Relations Commission	28 September 2016	(D. O'Connor)
Shopping Centre Council of Australia	8 November 2016	(A. Nardi)
Shop, Distributive and Allied Employees' Association	16 September 2016	(C. Gazenbeek)
Supa IGA Edmonton Cairns	12 October 2016	(P. Piccone)
Queensland Tourism Industry Council	27 September 2016	(D. Gschwind)
Tourism Port Douglas	24 October 2016	(T. Bennett)
Woolworths	5 October 2016	(M. Batycki, A. Wright)
Woolworths Mt Isa	20 October 2016	(G. O'Hara, B. Heard, J. Neal)

## Appendix 5: Schedule of the persons and organisations who made written submissions to the review

1	Patrick Kelly
2	Samuel Glen
3	Peter Lang
4	Eve Gibson
5	Alison Brearley
6	Tim Wedmaier
7	Wayne Tilly
8	Kerryn Sues
9	Harry Ryan
10	Phil Browne
11	Liz Cole
12	Toby Martin
13	Ann
14	Kyles
15	Sharyn D'Arcy
16	Karen Pattemore
17	Elizabeth
18	Debbie French
19	Barry Boland
20	Annabelle Kent
21	Kelee
22	Ben Anderson
23	Anita
24	Confidential
25	Diane Reid
26	Ben Gorman
27	Confidential
28	Confidential
29	Charlene Ilett
30	Andrew Aschman
31	Veronica Hambrook
32	Joe Hili
33	Ross Coco
34	Chris Blyde
35	Kanchan Bandyopadhyay
36	Rowena Hope
37	Jennifer Slater
38	Phillip Dalton
39	Peter Nowland
40	Grant Hauritz
41	Leroy Murray
42	Nicholas Lloyd
43	Peter Brady
44	Mark Crampton
45	Anonymous
46	John Crane
47	Chris Hanson
48	Vivien Wilkinson
49	Linton Purtell
50	Bob Millar
51	Anonymous
52	Anonymous
53	Tristan Stania
54	Anonymous
55	Torin Luxford
56	Tracey Southwell
57	John Hall
58	Scott Lyddiard
59	Dean Greaves
60	Barbara Garris
61	David Wilks
62	Anonymous
63	Bruce Bullock
64	Mark Johnston
65	Steve Horne
66	Anonymous
67	Mike Hunt
68	Anthony Edwards
69	Stephen Reade
70	Lance Edbrooke
71	Confidential
72	Margaret Wedgwood
73	Michelle Howell
74	Maureen Brennan
75	Eric Black
76	Paul Clark
77	Anonymous
78	Brett Hall
79	Anonymous
80	Steve Lamb
81	Sal Ernest
82	Dean Argent
83	Anonymous
84	James Weir
85	Julie Gavin
86	M Devine
87	Darrell Broadwell
88	James Tresillian
89	Anonymous
90	Julianne Sinclair
91	Anonymous
92	Spencer Clarke
93	Paul Thompson
94	Jeffrey Robinson
95	Anonymous
96	Christian Perkins
97	Mike Waters
98	Kym Smith
99	Paul Bishop
100	Tim Nuttall
101	Kerri Christensen
102	Corey Williams
103	Ian Mulhall
104	Tim Callinan
105	Laurie Gwynne
106	Keith Krause
107	Carl Eaton
108	Allan Lamb
109	Roy O'Reilly
110	Wade Von Bibra
111	John Nash
112	Robert Filby
113	Ashlea Dagleish
114	Danny Stapleton
115	Julie Boemelburg
116	Nik Page
117	George van Veelen
118	Ben Wiley
119	James Bristow
120	Jacqueline Moriarty

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**121** Brady Weber

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**122** Julie Tulloch

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**123** Tristan Van Riel

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**124** Brad Solomon

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**125** Trent Dunn

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**126** The Australian Workers' Union of Employees Queensland

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**127** Greg Eastment

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**128** Anonymous

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**129** Liberty Works

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**130** Retail Council Australia

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**131** Caravanning Queensland

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**132** Douglas Shire Council

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**133** National Retail Association

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**134** MGA Independent Retailers and The Chamber of Commerce Industry Queensland

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**135** Shopping Centre Council of Australia

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**136** Shop Distributive and Allied Employees Association

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**137** Hardware Australia

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**138** Robbie Katter MP

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**139** Institute of Public Affairs

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**140** Goondiwindi Co-Operative Ltd

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**141** Jodie Schmierer

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**142** John Armstrong

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**143** Enzo Di Sipio

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**144** Hedley Schofield

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**145** David Mete

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**146** Anonymous

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**147** Daniel Callinan

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**148** Anonymous

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**149** Elliot

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**150** Jessica Davison

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**151** Kym Cook

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**152** Stephanie Roads

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**153** Philip Percival

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**154** Kristy Mansfield

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**155** Cindy

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**156** Stephen Booth

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**157** Leanne Chalmers

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**158** Keith Callinan

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**159** Ken Chu

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**160** Confidential

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**161** Tim Callinan

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**162** Motor Trades Association of Queensland

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**163** Peter Gwinner

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**164** Confidential

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**165** Confidential

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**166** Confidential

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**167** Hayley Burton

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**168** Karl Lipsombe

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**169** Confidential

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**170** Martin Finbow

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**171** Michele English

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**172** Brett Frizelle

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**173** Local Government Association of Queensland

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**174** Ryan Harding

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**175** David Lukacs

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**176** Mike Revill

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**177** Douglas Shire Chamber of Commerce

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**178** United Voice

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**179** NRA (additional submission)

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# Appendix 6: Summary of major changes to trading hours in Australia

## Queensland

In 1964 an amendment to the Industrial Conciliation and Arbitration Act 1961 established the Industrial Commission as the Trading Hours Tribunal having the power to fix by Order the trading hours of non-exempt (large) shops and small shops. The remaining classification of shop, known as an exempted shop, did not have any trading hours' restrictions.

The reasons behind the amendment were –

1. the Government believed trading hours should be determined by an independent tribunal;
2. to avoid confusion should parties subject to a State Award (which up to then determined trading hours) move to a Federal Award which may make the trading hours inoperative where conflict existed regarding the working hours.

Orders were made by the Commission setting hours for various classes of non-exempt shops. Definitions of the 3 classifications of shops were prescribed in the Factories and Shops Act –

1. an exempted shop sold only those goods listed on a prescribed exempted goods list or shops could be declared exempted shops in limited circumstances;
2. a small shop selling prescribed goods with not more than two persons engaged in the business with a limit of one employee e.g. very small business ventures such as corner stores “Mum and Dad” shops;
3. a non-exempt (large) shop was the remaining classification of shop.

Government allowed a trial of deregulated trading hours between 15 December 1986 and 11 January 1987. During that period all retail shops in Queensland were permitted to open for as many hours as they wished and on as many days of the week as they wished. The trial was viewed by the Trading Hours Investigation Committee set up immediately after the trial as providing no firm indications on extended trading.

On 12 January 1987 the Government established a four member to examine trading hours. The Trading Hours Act 1987 proclaimed on 1 November 1987 amended the Factories and Shops Act, the Industrial Conciliation and Arbitration Act and the Anzac Day Act. These amendments were necessary to give effect to those recommendations of the Trading Hours Investigation Committee adopted by the then Government.

Those recommendations adopted by the Government included –

1. deletion of the exempted goods list provided in the Factories and Shops Act;
2. a new classification of shop to be established in place of the existing small shop (this shop to be called an independent retail shop);
3. three classifications of shops to be provided namely an exempt shop, an independent retail shop and a non-exempt shop.

The basic aim of the new legislation was to assist small business.

Prior to 1990, trading hours legislative prescriptions were provided under a number of different Acts which created confusion as to interpretations etc. Consequently a single piece of legislation was

enacted in the Trading Hours Act 1990 as from 23 June 1990.

On 3 April 1993, a review of the *Trading Hours Act 1990* commenced to accord with the Systematic Review of Government Legislation. Based on the submissions to the 1993 review, the Government amended the trading hours legislation by way of the *Trading (Allowable Hours) Amendment Act 1994* as from 16 May 1994.

Major amendments were –

1. non-exempt shop trading hours were prescribed in the renamed *Trading (Allowable Hours) Act 1990* and extended on weekdays and Saturday afternoons to 8am to 9pm Monday to Friday and 8am to 5pm Saturday;
2. the Commission retained power to determine non-exempt shop trading hours in excess of the hours prescribed in the legislation; and
3. an amendment was made to the Retail Shops Leases Act to protect small retailers in shopping centres from being forced to open longer hours as a result of the extended trading hours.

In 1996 an independent Inquiry was commissioned to determine the effects of the 1994 legislative changes. After consultation and examination of the recommendations in the report of the Inquiry, the Government made amendments to the Trading Hours Act. The principal recommendations adopted in the legislation centered on –

1. there being no reduction in core trading hours that existed in the legislation at that time;
2. the QIRC being the appropriate body to determine trading hours by Order outside those core hours;
3. the definition of an independent retail shop being amended so as to allow more retail businesses to fall with the category; and
4. the QIRC being required to consider the impact on small business prior to decisions on extended trading hours.

During the years 1988 to 2002 the QIRC determined a number of applications for extension of trading hours for non-exempt shops to allow Sunday trading in specific areas. Some of the more important cases included Brisbane City Heart 1989, Gold Coast 1992, Sunshine Coast 1994, Townsville CBD 1995, Cairns Tourist Area 1995, Douglas Shire Tourist Area 1999, Whitsunday Shire Tourist Area 1999 and the New Farm Area 2000.

The Trading Hours Act was amended from 1 August 2002 to introduce uniform trading in the South-East Queensland area (north to Noosa, south to Coolangatta and west to Amberley) for non-exempt shops from 9 am to 6 pm on Sundays and most public holidays. The legislation repealed and improved a QIRC decision of 21 December 2001 to introduce Sunday trading to the Brisbane City Council area only.

## Other States and Territories

As stated above, Queensland is the only jurisdiction in which trading hours for large shops are decided by an independent tribunal. In all other jurisdictions, trading hours are decided by government in legislation.

Shop trading hours are totally deregulated in the Australian Capital Territory and the Northern Territory.

In general it could be said that shop trading hours in New South Wales (*Retail Trading Act 2008*), Victoria (*Shop Trading Reform Act 1996*) and Tasmania (*Shop Trading Hours Act 1984*) are substantially de-regulated with only some restrictions on trading on certain public holidays.

Shop trading hours in Queensland, South Australia (*Shop Trading Hours Act 1977*) and Western Australia (*Retail Trading Hours Act 1987*) are subject to a number of restrictions based on the locality, size and type of shop.

## New South Wales

Shop trading hours in New South Wales have been gradually deregulated.

Prior to 2008 shop trading hours in New South Wales were regulated by the *Shops and Industries Act 1962* (NSW). Under this Act, late night trading by general shops (non-exempt shops) was restricted until the early 1970's when trading until 9.00pm was permitted on one night of the week. By 1984 General Shops were allowed to trade until 9.00pm on two nights of the week and on Saturday afternoons. In 1988 Monday to Saturday trading hours were deregulated and all shops were able to trade unrestricted on these days.

Sunday trading in New South Wales remained restricted until the early 1990's. At this time exemptions to trade unrestricted on Sunday began to be granted. Exemptions to trade unrestricted on Sunday were widely granted and by 2007, the majority of General Shops in New South Wales (including the large retailers) had been granted exemptions.

In 2007 a review of shop trading hours in New South Wales was undertaken recommending a range of changes which resulted in the introduction of the *Shops Trading Act 2008* (NSW). The *Shops Trading Act 2008* (NSW) further deregulated shop trading hours in New South Wales by providing for unrestricted Sunday trading and reducing public holiday restrictions. The *Retail Trading Act 2008* commenced operation on 29 November 2010, amending and re-naming the *Shops Trading Act 2008* (NSW).<sup>56</sup>

## Victoria

The *Shop Trading Act 1987* (Vic) permitted unrestricted trading by non-exempt shops from Monday to Friday. In metropolitan areas Saturday trading was permitted until 5.00pm and Sunday trading was prohibited (except for ten Sunday trading days which applied state-wide). In non-metropolitan areas weekend trading was more restrictive, Saturday trading was permitted until 1.00pm and Sunday trading was prohibited. In addition, shop trading in both metropolitan and non-metropolitan areas was also regulated by exemptions and special orders.

Public holiday trading was largely prohibited (except by exempt shops). Shops located in tourist precincts were permitted to trade on public holidays except Good Friday and ANZAC Day.

In 1992 the *Capital City (Shop Trading) Act 1992* (Vic) was enacted to deregulate shop trading hours in the Melbourne Central Business District and Southbank. Shops in these locations were permitted to trade unrestricted with the exception of Good Friday, Christmas Day and prior to 1.00pm on ANZAC Day.

Following a government review, shop trading hours in Victoria were largely deregulated in 1996 allowing unrestricted shop

trading seven days a week and minimal prohibitions on public holiday trading (Christmas Day, Good Friday and prior to 1.00pm on ANZAC Day).

The Shop Trading Reform Act 1996 (Vic) included a provision enabling local councils to re-regulate shop trading hours on Sunday where supported by the majority of electors at a formal poll. In 1998 a non-compulsory referendum was held in the regional city of Greater Bendigo regarding Sunday shop trading with 77 per cent of electors voting to retain Sunday shop trading.<sup>57</sup>

## Tasmania

Shop trading regulation in Tasmania began with the *Shops Act 1925* (Tas) followed by the *Factories, Shops and Offices Act 1965* (Tas) which restricted opening hours of all shops to 6.00am to 6.00pm Monday to Thursday, 6.00am to 9.00pm Friday and Saturday morning (in some areas) and prohibited trading on Christmas Day, Good Friday and ANZAC Day.

Following the expiry of a sunset clause in the *Factories, Shops and Offices Act 1965* (Tas), shop trading hours were unregulated from 1968 to 1981. Regulation of shop trading hours occurred again after this time culminating in the introduction of the *Shop Trading Hours Act 1984* (Tas) which placed restrictions on major retailers (those with 100 or more employees). The *Shop Trading Hours Act 1984* (Tas) allowed major retailers to open Monday to Wednesday between 8.00am and 6.00pm, Thursday and Friday between 8.00am and 9.00pm and Saturday between 8.00am and 12 noon (trading until 6.00pm was permitted on the two Saturdays prior to Christmas). Sunday trading by major retailers was prohibited, as was public holiday trading on Christmas Day, Boxing Day and New Year's Day as well as public Holidays defined by the *Bank Holidays Act 1919* (Tas) (except Easter Tuesday and Easter Saturday).

In 1992 extended trading hours were declared for a number of different events, including the Launceston Festival and the arrival of a cruise ship with the capacity to carry more than 500 passengers (provided that ship visits Tasmania less than ten times per year) and the arrival of a warship with more than 500 personnel on board.

In 1994 the *Shop Trading Hours Act 1984* (Tas) was amended to apply to major retailers with 250 or more employees as the "government believed that the current law was too restrictive and stifled development". Saturday afternoon trading until 6.00pm was permitted in 1995.

In 1999 a legislative review of the *Shop Trading Hours Act 1984* (Tas) was undertaken. The review recommended the removal of the majority of retail trading hour's restrictions in Tasmania. The changes recommended by the review were enacted in 2002, removing shop trading restrictions on Monday to Saturday trading, Sunday trading and substantially reducing trading restrictions on public holidays.<sup>58</sup>

## South Australia

The *Early Closing Act 1900* (SA) required shops in the metropolitan area to close as follows: Monday, Tuesday and Thursday at 6.00pm, Wednesday 1.00pm or 6.00pm (at the discretion of the shopkeeper), at variable times on Friday and Saturday (depending on the time closed on Wednesday) and Sunday trading was prohibited.

<sup>56</sup> Tracy Atkins, 'Shop Trading Hours in Western Australia: A Research Report - A legal, social and economic analysis of the regulation of shop trading hours in Western Australia', (Research Report, The University of Western Australia 1 November 2011) 62.

<sup>57</sup> Tracy Atkins, 'Shop Trading Hours in Western Australia: A Research Report - A legal, social and economic analysis of the regulation of shop trading hours in Western Australia', (Research Report, The University of Western Australia 1 November 2011) 78.

<sup>58</sup> Tracy Atkins, 'Shop Trading Hours in Western Australia: A Research Report - A legal, social and economic analysis of the regulation of shop trading hours in Western Australia', (Research Report, The University of Western Australia 1 November 2011) 76 - 77.

In 1911 closing hours were varied to Monday to Thursday 6.00pm, Friday 9.00pm and Saturday 1.00pm. A referendum held in 1970 rejected the extension of trading hours in the metropolitan area to 9.00pm on Friday.

In 1977 the *Shop Trading Hours Act 1977 (SA)* was enacted establishing the structure of regulation which remains largely in place to this day. Throughout the late 1980's and early 1990's Ministerial exemptions from Sunday trading hours restrictions in the Central Shopping District were widely granted. This practice ceased in 1995 when the High Court held in *Shop Distributive and Allied Employees Association v Minister for Industrial Affairs* that certificates of exemption granted "for the purpose of establishing general Sunday trading in the Central Shopping District" were invalid.

In 1990 shop trading hours were expanded to allow Saturday afternoon trading in all shopping districts, and in 1995 Sunday trading for non-exempt stores in the Central Shopping District was introduced. Further minor changes were made following a review of the Act in 1998 to allow weeknight trading until 9.00pm in the Central Shopping District and extend weeknight trading in the suburbs to 7.00pm (and 9.00pm on Thursday).

In 2000 the Glenelg Tourist Precinct was created with trading restrictions being the same as those for the Central Shopping District. Following a legislative review in 2003, shop trading hours in the Metropolitan Shopping District were extended to allow weeknight trading until 9.00pm and Sunday trading between 11.00am and 5.00pm.

A further legislative review of the *Shop Trading Hours Act 1977 (SA)* was undertaken in 2007. The report recommended only minor changes to the Act, and concluded that the current shop trading regulations in South Australia were essentially adequate.<sup>59</sup>

## Western Australia

Shop trading hours in Western Australia are currently regulated by the *Retail Trading Hours Act 1987(WA)*. In 1990, shortly after the Act was introduced, a range of amendments were enacted to remedy perceived deficiencies including:

- Expanding trading opportunities for small business;
- Bringing service station hours into line with retail activity;
- Providing more flexible trading hours (but not extended trading hours);
- Enhancing retailer protection during tenancy negotiations; and
- Expanding community representation on the advisory committee constituted under the Act.

The Act established the current shop trading regime in Western Australia. It established four categories of shops to be regulated:

- Small Retail Shops;
- Special Retail Shops;
- General Retail Shops ; and
- Filling Stations.

Since the introduction of the Act in 1987, there has been a gradual relaxation of the restrictions on shop trading hours in Western

Australia, particularly since late 2010.

As enacted, the 1987 Act provided that a Small Retail Shop could be owned by no more than two people and have not more than four people on the shop floor at one time. Opening hours for Small Retail Shops were from 6.00am to 11.30pm. These restrictions have been gradually relaxed since the first amendments to the Act in 1991. In 1991 the number of people permitted on the shop floor at one time was increased to five. In 1994, the number of people permitted on the shop floor at one time was further increased to ten by Ministerial Order. Amendments to the Act in 2006 confirmed existing arrangements for Small Retail Shops provided for by Ministerial Order and increased the number of people permitted on the shop floor at one time to thirteen. Amendments to the Act in October 2011 increased the number of people permitted on the shop floor at one time to eighteen.

The regulation of Special Retail Shops, including the opening hours, remains unchanged since the Act was introduced in 1987.

The 1987 Act allowed Filling Stations to trade from Monday to Friday 7.00am to 6.00pm, Saturday 7.00am to 1.00pm. Filling Stations were required to be closed on Sunday and ANZAC Day, Good Friday and Christmas Day. Restrictions on the opening hours of Filling Stations were lifted in the early 1990's by Ministerial Orders and these arrangements were confirmed by the 2006 amendments to the Act. Filling Stations may now trade 24 hours a day, seven days a week.

When the Act was introduced in 1987 General Retail Shops were permitted to trade between:

- 8.00am – 6.00pm, Monday, Tuesday, Wednesday and Friday
- 8.00am – 9.00pm Thursday
- 8.00am – 5.00pm Saturday.

In 2005, Western Australia conducted a referendum on extending trading hours—58 per cent of voters supported the 'no' case for extended weeknight trading and 61 per cent supported the 'no' case for Sunday trading.

The Retail Trading Hours Amendment Act 2010 (WA) came into effect on 1 November 2010. This Act allowed General Retail Shops in the metropolitan area to trade from 8.00am to 9.00pm each weeknight.

From 26 August 2012 all general retail shops in the Perth metropolitan area, including major supermarkets and department stores, were permitted to trade on Sunday and most public holidays (with the exception of Good Friday, Christmas Day and ANZAC Day).<sup>60</sup>

In 2015, the WA Government introduced legislation seeking to extend general retail trading hours by one hour on weekdays and two hours on Saturdays. The proposal would have allowed shops to trade from 7:00am Monday to Saturday, one hour earlier than they can currently open, and continue trading until 6:00pm on Saturday evenings.

The Bill is still in Parliament's Upper House and is highly unlikely to be passed before the 2017 election.

The WA Government has also pledged if re-elected to allow shops to trade from 9:00am on Sundays, two hours earlier than existing laws allow them to.

<sup>59</sup> Tracy Atkins, 'Shop Trading Hours in Western Australia: A Research Report - A legal, social and economic analysis of the regulation of shop trading hours in Western Australia', (Research Report, The University of Western Australia 1 November 2011) 72-74.

<sup>60</sup> Tracy Atkins, 'Shop Trading Hours in Western Australia: A Research Report - A legal, social and economic analysis of the regulation of shop trading hours in Western Australia', (Research Report, The University of Western Australia 1 November 2011) 35-46.

# Appendix 7: Exempt shops in each jurisdiction

## Exempt shops (i.e. shops exempted from trading hours regulation) in each jurisdiction

Note: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.

Queensland	New South Wales	Victoria
<p>Exempt shops are listed in section 5 of the Act. An exempt shop is a shop described in the section that is used predominantly for selling goods by retail or for supplying services that a reasonable person would expect to be sold or supplied in that shop.</p> <p>The list includes:</p> <ul style="list-style-type: none"> <li>(a) antique shop; or</li> <li>(b) art gallery; or</li> <li>(c) aquarium and aquarium accessories shop; or</li> <li>(d) arts and crafts shop; or</li> <li>(e) bait and tackle shop; or</li> <li>(f) bookseller's shop, newsagent's shop, railway bookstall; or</li> <li>(g) bread shop, cake shop, pastry shop; or</li> <li>(h) camping equipment shop; or</li> <li>(i) chemist shop; or</li> <li>(j) confectionary shop; or</li> <li>(k) cooked provisions shop where the provisions are cooked or heated on the premises immediately before sale; or</li> <li>(l) delicatessen; or</li> <li>(m) fish shop; or</li> <li>(n) flower shop; or</li> <li>(o) fruit shop, vegetable shop, fruit and vegetable shop; or</li> <li>(p) funeral director's premises; or</li> <li>(q) hairdresser's, beautician's or barber shop; or</li> <li>(r) ice-cream parlour; or</li> <li>(s) licensed premises under the Liquor Act 1992 or the Wine Industry Act 1994; or</li> <li>(t) marine shop; or</li> <li>(u) milk bar; or</li> <li>(v) nursery (plant) shop for selling garden plants and shrubs, seeds, garden and landscaping supplies or equipment and associated products; or</li> <li>(w) pet shop; or</li> <li>(x) photographic shop; or</li> <li>(y) premises in relation to which a pawnbrokers licence under the Pawnbrokers Act 1984 is in force; or</li> <li>(z) restaurant, cafe, refreshment shop; or</li> <li>(za) service station; or</li> <li>(zb) shop of a class declared by regulation to be a class of exempt shop; or</li> <li>(zc) shop for selling motor vehicle spare parts or motorcycle spare parts or both; or</li> <li>(zd) soap shop; or</li> <li>(ze) souvenir shop; or</li> <li>(zf) sporting goods shop; or</li> <li>(zg) temperance beverages shop; or</li> <li>(zh) tobacconist's shop; or</li> <li>(zi) toy shop; or</li> <li>(zj) veterinary supplies shop; or</li> <li>(zk) video cassette shop (blank or prerecorded).</li> </ul> <p>Trading hours - Unrestricted (i.e. they are "exempt" from trading hours restrictions on any day of the year as none are prescribed in the Act).</p>	<p>The list of exempt shops includes:</p> <ul style="list-style-type: none"> <li>Bazaars, fairs or markets if the bazaars, fairs or markets are conducted for charitable or public fundraising purpose</li> <li>Book shops</li> <li>Cake and pastry shops</li> <li>Chemists shops</li> <li>Cooked provision shops</li> <li>Florists shops</li> <li>Fruit and vegetable shops</li> <li>Newsagencies</li> <li>Nurseries</li> <li>Pet shops</li> <li>Recorded music, video or dvd shops</li> <li>Restaurants, cafes or kiosks</li> <li>Seafood shops</li> <li>Shops ancillary to venues for playing sport of physical recreation</li> <li>Souvenir shops</li> <li>Take-away food and drink shops</li> <li>Tobacconists shops</li> <li>Vehicle shops, vehicle service centres or petrol stations</li> </ul> <p>Trading hours – Unrestricted, but on a restricted trading day (i.e. Good Friday, Easter Sunday, prior to 1pm on ANZAC Day, Christmas Day, Boxing Day) an exempted shop may only be staffed by persons who have freely elected to work on that day.</p> <p>Retailers operating in local authority areas which were exempted from public holiday restrictions under the former section 89B of the Shops and Industries Act 1962 are also exempted from the Retail Trading Act 2008 and therefore do not need to apply for a separate exemption.</p>	<p>Exempt shops are businesses that meet the following criteria:</p> <ul style="list-style-type: none"> <li>they have 20 or fewer persons employed in the shop at any time during a restricted trading day</li> <li>the number of persons employed by the business and its related entities is no more than 100 at any time during the seven days immediately before a restricted trading day</li> </ul> <p>Certain types of business are also exempt from trading hours' restrictions. They can open whenever they wish throughout the year. The types of business that are exempt are:</p> <ul style="list-style-type: none"> <li>chemists</li> <li>petrol shops</li> <li>restaurants</li> <li>cafes</li> <li>takeaway outlets</li> <li>service providers</li> <li>hire outlets (including video stores).</li> </ul> <p>Trading hours – Unrestricted.</p>



Tasmania	South Australia	Western Australia
<p>The trading hours of certain retail shops are exempted from regulation by the legislation including shops at sports events, agricultural shows, fetes, bazaars, markets or trade exhibitions, car yards and shops selling motor vehicle spare parts, shops at which property auctions are conducted, shops at which liquor is the principal class of goods sold, shops that sell cooked food (eat-in or take-away), service stations and hairdressing shops.</p> <p>Additional exemptions apply on ANZAC Day for:  a pharmacy; or  a newsagency; or  a shop that is not part of a shopping centre, plaza or mall and the number of persons engaged at the shop does not exceed 10; or  a shop, or a class or group of shops, that the Minister, by order, has declared may be kept open before 12.30 p.m. on Anzac Day.</p> <p>It is an offence to require an employee to work on Anzac Day (or any other public holiday) without the employee's written agreement.</p>	<p>Shops outside the Greater Adelaide Shopping District (Central Business District Tourist Precinct, the Metropolitan Shopping District, and the Glenelg Tourist Precinct) and also outside the 35 Proclaimed Shopping Districts (country areas) are exempt and can trade when they choose, including on all public holidays.</p> <p>Other shops are exempt by virtue of the type of goods they sell or because they are smaller than a certain size. These shops can also trade when they choose, including on all public holidays.</p> <p>The list of exempt shops includes:  A shop with a floor area not exceeding 200m<sup>2</sup>, that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.  A shop selling foodstuffs (e.g. a supermarket) with a floor area not exceeding 400m<sup>2</sup>, that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.  Any of the following types of shop (regardless of size):  cafes, restaurants and take-away food service stations, licensed under Section 17 of the Act, selling a range of goods common to service stations which could include goods generally stocked by convenience stores  hairdressers  shops in ten pin bowling alleys, squash centres and golf courses  antiques (other than coins or stamps)  live fish and aquariums etc. paintings and crafts  bookshops and newsagents  pharmacies  cosmetics  medical and surgical appliances  florists  non-alcoholic drinks, ice-cream, confectionery or light refreshments  pets and accessories  plant nurseries  souvenirs  tobacconists  cash-and-carry wholesale warehouses  shops at horticultural or agricultural shows  short-term charitable, religious or benevolent sponsored shops  agricultural machinery  fine art, either by auction or on commission  caravans and/or trailers  any shops that hire out goods rather than sell them (e.g. video hire, machinery hire etc.).</p>	<p>Regulation of trading hours applies only to retail shops south of the 26th parallel.</p> <p>Trading hours of restaurants, cafes and takeaway food shops are not covered by the Act.</p> <p>Special retail shops are considered necessary for emergency, convenience or recreation goods. They may trade 6.00 am – 11:30 pm every day of the year. Special retail shops include:  pharmacies;  garden nurseries;  hardware and home improvement shops;  newsagencies and bookshops;  video shops;  art and craft shops;  souvenir and duty free shops;  shops at sports venues;  boating shops;  motor vehicle spare parts shops; and  shops at international standard hotels.</p> <p>Small retail shops are shops owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. Small retail shops may sell any goods other than motor vehicles.  Trading hours in small retail shops are unrestricted.</p> <p>Filling (petrol/service) station trading hours are deregulated in all areas. There are restrictions on the range of non-petroleum goods which may be sold from filling stations after general retail shop trading hours. The range of goods approved will depend on the corporate circumstances of each business. A more expansive range of goods is available to small filling stations. These in part are stations:  owned by up to six people who collectively operate no more than three filling stations; and  in which a maximum of 10 people work at any time.</p>

## Appendix 8: Independent retail shops in each jurisdiction

### Independent retail shops (i.e. small shops with partial or total exemptions from trading hours regulation) in each jurisdiction

Note: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.

Queensland	New South Wales	Victoria
<p>Independent retail shops are defined at section 6 of the Act. They may sell any type of good. There are a number of criteria for a shop to be classified as an independent retail shop but the most commonly relied on criteria is that such shops are run by a single operator or a proprietary company and where no more than 20 persons are engaged in the shop at any one time or, where a number of shops are operated, a maximum of 60 persons throughout the State are engaged. Additionally the business for which the shop is maintained must be wholly owned by a person, or by persons in partnership, or by a proprietary company, that is not a related body corporate.</p> <p>Trading hours - Unrestricted, except for closure on 25 December (Christmas Day) and Good Friday and until 1.00 pm on 25 April (Anzac Day). Independent retail shops that are predominantly food and/or grocery shops are totally unrestricted.</p>	<p>A small shop is exempted from any restrictions on trading hours.</p> <p>A small shop is defined as a shop where:</p> <ul style="list-style-type: none"> <li>the number of people that own the shop does not exceed 2, or one corporation, and the owner or owners of the shop take the profits from the business, and</li> <li>the total number of employees engaged must not exceed a total of 4 regular employees, whether working at the same time or different times.</li> </ul> <p>The number of persons engaged in a small shop does not include:</p> <ul style="list-style-type: none"> <li>The occupier or occupiers. If the occupier is a corporation, then 2 natural persons who are shareholders of the corporation; or</li> <li>Any person engaged in an emergency during the absence from the shop for part of a day of a person who is engaged in the shop on that day; or</li> <li>Any person engaged outside the normal working hours of any person engaged on a full-time basis.</li> </ul> <p>If the owner of a shop is a corporation, or a Director of a corporation and is engaged in another business, then it fails to comply with the definition of a small shop.</p>	<p>There is no specific category of small shops in Victoria but the definition of exempt shops (unrestricted trading) includes businesses that meet the following criteria:</p> <ul style="list-style-type: none"> <li>they have 20 or fewer persons employed in the shop at any time during a restricted trading day</li> <li>the number of persons employed by the business and its related entities is no more than 100 at any time during the seven days immediately before a restricted trading day (i.e. Good Friday, Christmas Day and between 12.01 am and 1pm on ANZAC Day).</li> </ul>

Tasmania	South Australia	Western Australia
<p>There is no category of small shop in Tasmania.</p> <p>It should be noted that there is an exemption from closure on ANZAC Day for a shop that is not part of a shopping centre, plaza or mall and the number of persons engaged at the shop does not exceed 10.</p> <p>Further, shops (other than exempted shops) that are retailers or franchise groups employing more than 250 employees must not be kept open at any time on Christmas Day or on Good Friday.</p>	<p>There is no specific category of small shop in South Australia but the definition of exempt shop (unrestricted trading) includes businesses that meet the following criteria:</p> <ul style="list-style-type: none"> <li>• A shop with a floor area not exceeding 200m<sup>2</sup>, that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.</li> <li>• A shop selling foodstuffs (e.g. a supermarket) with a floor area not exceeding 400m<sup>2</sup>, that does not adjoin a building used as a storeroom with a floor area greater than one-half the floor area of the shop.</li> </ul>	<p>'Small retail shops' are shops owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. Small retail shops may sell any goods other than motor vehicles.</p> <p>Trading hours in small retail shops are unrestricted.</p> <p>Filling station trading hours are deregulated in all areas. There are restrictions on the range of non-petroleum goods which may be sold from filling stations after general retail shop trading hours. The range of goods approved will depend on the corporate circumstances of each business. A more expansive range of goods is available to small filling stations. These in part are stations:</p> <ul style="list-style-type: none"> <li>• owned by up to six people who collectively operate no more than three filling stations; and</li> <li>• in which a maximum of 10 people work at any time.</li> </ul>

## Appendix 9: Non-exempt shops in each jurisdiction

### Non-exempt shops (i.e. large retail shops subject to trading hours' restrictions) in each jurisdiction

**Note: New South Wales, Victoria and Tasmania only have restrictions on trading on Christmas Day, Good Friday and ANZAC Day (until 1pm in New South Wales and Victoria and 12.30pm in Tasmania)**

Note: Northern Territory and Australian Capital Territory have not been included as trading hours are deregulated in those jurisdictions.

Queensland	South Australia	Western Australia
<p>Non-exempt shops are not defined but the category includes large retailers operating supermarkets and department stores.</p> <p>The trading hours for non-exempt shops are decided by the QIRC. The QIRC is not permitted to decide trading hours that are less than those in the Trading Hours Act as follows:</p> <ul style="list-style-type: none"> <li>8am to 9pm for Monday to Friday, and</li> <li>8am to 5pm for Saturday.</li> </ul> <p>No hours are prescribed for public holidays or for Sundays making them closed days.</p> <p>The hours prescribed in the Act are the trading hours for non-exempt shops throughout Queensland unless the QIRC has decided in an order to allow longer hours.</p> <p>For the South East Queensland Area, the Trading Hours Act also prescribes additional allowable trading hours of 9am to 6pm on Sundays and most public holidays (i.e. Good Friday, Easter Sunday, Anzac Day, Labour Day and Christmas Day are closed days).</p> <p>Extended trading hours have been established by QIRC order in most of the major population and tourist areas of the state allowing trading on seven days per week including most public holidays. Commonly, the hours allowed in these seven day trade areas are:</p> <p>8am to 9pm for Monday to Friday,</p> <p>8am to 5pm/5.30pm for Saturday, and</p> <p>9am to 6pm/8.30am-5.30pm for Sundays and most public holidays</p> <p>Good Friday, 25 April, Labour Day and 25 December are closed days.</p> <p>The QIRC has made other orders for specific classes of non-exempt shops. For example:</p> <p>Shops selling motor vehicles (in the majority of the State) may trade 8am – 9pm Monday to Friday, 8am – 5pm Saturday but must remain closed on Sundays and public holidays, and</p> <p>Shops selling caravans may trade 8am – 9pm Monday to Friday, 8am – 6pm Saturday but must remain closed on Sundays and public holidays.</p> <p>QIRC orders can also permit special displays or exhibitions to be conducted outside the hours that shops selling those goods would normally be permitted to trade (e.g. on a Sunday, public holiday or late night).</p>	<p>South Australia regulates large shop trading hours in the Greater Adelaide Shopping District (CBD Tourist Precinct, Metropolitan Shopping District and Glenelg Tourist Precinct) and in 35 Proclaimed Shopping Districts in country areas. All shops outside those areas are exempt and can trade when they choose, including on all public holidays.</p> <p>Non-exempt shops in the CBD Tourist Precinct can trade:</p> <p>until 9pm Monday to Friday, including part-day public holidays</p> <p>until 5pm on Saturdays, including Easter Saturday</p> <p>from 11am to 5pm on Sundays or full-day public holiday (except Good Friday, 25 December and before 12 noon on 25 April).</p> <p>Non-exempt shops in the Metropolitan Shopping District and Glenelg Tourist Precinct can trade:</p> <ul style="list-style-type: none"> <li>until 9pm Monday to Friday, including part-day public holidays</li> <li>until 5pm on Saturdays, including Easter Saturday</li> <li>from 11am to 5pm on Sundays, excluding Easter Sunday</li> </ul> <p>but cannot trade on a public holiday, except Easter Saturday.</p> <p>Non-exempt shops in a Proclaimed Shopping District can trade:</p> <ul style="list-style-type: none"> <li>until 6pm on all weekdays except Thursdays</li> <li>until 9pm on Thursdays, including part-day public holidays</li> <li>until 5pm on Saturdays, except Easter Saturday</li> <li>but cannot trade on a Sunday or public holiday.</li> </ul>	<p>In Western Australia trading hours' regulation applies to shops south of the 26th parallel. The trading hours of restaurants, cafes and takeaway food shops are not covered by the Act. All shops are regarded as general retail shops unless they fall under any one of the other categories including: small retail shops, special retail shops, filling - service stations or motor vehicle shops.</p> <p>Trading hours for general retail shops in the Perth metropolitan area are:</p> <ul style="list-style-type: none"> <li>8.00 am – 9.00 pm on Monday to Friday</li> <li>8.00 am – 5.00 pm on Saturday</li> <li>11.00 am – 5.00 pm on Sunday</li> <li>11.00 am – 5.00 pm on public holidays</li> <li>Christmas Day, Good Friday and ANZAC Day - Closed</li> </ul> <p>Trading hours for general retail shops not in the Perth metropolitan area are:</p> <ul style="list-style-type: none"> <li>Monday, Tuesday, Wednesday and Friday - 8am - 6pm</li> <li>Thursday - 8am - 9pm</li> <li>Saturday - 8am - 5pm</li> <li>Sunday and public holidays - Closed.</li> </ul> <p>Trading hours for a motor vehicle shop are:</p> <ul style="list-style-type: none"> <li>8.00 am – 6.00 pm on Monday to Friday</li> <li>8.00 am – 9.00 pm on Wednesday</li> <li>8.00 am – 1.00 pm on Saturday</li> <li>Sunday and public holidays – Closed.</li> </ul> <p>Hardware and home improvement shops are defined as special retail shops and may trade 6am to 11.30 pm every day of the year.</p>

Queensland	South Australia	Western Australia
<p>The QIRC also makes orders permitting extended trading hours in the 4 weeks prior to Christmas each year.</p>	<p>Shops that are solely or predominately the retail sale of boats and/or motor vehicles in a shopping district can trade:</p> <ul style="list-style-type: none"> <li>• until 6pm Monday to Wednesday</li> <li>• until 9pm on Thursdays and Fridays, including part-day public holidays</li> </ul> <p>until 5pm on Saturdays</p> <p>but cannot trade on a Sunday or public holiday.</p> <p>Shops selling hardware and building materials, furniture, floor coverings or motor vehicle parts and accessories can trade:</p> <p>until 9pm on weekdays, including part-day public holidays</p> <p>until 5pm on Saturdays, including Easter Saturday</p> <p>from 9am to 5pm on a Sunday or public holiday (except Good Friday, 25 December and before 12 noon on 25 April).</p> <p>Shops selling caravans are listed as one of the list of shops exempted from trading hours' regulations.</p> <p>The Minister may grant or declare special trading exemptions from the operation of the Act.</p>	<p>The Minister may make orders varying the opening and closing times of retail shops and fixing the closing times of general retail shops in holiday resorts. Extended trading permits from the Department of Commerce are available for swapmeets, trade fairs and industry expos.</p>

## Appendix 10: List of orders granted by the QIRC from 1988 - 2016

### QIRC Decisions allowing Sunday/Public Holiday and other extensions of trading hours for Non-Exempt shops in specified areas

Year of Decision	Details of Area
1988	Brisbane City Heart.
1992	Gold Coast Area.
1994	Sunshine Coast Area.
1995	<ul style="list-style-type: none"> <li>Townsville CBD</li> <li>Cairns Tourist Area.</li> </ul>
1999	Douglas Shire Tourist Area.
2000	<ul style="list-style-type: none"> <li>Whitsunday Tourist Area</li> <li>New Farm Area.</li> </ul>
2001	<ul style="list-style-type: none"> <li>Inner City of Brisbane</li> <li>Brisbane City (Local Government Area)</li> </ul>
2002	<b><i>In 2002, legislation was passed to improve the QIRC Brisbane City decision i.e. Sunday/public holiday trading in the south-east Queensland area. Establishes new area (from Noosa to Gold Coast and west to Amberley) within which non-exempt shops can open from 9am-6pm on Sundays and most public holidays.</i></b>
2003	<ul style="list-style-type: none"> <li>Hervey Bay (Application failed in part for Yeppoon and Capricorn Coast)</li> </ul>
2004	<ul style="list-style-type: none"> <li>Townsville CBD area expanded (North Ward) and renamed Townsville Tourist Area.</li> <li>Cairns Tourist Area expanded (Clifton Beach and Mt Sheridan).</li> <li>Failed application to expand South East Queensland area North to Bundaberg and West to include Toowoomba, Warwick and Stanthorpe. Appeal dismissed.</li> <li>24 hour trading on 23 December (from 8am on 23/12 to 9pm on 24/12) for the Westfield Chermide Shopping Complex. Granted for 2003, 2004 &amp; 2005 only. (Similar applications for Indooroopilly, Robina and Pacific Fair refused)</li> </ul>
2005	<ul style="list-style-type: none"> <li>Cairns Tourist Area expanded (Redlynch).</li> <li>Whitsunday Tourist Area expanded (Cannonvale).</li> </ul>
2006	<ul style="list-style-type: none"> <li>South East Queensland area expanded to include Nambour and Beerwah.</li> <li>Trading from 8am 23 Dec to 9pm 24 Dec at Westfield Chermide.</li> </ul>
2007	<ul style="list-style-type: none"> <li>Townsville and Thuringowa</li> <li>Yeppoon</li> <li>South East Queensland area expanded to include Beaudesert</li> <li>Cairns (Redlynch)</li> <li>Supermarkets in Brisbane City Heart</li> </ul>
2008	<ul style="list-style-type: none"> <li>Failed application at Mackay. Appeal orders rehearing. See 2010 below.</li> </ul>
2009	<ul style="list-style-type: none"> <li>Moranbah</li> <li>Expand Douglas Shire Tourist Area to include Mossman and extended hours for supermarkets in Port Douglas</li> <li>South East Queensland area expanded to include Woolworths at Cooloola (Application failed in part for Gympie and Cooroy)</li> <li>Rockhampton</li> </ul>

Year of Decision	Details of Area
2010	<ul style="list-style-type: none"> <li>• Toowoomba</li> <li>• Mackay</li> <li>• Failed application at Mt Isa</li> <li>• Edmonton (Cairns Tourist area)</li> <li>• Failed application at Woodford</li> <li>• Failed application at Mission Beach and Bargara</li> <li>• Gold Coast – supermarkets on coastal strip 7-10 Mon-Sat &amp; 8-8 Sun/pub hols</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Failed application at Warwick</li> <li>• Innisfail</li> <li>• Emerald</li> <li>• Cairns CBD Supermarkets – open till 9pm Saturdays and Sundays</li> <li>• Failed application at Kingaroy</li> <li>• Gladstone</li> <li>• Tablelands (Mareeba and Atherton)</li> <li>• South East Queensland area expanded to include Fernvale, Plainland and Gatton</li> <li>• New Farm – 7am-9pm every day including public holidays</li> <li>• Failed application for amalgamation of Townsville/Thuringowa</li> </ul>
2012	<ul style="list-style-type: none"> <li>• City Heart of Inner City of Brisbane – opening time 7am weekdays (Application failed in part re: 7pm Saturday closing Inner City of Brisbane)</li> <li>• Bundaberg (which includes Elliot Heads, Bundaberg and Bargara)</li> <li>• Failed application to create Sunshine Coast Coastal Tourist area with 9pm closing every day</li> <li>• Fraser Coast</li> <li>• Gympie</li> <li>• Failed application at Ingham</li> <li>• Application for 7am-7pm trading in SEQ area discontinued by NRA</li> <li>• Biloela</li> <li>• Failed application at Ayr</li> <li>• South East Queensland area expanded to include Woodford</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Dismissed application by NRA to allow trading hours 8am – midnight 23 December and 12am – pm 24 December</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Inner City of Brisbane (7am-9pm Mon-Fri, &amp; 7am-7pm Sat) and include Petrie Terrace and Kelvin Grove.</li> <li>• Ipswich CBD (7am-9pm Mon-Fri, 7am-7pm Sat, 9am-6pm Sun and certain public holidays)</li> <li>• Toowong (7am-9pm Mon-Fri, 7am-7pm Sat, 9am-6pm Sun and certain public holidays)</li> <li>• New Cairns CBD Area (8am-9pm Mon to Sat, 9am-9pm Sunday and 8.30am-5.30pm Pub Hols)</li> <li>• Marian in Mirani Shire.</li> <li>• Townsville Tourist Area (Mon-Sat 7am-9pm, Sun 9am-6pm, certain public holidays 8.30am-5.30pm)</li> <li>• Extended trading on 23 and 24 December each year for non-exempt shops within the Westfield Garden City Shopping Complex</li> </ul>

Year of Decision	Details of Area
2015	<ul style="list-style-type: none"> <li>• New Farm area (7am-9pm Mon-Sun) to include Newstead</li> <li>• Hamilton North Shore area to 6am-10pm Mon-Fri, 7am-10pm Saturday 7-9pm Sunday and public holidays</li> <li>• Emu Park Tourist Area</li> <li>• Dalby</li> <li>• Failed application for Mt Isa</li> <li>• Extend the Gold Cost Coastal Tourist Area (2010) to include parts of Southport and Burleigh Heads</li> <li>• Failed application for Goondiwindi</li> <li>• Trading on Monday, 28 December 2015 in regional areas without 7 day trading</li> </ul>
2016	<ul style="list-style-type: none"> <li>• South East Queensland Area 7am-9pm Monday to Saturday</li> <li>• Ingham</li> </ul>



## Appendix 11: Analysis of individual submissions concerning the social impacts of Trading Hour Regulations.

- 29 submissions from **retail** industry workers. 27 opposed to deregulated trading hours. Issues raised are:
  - impact on family time and social life;
  - quality of life for the worker;
  - increase in night shift work;
  - safety at night; and
  - stores run on minimal staffing if extension.
- 60 submissions from **motor industry** retailers and workers. 55 opposed to Sunday trading. Issues raised are:
  - impact on family life;
  - drive up costs;
  - reduce staff satisfaction;
  - public has more than enough time to buy cars now with internet sales and available trading hours;
  - high wages bills, dealers can't afford overtime rates for Sundays;
  - new vehicle market is limited and extending trading hours will not amount to increase in sales; and
  - increase in hours will mean increase in staff numbers.
- Six submissions regarding **hardware** stores opposing early start on Saturdays and Sundays. Issues raised are:
  - increase hours giving Bunnings bigger opportunity to take over small hardware shops;
  - 6am start Saturday and Sunday impacts negatively on family time;
  - work life balance eroded;
  - no increase in sales as people have the same income;
  - not providing any extra jobs;
  - Bunnings is spreading it's team members thinner to cover the extra hours from 1 December when the south-east Queensland decision comes in;
  - tradies don't work on Sundays – only do work for themselves; and
  - local council laws control hours of power tools on Sundays, not necessary to commence that early.

# Appendix 12: Queensland Trading Hours Household Survey Report

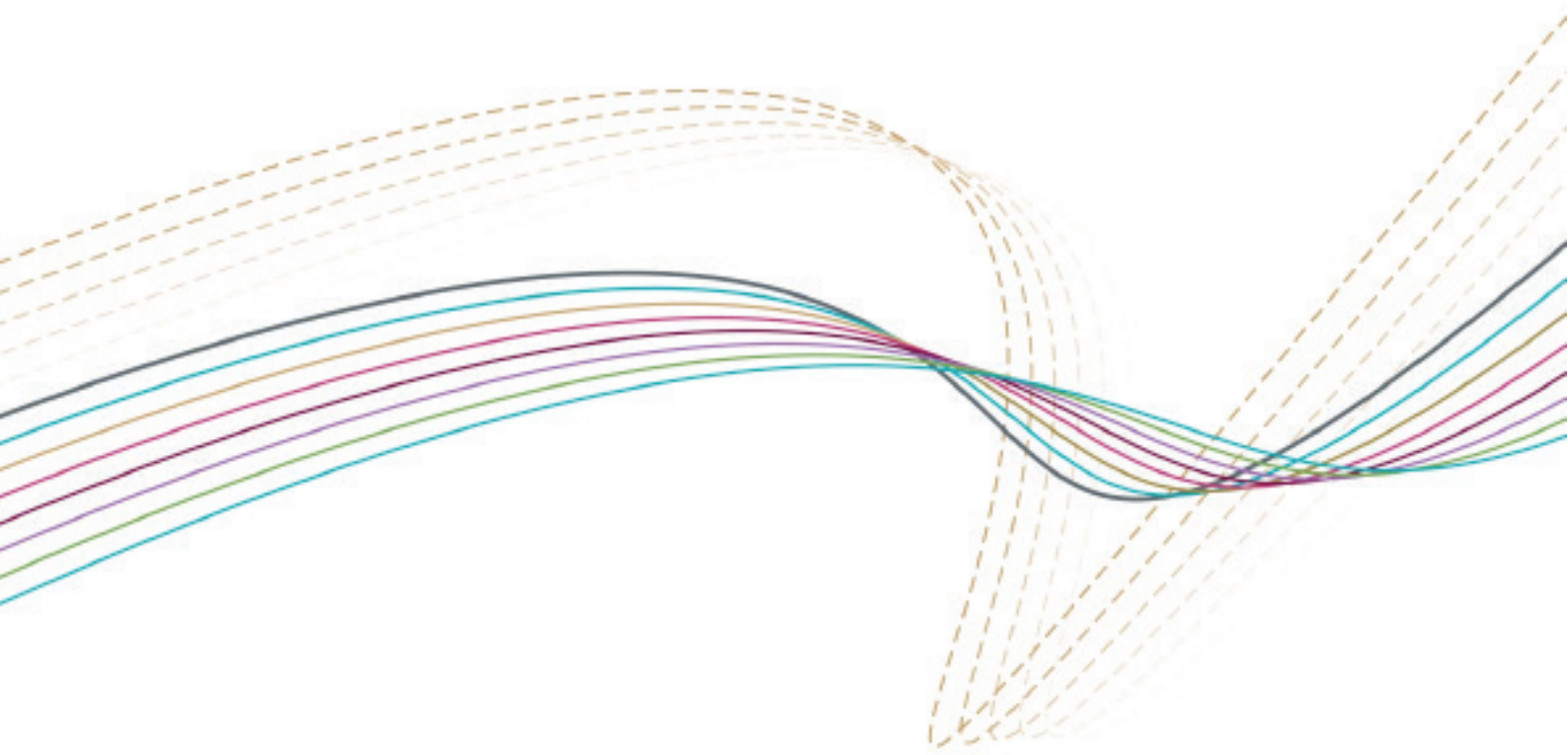
## Queensland Trading Hours Household Survey Survey report

prepared for

**Office of Industrial Relations**

November 2016

FINAL VERSION  
18 November 2016



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## Attribution

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## Abbreviations

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The following abbreviations and symbols are used in this report:

% pts	percentage points
ABS	Australian Bureau of Statistics
CATI	computer assisted telephone interviewing
CI	confidence interval
LCL	lower confidence limit
N	population size
n	sample size
OIR	Office of Industrial Relations
QGSO	Queensland Government Statistician's Office
QTHHS	Queensland Trading Hours Household Survey 2016
SA4	statistical area level 4 (as classified by the Australian Statistical Geography Standard)
UCL	upper confidence limit

## Acknowledgement

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Reports produced by QGSO reflect information provided freely by individuals and businesses. The continued cooperation of respondents is very much appreciated and without which the statistics reported by QGSO would not be available. Information received by QGSO is treated in strict confidence as required by the *Statistical Returns Act 1896*

# 1. Executive summary

## Background and methodology

In October 2016, as part of the Queensland Government's review of the *Trading (Allowable Hours) Act 1990*, the Office of Industrial Relations (OIR) commissioned the Queensland Government Statistician's Office (QGSO) to conduct the Queensland Trading Hours Household Survey 2016 (QTHHS).

The primary objective of the survey was to gauge Queensland residents' views on allowable retail trading hours, their legislation and suitability. The survey was conducted by telephone, and 3,364 interviews were completed or partially completed (usable). The response rate for the survey was 35.6% (Table 1).

**Table 1 Survey methodology and operations summary**

<b>Survey design</b>	In-scope population	The in-scope population of interest for the QTHHS was adults (aged 18+) who reside in occupied private dwellings in Queensland.
	Sample size	12,369
<b>Data collection</b>	Mode	Computer assisted telephone interviewing (CATI)
	Timing	04/10/2016 – 15/10/2016
	In-scope completed surveys	3,364
	Response rate / Cooperation rate	35.6% / 69.7%

## Key results

Approximately half (53.7%) of the Queensland adults surveyed agreed/strongly agreed that "All retail businesses should not be regulated, so businesses can determine their own trading hours" (Q7), compared with 33.5% that disagreed/strongly disagreed.

### Allowable trading hours for shops should differ depending on the:

- types of goods sold (Q1): 77.6% agreed/strongly agreed
- size of the shop (Q2): 52.6% agreed/strongly agreed
- geographical location of the shop (Q3): 68.4% agreed/strongly agreed.

### Allowable trading hours for large retail shops should be the same for:

- week days and weekends (Q4): 50.4% agreed/strongly agreed, compared with 34.4% who disagreed/strongly disagreed
- both Saturdays and Sundays (Q5): 58.9% agreed/strongly agreed, compared with 28.1% who disagreed/strongly disagreed
- all areas of the state (Q6): 58.3% agreed/strongly agreed, compared with 28.9% who disagreed/strongly disagreed.

### The current opening hours of large retail shops meet the needs of:

- residents' lifestyle and working hours (Q8): 92.9% most/some of the time
- tourism and visitors to Queensland as a tourism destination (Q11): 59.2% agreed/strongly agreed, compared with 22.9% who disagreed/strongly disagreed.

## 2. Survey method and operations

### 2.1 Survey design

The in-scope population for the October 2016 QTHHS was all adults (aged 18+) who are usual residents of Queensland and live in a private dwelling. Queensland Government Statistician's Office estimates a total of 3,490,475 adult residents of occupied private dwellings in Queensland as at 30 June 2015.

The survey contact list was constructed from databases that are kept for official statistical purposes under the authority of the Statistical Returns Act.

A total number of 12,369 Queensland households were targeted for the survey, to achieve the desired number of completed interviews. One adult was randomly selected from each household on this contact list and asked to complete the questionnaire.

See Appendix A on Survey method for details of the composition of regions for the purposes of this report.

### 2.2 Questionnaire design

Questions were developed in accordance with OIR's research objectives in reviewing the Trading (Allowable Hours) Act, with technical advice offered by QGSO. The questionnaire was designed to capture information in the following areas:

- perceptions of allowable retail trading hours (Questions 1-11)
- demographics (e.g. age, sex, education, employment status) (Questions 12-24).

### 2.3 Survey administration

The survey was administered using CATI between 4 October and 15 October 2016. Survey responses were collected under the Statistical Returns Act, which prohibits the unauthorised disclosure of identifiable information relating to an individual without their consent.

### 2.4 Survey response rate

The estimated overall response rate was 35.6%, with a cooperation rate of 69.7%. A total of 3,364 completed interviews were obtained.



## 3. Survey results

### 3.1 Presentation

This report summarises survey responses to the questions submitted by OIR at the whole-of-Queensland level, as well as results broken down by region and demographic variables where relevant. Results and comparisons are presented as a combination of text and tables.

Tables in this report relate to characteristics of the population of Queensland adult residents. Questions that asked about an individual's views and behaviours were used to provide estimates of the views of the total number of adults in Queensland (3,490,475).

The results presented in this report are estimates that have been calculated from the survey sample of 3,364 adult residents in Queensland. Estimation of population characteristics from a random sample entails some imprecision as a result of sampling and non-sampling error.

### 3.2 Interpretation

All demographics are self-reported and, as such, rely on the respondent's ability and willingness to select the appropriate category. Demographic estimates produced in the survey are not comparable with those produced by the Australian Bureau of Statistics (ABS), due to differences in data collection and estimation methodology.

There are some important issues to consider when interpreting statistics and evaluating the findings in this report. These are:

Responses provided by the respondent may not be accurate and could be biased by recall error or social desirability bias (a type of non-sampling error where a response is given in a certain way because the respondent perceives that the response is most desirable to the person or body collecting the information).

Some attitudes and behaviours may change rapidly over time. The results presented in this report are designed to be representative of the Queensland adult population at the time of collection.

Estimated percentages and counts may not be representative of the Queensland adult population if the characteristic being investigated is structured by a particular attribute that may affect the likelihood of a person responding (termed non-response bias).

Further details about common sources of sampling and non-sampling error and strategies to minimise their effects can be found at [www.qgso.qld.gov.au](http://www.qgso.qld.gov.au). 'Appendix B – Estimation and precision' also outlines several strategies QGSO uses to minimise the effects of such error.

QGSO surveyed a sample of 3,364 respondents. However, interest lies in the entire population of Queensland estimated adult residents (3,490,475). Population totals and percentages have been estimated from the sample achieved using methods aimed at minimising bias related to sample design, the survey contact list, non-response and refusals.

Although the survey has been designed to maximise the representativeness of the results, it is not possible to be perfectly representative of the total population without conducting a population census. As a result, estimates of population characteristics have a level of imprecision associated with them. See 'Appendix B – Estimation and precision' for an explanation of

how measurement of uncertainty is incorporated into this report.

In this report, the degree of imprecision associated with population estimates is summarised using upper and lower confidence limits (UCLs and LCLs).

Estimates with wide confidence intervals (given by the difference between the UCL and LCL) are imprecise and should be used with caution. Estimates of percentage with confidence intervals (CI) wider than about 30 percentage points are unreliable and should not be used.

The report primarily highlights population estimate differences that were statistically significant. In simplified terms, a difference in survey estimates may be considered approximately significant if the 95% CIs for the two estimates did not overlap. Conversely, if 95% CIs do overlap, then it is generally not appropriate to consider the estimates to be significantly different. Where QGSO has been asked to directly report on significant differences, however, a more robust statistical method is used to more accurately estimate which estimates are significantly different and which are not, and the overlapping CI method should be used as a rough guide only.

### 3.3 Regulation of trading hours

All respondents were asked how strongly they agreed or disagreed with the following: "All retail businesses should not be regulated, so businesses can determine their own trading hours." (Q7).

Of 3,490,475 estimated adult Queensland residents, approximately half (53.7%) agreed or strongly agreed, while a third (33.5%) disagreed or strongly disagreed (See Table 2).

**Table 2 Level of agreement – All retail businesses should not be regulated, so businesses can determine their own trading hours**

		Estimate
Agree or strongly agree	Per cent	53.7
	95% CI	[50-57]
Neutral	Per cent	12.2
	95% CI	[10-14]
Disagree or strongly disagree	Per cent	33.5
	95% CI	[30-37]
Don't know	Per cent	0.7
	95% CI	[0.3-1.7]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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## Demographic comparisons

Findings from the survey data suggest that there were no meaningful significant differences in perceptions of retail trading hours regulation by the demographic measures of age, sex, household type, highest education level, employment status, shift worker status, number of employed adults per household, organisational size, household mobility, household composition and region.

### 3.4 Types of goods sold

All respondents were asked how strongly they agree or disagree with the following: “There should be different allowable trading hours for shops based on the types of goods sold.” (Q1).

Approximately three quarters (77.6%) agreed or strongly agreed, compared with 8.2% who disagreed or strongly disagreed (See Table 3).

**Table 3 Level of agreement – There should be different allowable trading hours for shops based on the types of goods sold**

		Estimate
Agree or strongly agree	Per cent	77.6
	95% CI	[75-80]
Neutral	Per cent	13.8
	95% CI	[12-16]
Disagree or strongly disagree	Per cent	8.2
	95% CI	[6.7-10.0]
Don't know	Per cent	0.4
	95% CI	[0.2-0.6]
Refused	Per cent	0.0
	95% CI	[0.0-0.2]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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## Demographic comparisons

The demographic sub-populations most likely to agree/strongly agree that there should be different allowable trading hours based on the types of goods a store sells were those aged 18–54 years, employed in small to medium-sized organisations, who always/very often work outside standard hours or live in multiple adult households with children.

Specifically, the following demographic categories showed significant differences in their opinion that trading hours should differ based on the types of goods sold:

People aged 18–34 years (81.3%) or 35–54 years (80.9%) were more likely to agree/strongly agree than those aged 55 years and over (70.7%).

Those employed (80.9%) were more likely to agree/strongly agree than those not employed (70.7%).

People living in households with one (79.2%) or more than one (81.0%) employed adults were more likely to agree/strongly agree than those in households with no adults employed (66.3%).

Employed adults that always/very often work outside of standard hours (81.3%) were more likely to agree/strongly agree than those not employed (70.7%).

Employed adults in small (81.5%) or medium (83.3%) sized organisations were more likely to agree/strongly agree than those not employed (70.7%).

People living in multiple adult households with children (81.7%) were more likely to agree/strongly agree than those living in single adult households without children (72.1%).

### 3.5 Size of the shop

All respondents were asked how strongly they agree or disagree with the following: “There should be different allowable trading hours for shops based on the size of the shop, as in the number of workers employed.” (Q2).

Approximately half (52.6%) of respondents agreed or strongly agreed, 20.4% were neutral, while 26.5% disagreed or strongly disagreed (See Table 4).

**Table 4 Level of agreement – There should be different allowable trading hours for shops based on the size of the shop as in the number of workers employed**

		Estimate
Agree or strongly agree	Per cent	52.6
	95% CI	[50-55]
Neutral	Per cent	20.4
	95% CI	[18-23]
Disagree or strongly disagree	Per cent	26.5
	95% CI	[24-29]
Don't know	Per cent	0.5
	95% CI	[0.3-1.1]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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## Demographic comparisons

Findings from the survey data suggest that there were no meaningful significant differences in opinion around varying retail trading hours based on the size of the shop by the demographic measures of age, sex, household type, highest education level, employment status, shift worker status, number of employed adults per household, organisational size, household mobility, household composition and region.

### 3.6 Location of the shop

All respondents were asked how strongly they agree or disagree with the following: “There should be different allowable trading hours for shops based on the geographical location of the shop.”

(Q3).

Approximately two thirds (68.4%) agreed or strongly agreed, 11.6% were neutral, while 19.8% disagreed or strongly disagreed (See Table 5).

**Table 5 Level of agreement – There should be different allowable trading hours for shops based on the geographical location of the shop**

		Estimate
Agree or strongly agree	Per cent	68.4
	95% CI	[65-71]
Neutral	Per cent	11.6
	95% CI	[10-14]
Disagree or strongly disagree	Per cent	19.8
	95% CI	[18-22]
Don't know	Per cent	0.2
	95% CI	[0.1-0.4]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

Findings from the survey data suggest that there were no meaningful significant differences in opinion around varying retail trading hours based on the geographic location of the shop by the demographic measures of age, sex, household type, highest education level, employment status, shift worker status, number of employed adults per household, organisational size, household mobility, household composition and region.

### 3.7 Large retail shops: weekdays and weekends

All respondents were asked how strongly they agree or disagree with the following: "Allowable trading hours for large retail shops should be the same for weekdays and weekends." (Q4).

Approximately half (50.4%) of respondents agreed or strongly agreed, 14.9% were neutral, while 34.4% disagreed or strongly disagreed (See Table 6).

**Table 6 Level of agreement – Allowable trading hours for large retail shops should be the same for weekdays and weekends**

		Estimate
Agree or strongly agree	Per cent	50.4
	95% CI	[48-53]
Neutral	Per cent	14.9
	95% CI	[13-17]
Disagree or strongly disagree	Per cent	34.4
	95% CI	[32-37]
Don't know	Per cent	0.3
	95% CI	[0.2-0.6]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

The demographic category with significantly different opinions over whether trading hours for large retail shops should be the same for weekdays and weekends was sex. Males (54.4%) were more likely to agree/strongly agree than females (46.7%).

### 3.8 Large retail shops: Saturdays and Sundays

All respondents were asked how strongly they agree or disagree with the following: “Allowable trading hours for large retail shops should be the same for both Saturday and Sunday.” (Q5).

Approximately half (58.9%) of respondents agreed or strongly agreed, 13.0% were neutral, while 28.1% disagreed or strongly disagreed (See Table 7).

**Table 7 Level of agreement – Allowable trading hours for large retail shops should be the same for both Saturday and Sunday**

		Estimate
Agree or strongly agree	Per cent	58.9
	95% CI	[56-61]
Neutral	Per cent	13.0
	95% CI	[11-15]
Disagree or strongly disagree	Per cent	28.1
	95% CI	[26-30]
Don't know	Per cent	0.1
	95% CI	[0.0-0.2]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

The demographic sub-populations most likely to agree/strongly agree that allowable trading hours for large retail shops should be the same for Saturday and Sunday were those living in south-east Queensland<sup>61</sup>; especially the region of Brisbane.

Specifically, the following demographic categories showed significant differences in their opinion that trading hours for large retail stores should be the same for Saturdays and Sundays:

People living in the Brisbane region (63.7%) were more likely to agree/strongly agree than those living in the Wide Bay (49.3%) or Darling Downs (48.5%) regions.

When aggregated for comparison, people living in south-east Queensland (62.3%) were more likely to agree/strongly agree than those living in the Rest of Queensland (51.5%).

#### 3.9 Large retail shops: consistent across all areas of the state

All respondents were asked how strongly they agree or disagree with the following: “Allowable trading hours for large retail shops should be the same in all areas of the state.” (Q6).

Approximately half (58.3%) of respondents agreed or strongly agreed, 12.7% were neutral, while 28.9% disagreed or strongly disagreed (See Table 8).

**Table 8 Level of agreement – Allowable trading hours for large retail shops should be the same in all areas of the state**

		Estimate
Agree or strongly agree	Per cent	58.3
	95% CI	[56-60]
Neutral	Per cent	12.7
	95% CI	[11-15]
Disagree or strongly disagree	Per cent	28.9
	95% CI	[27-31]
Don't know	Per cent	0.1
	95% CI	[0.1-0.3]
Refused	Per cent	0.0
	95% CI	[0.0-0.1]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

The demographic sub-populations most likely to have agreed/strongly agreed that allowable trading hours for large retail stores should be the same in all areas of the state were those who did not complete any higher education, or those living in the more rural areas of Queensland (i.e. the Darling Downs, Mackay, Queensland Outback, Townsville and Wide Bay regions).

Specifically, the following demographic categories showed significant differences in their view that allowable trading hours for large retail stores should be the same across all areas of the state:

- People who did not complete any higher education (61.8%) were more likely to agree/strongly agree than those with a bachelor degree or above (54.6%).
- People living in the Queensland Outback (67.9%) region were more likely to agree/strongly agree than those living in the Brisbane (57.2%) or Gold Coast (54.0%) regions.
- People living in the Townsville (68.1%), Queensland Outback (67.9%), Mackay (65.3%) and Wide Bay (64.1%) regions were more likely to agree/strongly agree than those living in the Darling Downs (51.1%) region.

### 3.10 Large retail shops: public holidays

All respondents were asked: “Do you think that all large retail shops should have to close on declared public holidays and if so, which holidays?” (Q10). The most frequent declared public holidays respondents thought large retail stores should remain open for were Christmas Day (65.9%), Good Friday (53.4%) and ANZAC Day (50.0%). Approximately a quarter (27.9%) believed they should remain open on all holidays.

<sup>61</sup> south-east Queensland represents a composite of the 11 SA4s in Brisbane, Gold Coast and Sunshine Coast.

**Table 9 Level of agreement – Do you think that all large retail shops should have to close on declared public holidays and if so, which holidays**

		Estimate
Christmas Day	Per cent	65.9
	95% CI	[63-69]
Good Friday	Per cent	53.4
	95% CI	[51-56]
ANZAC Day	Per cent	50.0
	95% CI	[47-53]
New Year's Day	Per cent	39.8
	95% CI	[37-43]
Australia Day	Per cent	36.7
	95% CI	[35-39]
Easter Monday	Per cent	34.3
	95% CI	[31-37]
Boxing Day	Per cent	31.7
	95% CI	[30-34]
No - Remain open all holidays	Per cent	27.9
	95% CI	[25-31]
Labour Day	Per cent	27.7
	95% CI	[26-30]
The day after Good Friday	Per cent	24.1
	95% CI	[22-27]
Queen's Birthday	Per cent	22.5
	95% CI	[20-25]
Show days (e.g. Royal Queensland Show, etc.)	Per cent	19.1
	95% CI	[18-21]
Other	Per cent	2.1
	95% CI	[1.4-3.1]
Don't know	Per cent	2.0
	95% CI	[1.4-3.0]
Refused	Per cent	0.1
	95% CI	[0.0-0.4]

**Base: All respondents (n=3,364)**

Note that percentages may add to more than 100 since multiple responses were allowed.

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### 3.11 Large retail shops: lifestyle and working hours suitability

All respondents were asked: "Do the current opening hours of large retail shops meet your needs regarding your lifestyle and working hours?" (Q8).

Approximately three quarters (74.5%) of respondents indicated these needs were met most of the time, 18.4% indicated some of the time, while 6.7% felt these needs were seldom or never met (See Table 10).

**Table 10 Level of agreement – Do the current opening hours of large retail shops meet your needs regarding your lifestyle and working hours**

		Estimate
Most of the time	Per cent	74.5
	95% CI	[72-77]
Some of the time	Per cent	18.4
	95% CI	[16-21]
Seldom	Per cent	4.4
	95% CI	[3.7-5.2]
Never	Per cent	2.3
	95% CI	[1.7-3.2]
Don't know	Per cent	0.3
	95% CI	[0.2-0.7]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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#### Demographic comparisons

The demographic sub-populations who indicated the current opening hours of large retail shops met the needs of their lifestyle and working hours most/some of the time were more commonly not a shift worker, not employed or not living in the Queensland Outback region.

Specifically, the following demographic categories showed significant differences in their opinion that the current opening hours of large retail shops met the needs of their lifestyle and working hours:

People identified as not a shift worker (93.9%) were more likely to indicate their needs were met most/some of the time than shift workers (88.2%).

People not employed (95.4%) were more likely to indicate their needs were met most/some of the time than those always/very often working outside of standard hours (89.8%).

People living in the Darling Downs (95.6%), Cairns (95.1%), Wide Bay (94.8%), Sunshine Coast (94.6%), Brisbane (92.9%), Fitzroy (92.8%) and Gold Coast (91.2%) regions were more likely to indicate their needs were met most/some of the time than those in the Queensland Outback (82.2%) region.

### 3.12 Large retail shops: reasons needs were seldom/never met

Respondents whose needs were seldom or never met by the current opening hours of large retail shops were asked: “What are the reasons opening hours for large retail shops do not meet your needs?” (Q9).

Of the 235,507 estimated adult Queensland residents whose needs were seldom or never met by the current opening hours of large retail shops, the most common reasons were: respondents wanted to shop late at night (41.8%), existing hours did not suit their working/living arrangements (31.0%), and/or they wanted to shop on weekends (20.6%) (See Table 11).

**Table 11 Reasons needs are seldom/never met by the current opening hours of large retail shops**

		Estimate
I want to shop late at night	Per cent	41.8
	95% CI	[34-50]
Doesn't suit my working/living arrangements	Per cent	31.0
	95% CI	[23-40]
I want to shop on weekends	Per cent	20.6
	95% CI	[13-31]
I want to shop early in the morning	Per cent	16.0
	95% CI	[10-26]
I want to shop to suit my shift work	Per cent	15.4
	95% CI	[10-24]
I find the inconsistency confusing	Per cent	1.8
	95% CI	[0.5-6.1]
The Government is too involved	Per cent	1.0
	95% CI	[0.2-5.7]
Other	Per cent	8.7
	95% CI	[4.7-16.0]
Don't know	Per cent	3.8
	95% CI	[1.4-9.6]
Refused	Per cent	0.9
	95% CI	[0.1-7.1]

**Base: Respondents whose needs were seldom or never met by the current opening hours of large retail shops (n=223)**

Note that percentages may add to more than 100 since multiple responses were allowed.

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

Findings from the survey data suggest that there were no meaningful significant differences around why needs were seldom/never met by the current opening hours of large retail shops by the demographic measures of age, sex, household type, highest education level, employment status, shift worker status, number of employed adults per household, organisational size, household mobility, household composition and region.

### 3.13 Large retail shops: tourism suitability

All respondents were asked: How strongly do you agree or disagree with the statement that “the current opening hours of large retail shops meet the needs of the tourism industry and visitors to Queensland as a tourism destination”? (Q11).

Approximately half (59.2%) of respondents agreed or strongly agreed, 15.8% were neutral, while 22.9% disagreed or strongly disagreed (See Table 12).

**Table 12 Trading hours for large retail shops suit the needs of Queensland as a tourism destination**

Perception (collapsed)		Estimate
Agree or strongly agree	Per cent	59.2
	95% CI	[56-62]
Neutral	Per cent	15.8
	95% CI	[13-18]
Disagree or strongly disagree	Per cent	22.9
	95% CI	[21-25]
Don't know	Per cent	2.2
	95% CI	[1.6-2.9]
<b>Total</b>	<b>Per cent</b>	<b>100.0</b>

**Base: All respondents (n=3,364)**

Note that estimates displayed in these tables have been rounded and may sum to slightly above/below the total

Source: Queensland Government Statistician's Office, Queensland Treasury, Office of Industrial Relations Queensland Trading Hours Household Survey 2016

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### Demographic comparisons

The demographic sub-populations most likely to agree/strongly agree that the current trading hours of large retail shops meet the needs of the tourism industry and Queensland as a tourism destination were those aged 55 years and over, did not complete any higher education, or lived outside of south-east Queensland<sup>62</sup>.

Specifically, the following demographic categories showed significant differences in their opinion that the current opening hours of large retail shops met the needs of Queensland as a tourism destination:

People aged 55 years and over (64.6%) were more likely to agree/strongly agree than those aged 18–34 years (52.5%).

People who did not complete any higher education (64.0%) were more likely to agree/strongly agree than those with a bachelor degree or above (54.0%).

People living in the Mackay (73.3%), Sunshine Coast (72.9%), Wide Bay (69.2%), Darling Downs (68.2%) and Fitzroy (67.4%) regions were more likely to agree/strongly agree than those living in the Brisbane (54.5%) and Gold Coast (52.5%) regions.

When aggregated for comparison, people living in the rest of Queensland (65.8%) were more likely to agree/strongly agree than those living in south-east Queensland (56.1%).

<sup>62</sup> south-east Queensland represents a composite of the 11 SA4s in Brisbane, Gold Coast and Sunshine Coast.

# Appendices

## Appendix A - Survey method in detail

The Queensland Trading Hours Household Survey sample is designed to provide reliable information on individual and household characteristics at both the whole-of-state and the region level. To achieve this goal, survey respondents were selected using a stratified sampling design. A simple random sample would not support this type of analysis because the final sample would be concentrated in regions within south-east Queensland, due to its high population density. For the survey, Queensland is stratified into the following 10 composite SA4 regions:

Brisbane (includes the SA4s of Brisbane Inner City, Brisbane North, Brisbane South, Brisbane West, Brisbane East, Moreton Bay North, Moreton Bay South, Logan and Ipswich)

Gold Coast

Sunshine Coast

Wide Bay

Darling Downs (includes the SA4s of Toowoomba and Darling Downs - Maranoa)

Fitzroy

Mackay

Townsville

Cairns

Queensland Outback.

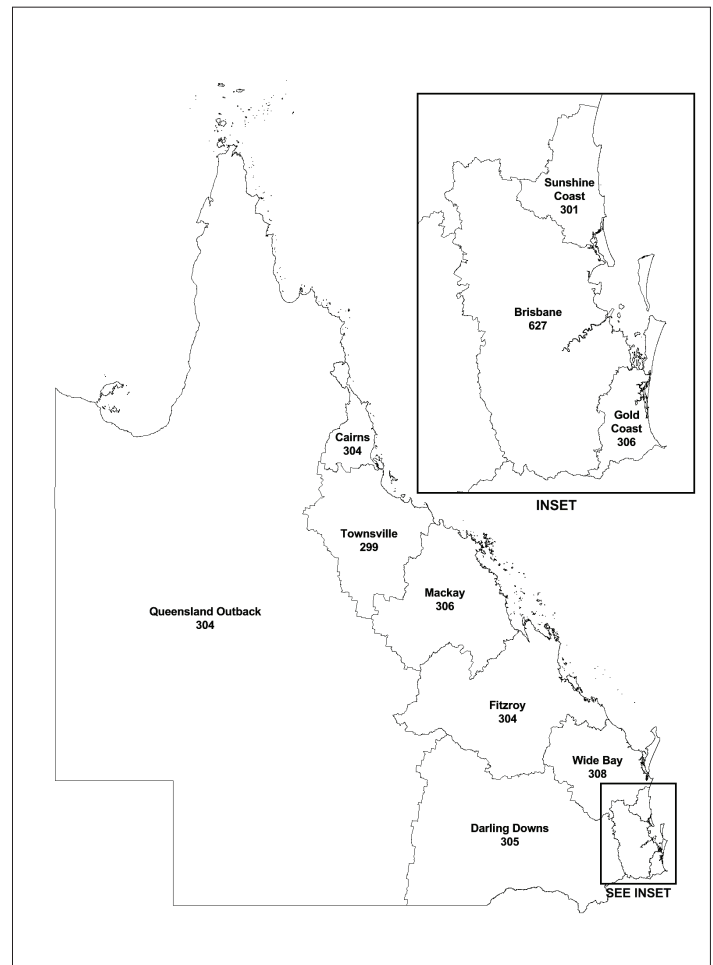
A quota (i.e. target) of 600 completed interviews was set for the Brisbane region and 300 interviews for each other region. The final sample of 12,369 was designed to achieve 3,300 interviews. Figure 1 shows the final number of responses per region.

With this stratified sample design, the probability of selecting a household varied across the 10 regions. For example, households in the Queensland Outback region had a higher probability of being selected than households in the more populous regions in south-east Queensland. Statistical methods used to analyse the survey data account for these different selection probabilities.

For operational reasons, it is not possible to ensure that the targeted number of respondents is achieved in all regions without that total being exceeded in several regions; hence a policy of meeting the targets 'on average' is pursued. This is why the number of surveyed respondents in some strata differed slightly from survey quotas.

Only one adult in each sampled household was interviewed. For households with more than one resident adult, one was randomly chosen to be interviewed. Failing to do so, by interviewing whoever answered the telephone, could have biased the sample. This is because some demographic groups are less likely to be at home than others or are less likely to answer the telephone.

Figure 1 Survey regions and sample achieved in each region



## Appendix B - Estimation and precision

QGSO surveyed a sample of 3,364 respondents. However, interest lies in the entire population of the estimated total number of adult residents in Queensland (3,490,475). Each subset of respondents sharing similar characteristics is assumed to be representative of a segment of the entire population sharing those same characteristics. For example, responses of 18–25 year old males from the sample may be considered to be representative of all 18–25 year old males in the population, including those who were not invited or chose not to respond to the survey. Accordingly, population totals and percentages have been estimated from the achieved sample using methods aimed at minimising bias related to sample design, the survey contact list, non-response and refusals.

Although the survey was designed to maximise the representativeness of the results, it is not possible to be perfectly representative. Estimation of population characteristics from a random sample entails some imprecision as a result of non-sampling and sampling error.

Sampling errors occur because estimates based on information obtained from a sample of persons may differ from statistics that would have been produced if all persons had been included in the survey.

The size of the sampling error is determined by the sampling scheme used, the method used to calculate a value for the estimate, and the size of the sample. Other factors being equal, sampling error may be reduced arbitrarily by increasing the sample size.

Non-sampling errors may occur due to non-response to the survey, inadequacies of the sampling contact list, inaccuracies in reporting by respondents, and processing errors.

Strategies designed to minimise non-sampling errors include:

- use of an up-to-date and accurate list of contact information

- testing the questionnaire for ease of understanding and completion

- sending written communication to households about the survey prior to interviewing

- providing clear interviewer instructions, appropriate training, and field supervision

- emphasising to respondents the legal provisions for protecting confidentiality under the Statistical Returns Act .

An additional strategy used by QGSO that may reduce sampling error is calibration to population benchmarks. Calibration is a process that makes use of variables that are collected in the survey and for which population level totals (benchmarks) are known. Where suitable additional information about the population of interest is known, calibration can reduce non-response bias and/or increase precision.

The source of population totals for calibration variables used in this survey is ABS 3235.0, Population by age and sex, 2015, QGSO derived. These benchmarks are listed in Table 15.

**Table 13 Benchmarks used in the survey: Persons by age and sex(a), region, 30 June 2015(b)**

Region	18–24 years	25–34 years	35–44 years	45–54 years	55–64 years	65 years and over
<b>Males</b>						
Brisbane <sup>(c)</sup>	119,951	173,945	154,384	141,108	115,295	128,402
Cairns	9,219	13,851	14,941	16,067	14,783	16,340
Darling Downs <sup>(d)</sup>	11,442	15,656	15,747	16,849	15,909	20,729
Fitzroy	10,544	16,147	14,802	15,039	13,396	12,960
Gold Coast	26,713	38,316	37,496	34,861	30,118	39,510
Mackay	7,559	12,416	11,868	12,011	10,046	9,532
Queensland Outback	3,987	6,203	5,549	5,648	4,772	4,353
Sunshine Coast	12,261	16,072	20,015	21,340	20,619	30,183
Townsville	12,006	15,631	14,308	14,294	12,526	13,336
Wide Bay	9,248	11,998	14,244	17,250	19,488	30,533
<b>Queensland</b>	<b>222,932</b>	<b>320,235</b>	<b>303,354</b>	<b>294,467</b>	<b>256,953</b>	<b>305,878</b>
<b>Females</b>						
Brisbane <sup>(c)</sup>	117,356	178,188	162,145	148,401	122,336	143,352
Cairns	9,572	15,403	16,938	17,074	14,684	15,412
Darling Downs <sup>(d)</sup>	11,182	16,813	17,251	17,976	16,393	22,701
Fitzroy	9,774	16,119	14,944	15,123	12,217	13,285
Gold Coast	27,270	40,356	39,522	38,206	33,729	43,646
Mackay	6,980	12,616	11,654	11,605	9,010	9,230
Queensland Outback	3,597	6,420	5,300	5,089	3,943	3,720
Sunshine Coast	12,161	17,724	22,604	25,001	23,446	32,805
Townsville	11,910	16,870	15,696	15,055	12,302	14,170
Wide Bay	9,401	13,723	16,384	19,470	20,873	30,531
<b>Queensland</b>	<b>219,204</b>	<b>334,232</b>	<b>322,437</b>	<b>313,000</b>	<b>268,932</b>	<b>328,852</b>

**Note - Estimates exclude those aged 0–17 years**

(a) Based on usual residents living in a private dwelling.

(b) QGSO estimate.

(c) 'Brisbane' includes the SA4s of Brisbane Inner City, Brisbane North, Brisbane South, Brisbane West, Brisbane East, Moreton Bay North, Moreton Bay South, Logan and Ipswich

(d) 'Darling Downs' includes the SA4s of Toowoomba and Darling Downs - Maranoa

Source: ABS 3235.0, Population by age and sex, 2015, QGSO derived.

QGSO expresses the degree of sampling error associated with an estimate using confidence intervals. A confidence interval has a percentage associated with it called a degree of confidence. Confidence intervals provide a useful way of summarising the sampling error associated with an estimate for a parameter. For the same degree of precision, a wider confidence interval corresponds to a less precise estimate.



## Appendix 13: Current allowable trading hours for non-exempt shops incorporating all amendments up to 1 December 2016

### Trading Hours - Non-Exempt Shops Trading By Retail – State

(Excluding special Christmas trading arrangements)

Area	Mon to Fri	Saturday	Sunday	Public Holidays
All areas of Queensland, other than areas listed below	8am – 9pm	8am – 5pm (including Easter Saturday)	Closed	Closed
South East Queensland Area (excluding the Area of New Farm of Inner City of Brisbane, Gold Coast Coastal Tourist Area and Hamilton North Shore Area)  (includes Nambour, Beerwah, Beaudesert, Fernvale, Plainland, Gatton, Woodford)	7am – 9pm	7am – 9pm  8am – 6pm (Easter Saturday)	9am – 6pm**	9am – 6pm*
Area of New Farm of Inner City of Brisbane	7am – 9pm	7am – 9pm	7am – 9pm**	7am – 9pm*
Hamilton North Shore Area	6am – 10pm	7am – 10pm	7am – 9pm**	7am – 9pm*
Gold Coast Coastal Tourist Area (Supermarkets) & (Australia Fair Shopping Centre)	7am – 10pm	7am – 10pm	8am – 8pm**	8am – 8pm*
Port Douglas (Supermarkets only)	7am – 9pm	7am – 5.30pm	7am – 6pm	7am – 6pm*
Great Barrier Reef Wonderland Tourist Complex	8am – 9pm	8am – 6pm	8.30am – 6pm	8.30am – 6pm*
Townsville Tourist Area	7am – 9pm	8am – 6pm	9am – 6pm	8.30am – 5.30pm*
Cairns CBD Area	8am – 9pm	8am – 9pm	9am – 9pm	8.30am – 5.30pm*
Townsville and Thuringowa Area (excluding Townsville Tourist Area)	8am – 9pm	8am – 5.30pm	11am – 6pm	8.30am – 5.30pm*
Emu Park Tourist Area	8am – 9pm	8am – 5.30pm	10.30am – 5.30pm	8.30am – 5.30pm*
Yeppoon Tourist Area	8am – 9pm	8am – 5.30pm	10.30am – 5.30pm	8.30am – 5.30pm*
Tourist and/or Seaside Resorts (as defined)	8am – 9pm	8am – 5.30pm	Closed	8.30am – 5.30pm*
Cairns Tourist Area	8am – 9pm	8am – 5.30pm	9am – 6pm	8.30am – 5.30pm*
Fraser Coast Area	8am – 9pm	8am – 5.30pm	9am – 6pm	8.30am – 5.30pm*
Mackay Area	8am – 9pm	8am – 5.30pm	9am – 6pm	8.30am – 5.30pm*
Mossman and Port Douglas Tourist Area	8am – 9pm	8am – 5.30pm	9am – 6pm	8.30am – 5.30pm*
Whitsunday Shire Tourist Area	8am – 9pm	8am – 5.30pm	9am – 6pm	8.30am – 5.30pm*
Biloela Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Bundaberg Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
City of Rockhampton	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
City of Toowoomba	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Cooloola Cove Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Emerald Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Gladstone Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Gympie Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Innisfail Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Marian Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
Moranbah Area	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Tablelands Area (Mareeba and Atherton)</b>	8am – 9pm	8am – 5pm	9am – 6pm	8.30am – 5.30pm*
<b>Dalby Area</b>	8am – 9pm	8am – 5pm	10.30am – 6pm	8.30am – 5.30pm
<b>Non-exempt Butcher Shops*** (whole of Queensland)</b>	6.30am opening	6.30am opening	6.30am opening	6.30am opening*
<b>Builder Materials Supply Hardware Stores (South East Queensland Area)</b>	6am – 9pm	6am – closing time for relevant area	9am – 6pm**	9am – 6pm*
<b>Builder Materials Supply Hardware Stores (Other than South East Queensland Area)</b>	6am – 9pm	6am – closing time for relevant area	8.30 am – 4pm	8.30am – 5.30pm (other than Anzac Day, Good Friday and Christmas Day)
<b>Non-exempt Hardware Stores (South East Queensland Area)</b>	Hours for relevant area	Hours for relevant area	9am – 6pm**	9am – 6pm*
<b>Non-exempt Hardware Stores (Other than South East Queensland Area)</b>	Hours for relevant area	Hours for relevant area	8.30am – 4pm	8.30am – 5.30pm (other than Anzac Day, Good Friday and Christmas Day)

\* Good Friday, 25 April, Labour Day and 25 December are closed days.

\*\* Excluding Easter Sunday which is a closed day.

\*\*\* Non-exempt Butcher shops must close at the same time as that applicable to all other non-exempt shops in their area.

**N.B.** Special arrangements exist for various areas throughout the State each year covering the 4 Sundays prior to Christmas Day and the period from 18 – 24 December. See below.

#### Other Orders for specific classes of non-exempt shop

##### Trading Hours - Non-Exempt Shops Selling Motor Vehicles – State

##### Trading Hours - Non-Exempt Shops Selling Caravans – State

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>CAR YARDS – Gold Coast Area, Redcliffe Peninsula, City of Brisbane Area, City of Logan Area, Town of Beenleigh Area, near North Coast Area, Shire of Pine Rivers, Redland Shire and City of Ipswich</b>	8am – 9pm	8am – 6pm	Closed	8am – 6pm*
<b>CAR YARDS – State (Excluding those areas listed above)</b>	8am – 9pm	8am – 5pm	Closed	Closed
<b>COMBINED CAR/CARAVAN YARDS</b>	8am – 9pm	8am – 5pm	Closed	Closed
<b>CARAVAN YARDS ONLY</b>	8am – 9pm	8am – 6pm	Closed	Closed

\* Good Friday, 25 April, Labour Day and 25 December are closed days.

**Trading Hours - Agricultural Produce, Fruit and Grain Stores**

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Agricultural Produce Stores</b> - Within that part of the area of the City of Brisbane commencing at the corner of George and Ann Streets thence along George Street to Herschell Street thence in a direct line to the corner of Albert Street and Wickham Terrace thence along Albert Street to Ann Street thence along Ann Street to the point of commencement	7am – 9pm	Closed	Closed	Closed
<b>Agricultural Produce Stores</b> – outside the area specified above	8am – 9pm	Closed	Closed	Closed
<b>Fruit Stores and Banana Stores</b>	7am – 9pm	Closed	Closed	Closed

**Trading Hours - Machinery Warehouses, Wholesale Warehouses and Food and Drug Stores**

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Machinery Warehouses</b>	8am – 9pm	Closed	Closed	Closed
<b>Wholesale Warehouses</b>	7:30am – 9pm	Closed	Closed	Closed
<b>Wholesale Cash and Carry Warehouses</b>	7am – 9pm	7am – 5pm	Closed	Closed
<b>Food and Drug Stores</b>	8am – 9pm	Closed	Closed	Closed

**Brisbane Market Order**

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Agricultural Produce, Fruit, Vegetable and Banana Sections</b>	7am – 9pm	Closed	Closed	Closed

**Trading Hours - Special Displays of New Season Model Motor Vehicles**

Area	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Special displays for the purpose of the previewing of new season model motor vehicles</b>	8am – 10pm	8am – 10pm	Closed	Closed

**Permanent Christmas Trading Hours**

(blank cells retain normal trading hours for area or class of shop)

Area/Class of Shop	Mon to Fri	Saturday	Sunday	Public Holidays
<b>All areas – 18-24 December</b> (Except where the Order already provides for a wider spread of allowable trading hours)	8am – 9pm	8am – 6pm Or 7am – 6pm (When 24 December is a Saturday)		
<b>First Sunday of the 4 Sundays prior to Christmas Day (25 December) -</b> Cairns Tourist Area, Townsville Central Business District, Mossman and Port Douglas Tourist Area, Whitsunday Shire Tourist Area			8am – 6pm	

Area/Class of Shop	Mon to Fri	Saturday	Sunday	Public Holidays
<b>Second Sunday of the 4 Sundays prior to Christmas Day (25 December)</b> - Cairns Tourist Area, Townsville Central Business District, Mossman and Port Douglas Tourist Area, Whitsunday Shire Tourist Area			8am – 6pm	
<b>Third Sunday of the 4 Sundays prior to Christmas Day (25 December) -</b> (i) Cairns Tourist Area, Townsville Central Business District, Mossman and Port Douglas Tourist Area, Whitsunday Shire Tourist Area. (ii) Remainder of the State (excluding the South-East Queensland Area)			8am – 6pm  10.30am – 4pm	
<b>Fourth Sunday of the 4 Sundays prior to Christmas Day (25 December)</b> - All of the State (excluding the South-East Queensland Area)			8am - 6pm	
<b>23 December – All areas</b>	8am – 12midnight			
<b>If 23 December is a Saturday or Sunday, then</b> <b>(i) Thursday prior to Christmas Day</b> All of the State (except the Inner City of Brisbane [including the City Heart of Inner City of Brisbane], Woolloongabba Central Business District, Rockhampton Central Business District and Townsville Central Business District) <b>(ii) Friday prior to Christmas Day</b> The Inner City of Brisbane (including the City Heart of Inner City of Brisbane), Woolloongabba Central Business District, Rockhampton Central Business District and Townsville Central Business District	8am – 12midnight (Thursday)  8am – 12midnight (Friday)			
Westfield Chermside Shopping Complex and Westfield Garden City Shopping Complex on 23 December and 24 December of each year: (i) 23 December  24 December  (ii) When 23 December falls on a Friday  (iii) When 23 December falls on a Saturday or a Sunday (a) Thursday prior to Christmas Day  (b) Friday prior to Christmas Day	8am - 12 midnight  12am - 9pm  8am - 12 midnight (Fri 23 Dec.)  8am - 12 midnight (Thursday)  12am – 9pm (Friday)	       12am - 6pm (Sat. 24 Dec.)		

## Permanent Orders for Special Exhibitions and Special Displays

Special Exhibition or Display Order	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Agricultural, Horticultural and/or Industrial Shows</b>	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	
<b>Royal National Show</b>	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	9am-9.30pm
<b>Certain Annual Agricultural, Horticultural and/or Industrial Shows</b>	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	
<b>Pine Rivers Show</b>	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	8am-11pm	10am-6pm
<b>Urangan Trade Fair (last Sunday in August)</b>							9am-5pm
<b>Queensland Furniture Trade Fair</b>	9am-10pm	9am-10pm	2pm-10pm	2pm-10pm	2pm-10pm	10am-10pm	10am-6pm
<b>Apex Homemakers Fair (Labour Day long weekend)</b>	9am-6pm					9am-8pm	9am-8pm
<b>Office Equipment and Business Expo (April)</b>			10am-7pm	10am-7pm	10am-7pm		
<b>Spring Parade (October)</b>				9am-10pm	9am-10pm	9am-10pm	
<b>Queensland Computer Expo (November)</b>			10am-8pm	10am-8pm	10am-9pm	10am-6pm	
<b>Queensland Hot Rod and Custom Car State Title Show (November)</b>	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm
<b>Telegraph Home Exhibition and Telegraph Home and Outdoor Summer Show</b>	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-6pm
<b>Brisbane Off Road 4 Wheel Drive Recreation Show (October)</b>				5pm-10pm	12noon-10pm	10am-10pm	10am-6pm
<b>Brisbane International Motor Show (February)</b>	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	1st Sunday 10am-10pm 2nd Sunday 10am-6pm
<b>Gold Coast Motor Show (July)</b>						5.30pm-10pm	9.30am-5pm
<b>Brisbane Boat Show (September)</b>	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-6pm
<b>Queensland Nursery Industry Association Garden Expo (March, April or May)</b>	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-10pm	10am-6pm
<b>Queensland Caravan, Camping Show and Touring Holiday Show (June)</b>	9.30am-6pm	9.30am-6pm	9.30am-6pm	9.30am-6pm	9.30am-6pm	9.30am-6pm	9.30am-6pm
<b>Bundaberg Home Show (August, September or October)</b>				10am-9pm	10am-9pm	10am-5pm	

<b>Caravan And Camping Sale (last weekend in October)</b>				9.30am-6pm	9.30am-6pm	9.30am-6pm	9.30am-6pm
<b>MTAQ Rockhampton Motor Expo (October)</b>						10am-5.30pm	10am-4.30pm
<b>Brisbane Truck Show (May)</b>				10am-8pm	10am-8pm	10am-8pm	10am-6pm
<b>Apex Home and Leisure Show (October)</b>						9am-5pm	9am-4pm
<b>Jeep Show and Shine (4th Sunday in July)</b>							8.30am-4pm
<b>Cairns Home Show and Caravan, Camping and Boating Expo (May or June)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Gold Coast Midyear Caravan, Camping and Boating Expo (July or August)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Gold Coast Home Show and Lifestyle Expo (July or August)</b>						9am-5pm	9am-4pm
<b>Queensland Outdoor Adventure and Motoring Expo (July or August)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Toowoomba Spring Home Show and Camping and Leisure Expo (October or November)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Wide Bay &amp; Fraser Coast Home Show and Caravan, Camping, 4x4 and Fishing Expo (July or August)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Rockhampton Home Show and Caravan and Camping, 4x4 and Fishing Expo (August or September)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Townsville Home Show and Caravan, Camping Expo (August or September)</b>						9am-5pm	9am-4pm
<b>Mackay Caravan, Camping and Boating Expo (September)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Sunshine Coast Home Show and Caravan, Camping &amp; Boating Expo (October)</b>					9am-5pm	9am-5pm	9am-4pm

<b>South Queensland Caravan, Camping, Boating and Fishing Expo (March or April)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Mackay Home Show, Caravan and Camping Expo (May)</b>					9am-5pm	9am-5pm	9am-4pm
<b>C.Q. Recreation &amp; Travel Expo (August or September)</b>						8am – 5pm	8am-5pm
<b>Moreton Bay Caravan Camping and Boating Expo (March)</b>					9am-5pm	9am-5pm	9am-4pm
<b>Gold Coast Caravan and Camping Expo (March)</b>					9am-5pm	9am-5pm	9am-5pm
<b>Gold Coast Outdoor Adventure and Motoring Expo (February/March)</b>					9am-5pm	9am-5pm	9am-5pm
<b>Farm Fantastic Expo (July)</b>					8.30am- 4pm	8.30am-4pm	8.30am- 4pm
<b>Cleveland Caravan Camping Boating and 4x4 Expo (September)</b>					9am-5pm	9am-5pm	9am-4pm

# Appendix 14: Allowable trading hours as proposed by recommendations

## 1. All types of Non-Exempt Shops

Area	Mon to Fri	Saturday	Sunday	Public Holidays
South-east Queensland Area	7am – 9pm	7am – 9pm	9am – 6pm*	9am – 6pm*
All areas of Queensland, other than areas listed above	7am – 9pm	7am – 6pm (including Easter Saturday)	9am – 6pm*	9am – 6pm*
Special Tourism Areas (includes New Farm, Hamilton North Shore, supermarkets in Gold Coast Coastal Tourist Area and Port Douglas, Great Barrier Reef Wonderland Tourist Complex)	6am – 10pm	7am – 10pm	7am – 9pm*	7am – 9pm*
<b>Non-exempt hardware and builder materials supply stores</b>				
All areas of Queensland	6am – Closing time for the relevant area	6am – Closing time for the relevant area	6am – Closing time for the relevant area	6am – Closing time for the relevant area
<b>Extended hours prior to Christmas (all areas of the State)</b>				
3 Sundays prior to 18 December each year			8am – 6pm	
Monday – Sunday in the period 18 – 23 December each year	Opening time for relevant area – Midnight	Opening time for relevant area – Midnight	Opening time for relevant area – Midnight	
24 December	All non-exempt shops to be closed at 6pm			

\* Four or five closed public holidays to be considered in recommendation 5.

## 2. Exempt Shops

The legislation lists 37 types of shop as exempt. Generally, a shop's status as an exempt shop is based upon it being a shop that supplies goods or services that should be accessible to the public at all times e.g. a newsagent, a take-away food outlet, restaurant or café, a bakery, or a bait and tackle shop.

The following shops (formerly non-exempt or the subject of special application to the QIRC) are to be added to the list of exempt shops:

- special exhibitions, trade shows
- shops in international airports, cruise terminals, casinos, tourist resorts on offshore islands
- butcher shops
- shops operating within a designated area around and during international special events (e.g. Commonwealth Games) and for local festivals.
- shops in the Mossman and Port Douglas Tourist area to be exempt for a trial period of 5 years.

## 3. Independent retail shops

Independent retail shops are generally seen as a small, independent, retail businesses such as the 'independent grocery and food stores' and specialty shops such as clothing, footwear and kitchenware shops. An independent retail shop may trade without restriction except for Christmas Day, Good Friday and ANZAC Day up to 1.00pm, when they must remain closed. Independent retail shops that are predominantly food and/or grocery shops have no restrictions on their trading hours. They must engage no more than 20 persons at any one time in a single shop or no more than 60 in multiple shops throughout Queensland. Independent retail shops must be owned by single operators, partnerships or proprietary companies that are not related bodies corporate.

The number of persons that may be engaged at an independent retail shop or shops at any one time is to be increased from 20 to 30 in any one shop, and where a number of related retail shops are operated, increased from 60 to 100.

Recommendation 11 proposes that independent retail shops form part of the category of exempt shop.