

RETAIL TRADING HOURS AMENDMENT BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Hon Wilson Tucker**, and read a first time.

Second Reading

HON WILSON TUCKER (Mining and Pastoral) [10.14 am]: I move —

That the bill be now read a second time.

I am excited to introduce the Retail Trading Hours Amendment Bill 2021. This bill will amend the Retail Trading Hours Act 1987 to extend trading hours for general retail shops in the district of Perth, bringing Saturday trading hours in line with weekday trading hours and providing additional time in the morning for shoppers on Sundays.

This bill will give shoppers more choice, while attracting people back into the City of Perth and giving the local economy a much-needed boost. This bill is the next step in the long road towards modernising trading hours regulations in this state. Under the current Retail Trading Hours Act 1987, trading hours in this state are regulated on the basis of metropolitan or non-metropolitan areas and by their classification as either general retail, small retail or special retail shops.

This bill will increase the shopping hours in the area of Perth by making a simple change to the act, while not affecting the trading hours for the rest of the state. This will be achieved through clause 4, which provides a definition for the “district of Perth”, which is taken from the City of Perth Act 2016. Clause 5 provides that the trading hours applied to general retail shops in the metropolitan area will not apply to those in the district of Perth. Clause 6 of the bill will create a new section to define the trading hours of general retail shops in the district of Perth, extending Saturday trading hours from 8.00 am to 5.00 pm to be the hours of 8.00 am to 9.00 pm, and extending Sunday trading hours from 11.00 am to 5.00 pm to be the hours of 8.00 am to 5.00 pm. The Retail Trading Hours Act 1987 does not prescribe when shops must be open, but rather prescribes when shops must be closed. This bill does the same. It will remain the case that decisions about when a shop will be open will be made by the owner of a shop themselves.

Western Australia’s retail trading hours restrictions are outdated and out of step with other jurisdictions. New South Wales, Victoria and Tasmania have no restrictions on retail trading, except for certain public holidays. South Australia exempts most retail shops from restrictions based on floor size. In Queensland, retail shops in the south east of the state can trade until 9.00 pm on a Saturday. The changes proposed in this bill are backed by industry groups including the Chamber of Commerce and Industry of Western Australia, which claims that relaxing trading hours restrictions will lower prices for consumers, create convenience and more jobs for Western Australians, and boost economic growth. This change is also supported by the residents of Perth, who in the 2005 referendum voted in favour of extending retail trading hours to allow general retail shops to trade until 9.00 pm Monday to Friday and for extended hours on Sunday. More recent opinion polls have also shown majority support for this change by Perth residents and those of the greater Perth area.

Perth businesses are facing new challenges, including the impact of COVID-19 restrictions, lockdowns and a lack of tourists and domestic shoppers. Since the beginning of the COVID-19 pandemic, online sales have increased almost 60 per cent, as shoppers prefer to stay at home and have more flexibility to purchase goods according to their schedules. The City of Perth has reported a decline in foot traffic over the past two years, with drastic decreases during each snap lockdown. These challenges are compounded by the rise of large online retailers that not only have lower overheads, but also are not bound by trading hours restrictions. The current restrictions on Perth retailers are not fit for purpose in a highly competitive, increasingly globalised and constantly changing market. Of course, these problems existed before COVID. Yagan Square is Perth’s own canary in the coalmine. Once celebrated as a world-class food hall, Yagan Square has seen the majority of its food vendors close their doors, citing poor foot traffic as a major cause of their struggles. As of July 2021, Perth’s vacancy rate is 26.7 per cent and has been climbing for the past decade. Some of Perth’s malls and arcades have vacancy rates as high as 50 per cent. The benefits of modernising retail trading hours include an increase in not only trading hours for the extended hours of operation, but also retail sales as a whole, as seen in other jurisdictions around Australia. Since reforming retail trading hours in 1998, Victoria has seen retail sales grow at twice the rate of the national average.

By allowing Perth retail shops to trade later on a Saturday and earlier on a Sunday, this bill seeks to reinvigorate the City of Perth. While the entertainment precincts of Perth are busy on a Saturday night, the commercial precincts are a ghost town. Bringing shoppers back to the city on a Saturday night will inject new life into the commercial precinct and make Perth an attractive destination for families. Allowing general retail shops to open earlier on a Sunday will improve amenities for the residents of Perth and remove the odd spectacle of shoppers lining up at 10.45 on a Sunday morning, waiting for shop doors to open. It is long overdue for retail trading in Perth to be brought out of the Dark Ages. The changes outlined in the bill will give more trading options to Perth shoppers, and give owners, rather than bureaucrats and politicians, more responsibility for determining when they can open.

The Tourism Council WA has challenged the McGowan government to think big to attract tourists back into the state after the COVID-19 border restrictions, and to compete with other cities for interstate and overseas visitors. One way of making the City of Perth more competitive and marketable would be to allow for more flexible trading hours, reflective of other states, territories and locations around the world. This bill aims to do exactly that, giving more options to shoppers and bringing the City of Perth into line with other jurisdictions. The City of Perth is home to new and exciting projects and facilities, including Optus Stadium and Elizabeth Quay. The City of Perth deserves modern trading hours to unlock the full potential of these and other future projects.

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.

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

[See paper [1000](#).]

Debate adjourned, pursuant to standing orders.