

**RETAIL TRADING HOURS AMENDMENT BILL 2012**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Commerce)**, read a first time.

*Second Reading*

**HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce)** [9.44 pm]: I move —

That the bill be now read a second time.

The purpose of the bill is to amend the Retail Trading Hours Act 1987 to allow all general retail shops in the metropolitan area to trade on Sundays and abolish special trading precincts and give the minister discretion to vary trading hours for metropolitan general retail shops on most public holidays by ministerial order.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

The government has worked hard to relax restrictions on retail trading hours and has implemented a series of legislative reforms over the period 2009 to 2011 to achieve this objective. This included providing general retail shops with the option of trading until 9.00 pm on all weeknights.

In 2010 and 2011 the government created new special trading precincts in Joondalup, Armadale and Midland, and also expanded the Perth and Fremantle precincts. This allowed more general retail shops to open on Sundays from 11.00 am to 5.00 pm and on most public holidays from 8.00 am to 5.00 pm. This has provided consumers with more shopping opportunities and some retailers with greater trading opportunities. Reports and research demonstrate that Sunday trading has proved very popular with consumers and beneficial to retailers located in those precincts. In 2010 and 2011 the government also gave consideration to introducing Sunday trading in durable goods. However, feedback from that public consultation process demonstrated that consumers, retailers and industry associations have a strong preference for optional Sunday trading for all shops and in all goods, not just durable goods. Many were concerned that separate durable goods legislation would be too complicated and unfair, and would exacerbate discriminatory trading arrangements.

Concerns have also been expressed that the creation of special trading precincts has provided retailers located in those precincts with significant trading advantages over their competitors, and does not provide consumers in other localities with the same convenience or shopping opportunities. This bill will address those concerns by abolishing special trading precincts and giving all metropolitan general retail shops the option to trade on Sundays, thereby providing a more equitable and level playing field.

General retail shops located in special trading precincts currently have the opportunity to trade on public holidays, except for Christmas Day, Good Friday and ANZAC Day when they must remain closed. Similar public holiday trading arrangements have been adopted in many regional areas through the issue of ministerial variation orders. This bill extends the current ministerial discretion to issue variation orders to the metropolitan area, so that the minister may issue variation orders allowing metropolitan general retail shops to trade on public holidays, except for the three days already mentioned.

The government is satisfied that there is strong community support for Sunday trading to be extended to all metropolitan general retail shops. This is in keeping with modern living arrangements, people leading increasingly busy lives, and the changing nature of work, the workforce and marketplace. This bill will deliver significant public benefits by meeting community needs and expectations. Importantly, it will provide a better and fairer outcome for consumers and retailers.

The bill is also consistent with the government's incremental approach to retail trading hours reform. The government acknowledges that Western Australia's trading hours regime could still benefit from further reforms in future, which may include replacing the current act with modern, less prescriptive legislation that is simpler to understand and easier and cheaper to administer. I commend the bill to the house and in doing so table the explanatory memorandum.

[See paper 4444.]

Debate adjourned, pursuant to standing orders.