

**RETAIL TRADING HOURS AMENDMENT BILL 2015**

*Introduction and First Reading*

Bill introduced, on motion by **Hon Michael Mischin (Minister for Commerce)**, and read a first time.

*Second Reading*

**HON MICHAEL MISCHIN (North Metropolitan — Minister for Commerce)** [12.32 pm]: I move —

That the bill be now read a second time.

This bill amends the Retail Trading Hours Act 1987 to extend retail trading hours for general shops in the metropolitan area, to remove the distinction in the act between types of filling stations, to abolish the concept of holiday resorts and to exclude from the operation of the act stalls in short-term markets.

The government's policy is to make incremental changes to the retail trading hours regulatory regime so that restrictions on retailers are gradually removed and trading hours progressively deregulated. In recent years the government has made the following changes: in 2010, special trading precincts were introduced and extensions were made to tourism precincts to extend Sunday and public holiday trading in the metropolitan area; later in 2010, opening hours for general retail shops in the metropolitan area were extended to 9.00 pm on weekdays; in 2012, special trading precincts were abolished alongside the further relaxation of restrictions to allow all shops in the metropolitan area to trade on Sundays and most public holidays from 11.00 am to 5.00 pm; and in 2011 and again in 2014, the number of persons permitted to work in a small retail shop at any one time was increased. This bill continues the program of incremental reform and implements amendments proposed by a statutory review of the act. Some of the proposed amendments will consequentially reduce red tape for both traders and the Department of Commerce.

**General retail shop hours:** Currently, general retail shops in the metropolitan area may trade from 8.00 am to 9.00 pm on weekdays and 8.00 am to 5.00 pm on Saturday. The bill extends the permitted trading hours for general retail shops in the metropolitan area so that they may trade from 7.00 am Monday to Saturday and until 6.00 pm on Saturday. Allowing general shops to open an hour earlier on Monday to Saturday and an hour later on Saturday will provide more flexibility for those shops. Earlier opening will assist tradespeople by providing more choice as to where to purchase supplies at more convenient times and opens the way for shops to cater to commuters. Proposed amendments to the regulations, which will take effect on proclamation of the act, will also expand the range of goods that may be sold by domestic development stores. These changes to trading hours will apply only in the metropolitan area, as trading hours in regional areas below the twenty-sixth parallel can be varied by ministerial order when there is demonstrated community and business support for change. There are 26 local government areas or cities or parts of cities that have less restricted trading hours than the default hours set in the act. Nine of these have fully deregulated trading hours, and trading hours have never been regulated for the 13 local government areas above the twenty-sixth parallel.

**Filling stations:** The act already allows all types of filling stations to be open at any time. However, limitations are imposed on the types of goods that may be sold outside general retail shop trading hours. The act and regulations also designate three types of filling station and provide that different lists of goods may be prescribed for the different types of filling stations. The bill removes all distinctions between the types of filling stations, so that the rules with regards to the goods that may be sold apply equally to all filling stations. It is also proposed to amalgamate the existing lists of prescribed goods and modernise it as it has not kept pace with advances in technology. For instance, filling stations may sell film and flashbulbs but not memory cards for cameras outside general retail trading hours.

**Holiday resorts and Rottnest Island:** Section 12A of the act empowers the minister to make an order setting trading hours for general retail shops located in holiday resorts. Areas in Rockingham, Wanneroo and Rottnest Island are currently classed as holiday resorts. Given the extension of trading hours for general retail shops, the concept of a holiday resort is now largely redundant. The bill therefore repeals all holiday resort provisions in the act but, because of its unique situation as a popular holiday resort isolated from the mainland, it excludes Rottnest Island from the application of the act.

**Short-term market stalls:** Lastly, many temporary or short-term markets have emerged over the last few years. Typically, these markets are demountable and set up on a morning and then packed up that same day. Stallholders are usually small operators who may have stalls in several markets that operate on different days. Under the act, the stallholders must have a small or special retail shop certificate to trade in each market if the market operates outside general retail shop trading hours, such as on a Sunday morning. The application process for these certificates is time consuming and costly for both the stallholders and government, with approximately 1 000 to 1 200 applications processed annually. The bill therefore excludes stallholders in short-term markets from the application of the act.

As I mentioned, the reforms proposed in this bill arise out of the recommendations of a statutory review of the act undertaken pursuant to section 41. I table the statutory review report.

For the purposes of standing order 126 of the Legislative Council, the bill is not a uniform legislation bill as it neither ratifies nor gives effect to a bilateral or multilateral intergovernmental agreement to which the government is party, nor does it introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See papers 3629 and 3630.]

Debate adjourned, pursuant to standing orders.