

SUNDAY TRADING — KARRINYUP SHOPPING CENTRE

514. Hon LYNN MacLAREN to the Minister for Commerce:

- (1) Is the minister aware that shoppers at AMP Capital's Karrinyup Shopping Centre have been told that all shops at the centre will be required to open on Sundays from 26 August?
- (2) In the event that shops choose not to open on Sunday, whether it is at Karrinyup Shopping Centre or any other location, how are these shops protected from penalty from the centre operators?
- (3) Have other shopping centres advised their tenants that they have no option but to open on Sundays; and, if so, how widespread is this practice?
- (4) How will claims such as this be investigated?
- (5) What efforts has the government employed to make retailers aware of their right to choose not to open on Sunday?

Hon SIMON O'BRIEN replied:

I thank the honourable member for the question. She indicated to me a little while ago that she would be raising the matter, which has given me an opportunity to make some inquiries.

- (1) No. At my request my office has been in contact with shopping centre management at Karrinyup and we have been informed that although all shops have been offered the opportunity to open and will be supported to do so, management is complying with the legislation. If the honourable member has heard from a shopper that all shops are being directed to open, that is denied by the centre and I am glad to say there is no suggestion that that is happening.
- (2) The Commercial Tenancy (Retail Shops) Agreements Act 1985 provides a number of protections. Firstly, any provision in a retail shop lease that requires a tenant to open at specified hours or times is void, so a landlord cannot lawfully require a tenant to open at specified hours. Secondly, if a tenant believes their landlord has refused to renew a shop lease because the tenant did not open their shop at specified hours or times, the tenant can apply to the Small Business Commissioner for mediation. If that fails then he can apply to the State Administrative Tribunal for an order that the landlord pay compensation for pecuniary loss suffered as a result of failure to renew the lease. Thirdly, tenants cannot be required to contribute to the landlord's operating expenses related to non-standard hours unless they chose to open at standard trading hours which are, for the purposes of the act, 8.00 am to 6.00 pm Monday, Tuesday, Wednesday and Friday; 8.00 am to 9.00 pm on Thursday; and 8.00 am to 5.00 pm on Saturday. Despite the recent changes to Sunday trading hours, those standard hours have not been changed.
- (3) I am not aware of any shopping centres advising tenants that they have no option but to open, although obviously shops will be encouraged to open, and I think a lot will take advantage of the new hours.
- (4) Tenants who believe they may have been affected should contact the Small Business Commissioner—a position this Parliament established to provide such protection amongst other things in recent times.
- (5) Most recently in the context of Sunday trading, I wrote to the various business groups stakeholders on 17 July, which included the Chamber of Commerce and Industry of Western Australia, the Retail Traders' Association of WA, the Combined Small Business Alliance of Western Australia, the Property Council of Australia, the Council of Retailers WA, and the Western Australian Council of Retailers Association advising all of them of the new arrangements, and providing information that retailers have a choice whether to open on Sundays. Information is also available on the websites of the Department of Commerce and the Small Business Development Corporation. In addition to this, the Small Business Commissioner is writing to over 11 000 metropolitan retailers outlining their rights in relation to Sunday trading. It is anticipated that that letter will reach most retailers, and included in that letter will be a four-page document that reinforces the message and outlines the services that exist to support small retailers.

In conclusion, the matter that the member has raised is serious, which is why I wanted to examine it properly and respond fully. However, there does not appear to be any basis for the gossip and therefore retailers can approach the Sunday trading regime with confidence.