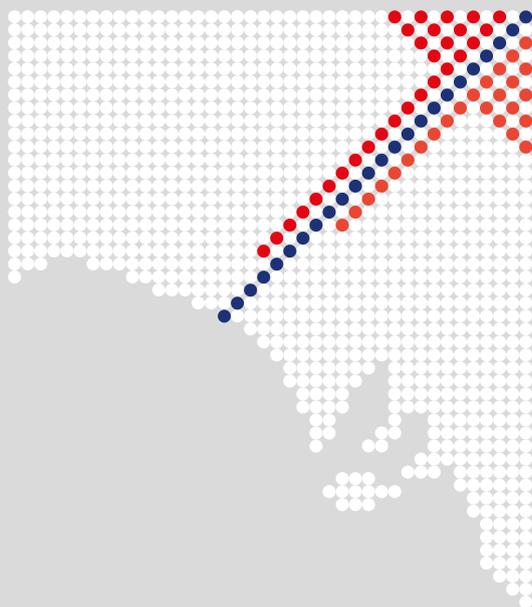




# Shop Trading Hours



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**Business SA**  
Chamber of Commerce  
and Industry South Australia

# Introduction

Business SA works to ensure the broader South Australian economic environment is conducive to successful business in an increasingly-globalised economy, requiring local businesses to be highly cost competitive. We have long argued that shop trading hours deregulation, while not a cure-all, is a necessary step toward making South Australia the vibrant state it should be.

Business SA calls on the State Government to join the forward-looking states and territories of our nation by opening South Australia in reality, not just on the state brand; but by providing consumers, visitors, traders and retail employees with the benefit of choice through the implementation of a competitive retail environment, through deregulating of trading hours.

Business SA recently commissioned the world leading University of South Australia 'Institute for Choice' to undertake a comprehensive survey of consumer preferences for shop trading hours. The survey found 74% supported changes to existing restrictions with 62% wanting to shop at a full sized supermarket after 5pm on weekends, 68% wanting to shop before 11am on Sundays and 58% wanting to shop outside the CBD on a public holiday.

Regulation of retail trading hours varies across Australia. The Australian Capital Territory, Northern Territory, Victoria, Tasmania and New South Wales have almost completely deregulated shop trading hours while Queensland has made significant changes by reducing regulation and restrictions (refer Appendix 1). The vast majority of South Australia's regions, including all the major town centres, have long been deregulated but greater Adelaide remains subject to a range of shop trading hour restrictions which, for example, limit full-size supermarkets from opening after

5pm on weekends and before 11am on Sundays. Furthermore, only the Adelaide CBD is exempt from public holiday trading restrictions, meaning suburban shopping centres remain closed.

South Australia has some of the most complex trading hours regulations in Australia. For example, certain shops can sell furniture on public holidays, but they are not able to sell electrical white goods. South Australia now sits with Western Australia as the least flexible state, half an hour and at least a decade behind the rest of Australia.

Business SA represents businesses impacted directly and indirectly by shop trading hours restrictions. In a 2017 survey,<sup>1</sup> 82.35% of our members said the current shop trading hours restrictions created a negative perception of South Australia as a place to visit, and 81.7% believed deregulation of shop trading hours would have a positive impact on the South Australian economy. Members cited reasons such as:

*"People would have greater opportunity to work and generate an income."*

*"Deregulation would create a more positive perception with visitors to the state."*

*"Retail would have a better opportunity to contribute toward city life and vibrancy as it does in Melbourne and Sydney."*

*"Deregulation would allow retailers to be more effective in servicing their customers and give people the ability shop at any time that works for them and the business owner."*



**Shop trading hours deregulation is a necessary step toward making South Australia the vibrant state it should be.**

<sup>1</sup> Business SA, 'Survey of Business Expectations September Quarter', 2017.



**Deregulation of shop trading hours would enable retailers to respond to trading opportunities as they arise; consumers to shop when convenient; and tourists to experience a lively destination.**

*“Only those that believe they can make it work would open for customers convenience. Wages, penalty rates are something the owners will have to consider. If they can turn a profit, and employees earning more, [it] must be a good thing.”*

*“Let the owners determine what their market needs are, let the employees determine when they want to work, and let the shoppers determine when they want to buy things. The natural market forces will settle the shopping hours on what is right for that business or area, and everyone will be happier. This whole regulation by people that don’t own businesses (our government) leads to frustrations.”*

*“Help with tourists in CBD who think they have turned their clocks back 20 years as they walk among closed shops in the mall. Freedom of businesses to better meet customer needs.”*

*“Residents and visitors alike will spend more if they can shop when it is convenient for them. The argument (against deregulating shop trading hours) about consumers having a fixed amount to spend in shops each week, month or year and thus trading hours don’t affect total spend is not valid and is in fact plain ridiculous. Flow-ons include productivity increases across the economy from people maximising and better balancing work and both discretionary and necessary shopping activities, along with wages/employment impacts in the retail sector.”*

*“People are very busy with work and life so do not have time in the regulated hours to shop.”*

*“Regional visitors to Adelaide want to shop on weekends and long weekends.”*

*“Deregulation opens up the opportunity for the public to engage in shopping and purchases whenever they wish. This may stimulate using shops instead of online shopping that is increasing, due mostly I believe, to regulated hours.”*

*“It should provide the opportunity for businesses and employment to grow. It will also provide confidence for customers. At the same time, it is probably linked to a long hard look at penalty rates which are appalling for small businesses (unless they are family run).”*

The message is clear, to create a vibrant economic environment the South Australian Government must amend the *Shop Trading Hours Act 1977* (the Act).

Ultimately, trading hours restrictions throughout the state should be deregulated, not including Good Friday, Christmas Day and ANZAC day restrictions, which should continue to apply in line with other deregulated states (refer Appendix 1).

Deregulation would open up trading hours to enable retailers to respond to trading opportunities as they arise; consumers to shop when convenient; and tourists to experience a lively destination and also provide simplification for business by removing an Act which is illogical, complex and difficult to understand by both traders and visitors alike.

**While total deregulation would be the optimum method of reaching this goal, Business SA argues the minimum amendment to the *Shop Trading Hours Act 1977* should be to reduce trading hours restrictions throughout the state by:**

- removing public holiday restrictions in all areas, other than Good Friday, Christmas Day and ANZAC day restrictions, which should continue to apply;
- extend trading hours on Saturday and Sunday to reflect those on weekdays by extending closing times from 5pm to 9pm on both Saturday and Sunday; and
- remove Sunday morning restrictions to opening hours.

With online retail sales having grown 90% in the past five years, and the recent introduction of Amazon still making its mark, deregulating shop trading hours is critical to helping level the playing field for South Australia’s bricks and mortar retailers.<sup>2</sup>

2 National Australian Bank, ‘NAB Online Retail Sales Index Report – In-Depth Report’, January 2013–January 2018.

## Evidence from Recent Government Reviews

Business SA is not alone in making this recommendation. Many recent reviews, including those listed below regarding competition and productivity policy and legislative simplification, have strongly recommended the urgent need for deregulation of trading hours.

- The Productivity Commission's Economic Structure and Performance of the Australian Retail Industry, 2011<sup>3</sup>
- The Productivity Commission's Relative Costs of Doing Business in Australia: Retail Trade, 2014<sup>4</sup>
- The independent federal Competition Policy Review, 2015 (Harper Review)<sup>5</sup>
- The Federal Government's Response to the Competition Policy Review 2015<sup>6</sup>

The **Harper Review of 2015** stated that "*deregulation of retail trading hours is overdue, and that remaining restrictions should be removed as soon as possible. To the extent that jurisdictions choose to retain restrictions, these should be strictly limited to Christmas Day, Good Friday and the morning of ANZAC Day. Any public holiday trading restrictions should be applied as broadly as possible to avoid discriminating among different types of retailers.*" The time frame envisaged by the review was 2 years, from March of 2015.

The Federal Government supported the recommendation, noting this was an area of state responsibility. The Government encouraged state and territory governments with remaining restrictions on retail trading hours to consider whether these restrictions were impeding competition and the ability of retailers to meet customer demand for flexibility and choice, and whether they could be removed without imposing undue pressure

on retailers to remain open when it was uneconomical to do so.

Business SA notes the *Retail and Commercial Leases Act 1995* voids any commercial tenancy agreement provision which requires a tenant to:

- open for business outside core trading hours of the shopping complex or standard trading hours—core hours cannot exceed 54 per week nor include anytime on a Sunday
- pay for costs of the complex incurred outside core trading hours when the tenant's shop was not open for business or when it's unlawful to trade.

Accordingly, shops in the Greater Adelaide Shopping District (central business district tourist precinct, the Glenelg tourist precinct and the metropolitan area) are not obliged to open on a Sunday, even if required by a retail shop lease or other determination.

The fact that South Australia and Western Australia are the only states which have not deregulated or made significant changes to trading hours legislation was also addressed in the Productivity Commission 2017 Inquiry Report – *Shifting the Dial: 5-year productivity review* (225).<sup>7</sup>

Business SA notes the Federal Government has stated its willingness to reward state governments for productivity measures introduced as a result of its 2015 Competition Policy Review. Payments from a budget of \$300 million were made available to states and territories for implementation of reforms that improved productivity and lead to economic growth under bi-lateral grants for red tape reform.



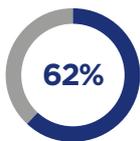
Many recent reviews regarding competition and productivity policy, and legislative simplification, have strongly recommended the urgent need for deregulation of trading hours.

3 Productivity Commission, 'Economic Structure and Performance of the Australian Retail Industry', November 2011.  
 4 Productivity Commission, 'Relative Costs of Doing Business in Australia Retail Trade', September 2014.  
 5 Commonwealth Government, 'Competition Policy Review Final Report', March 2015.  
 6 Australian Government, 'Response to the Competition Policy Review', November 2015.  
 7 Productivity Commission, 'Shifting the Dial: 5-year productivity review', October 2017.

## Consumer Preferences and Online Retail

Business SA recently commissioned the University of South Australia’s Institute for Choice to conduct a comprehensive and rigorous study of consumer preferences for shop trading hours.<sup>8</sup> This innovative study surveyed 572 consumers across South Australia, including in regional areas where shop trading hours are already fully deregulated. Discrete choice modelling was used to discern consumers’ preferences by providing a range of trading hours options from the current restrictions through to full deregulation.

The study made the following key findings about consumers’ preferences;



**Want to shop at a full-sized supermarket after 5pm on a Saturday and Sunday**



**Want to shop at a full-sized supermarket before 11am on a Sunday**



**Want to shop outside the Adelaide CBD on a public holiday**



**Support changes to existing shop trading hours restrictions in South Australia**



**Believe an increase in shop trading hours would be positive for the economy**



**Interested in getting a first or second job in retail if shop trading hours were increased**

When asked more specifically about their preferences for shop trading hours, results varied based on where the consumer usually shopped and the level of regulation applying to that area.

A) Greater Adelaide Shopping Districts:

- Close either between **9 to 10 pm** throughout the entire week.
- Close between **7 to 9 pm** in public holidays.

B) Regional Shopping Districts with restricted shop trading hours (including Binnun, Grace and Millicent):

- Close either between **8 to 10 pm** from Monday to Saturday.
- Close between **5 to 9 pm** on Sundays.
- For public holidays close either between **7 to 9 pm**.

C) Regional Shopping Districts without restricted shop trading hours (all other regional towns):

- Store owner to define when to open and when to close.

In a 2011 review<sup>9</sup> the Productivity Commission found “*deregulation has capitalised on latent consumer demand allowing consumers to shop according to their preferences as determined by their work, leisure and family commitments*”. Deregulation, the Commission found, has “*increased consumer choice and removed the costs imposed on consumers which resulted from limiting where and when they can shop*”. It also found “*the absence of trading hours restrictions does generally imply more flexibility and greater variability in opening hours, as retailers more closely align their opening hours with consumer demand: retailers open when there is demand for the products they sell*”.

<sup>8</sup> Institute for Choice, University of South Australia ‘Consumer Insights on Shop Trading Hours’, March 2018.

<sup>9</sup> Productivity Commission, ‘Economic Structure and Performance of the Australian Retail Industry’, November 2011.



**Deregulation has increased consumer choice and removed the costs imposed on consumers which resulted from limiting where and when they can shop.**

In 2017 Business SA asked its members<sup>10</sup> "should a customer's ability to shop when they want to be restricted to protect small retailers? For example, by not allowing large supermarkets to open after 5pm on a Saturday or Sunday, or before 11am on a Sunday." 78.43% of members said no, with the reasons provided including:

"Small business do not open when large businesses are closed as people don't visit a mall only for the boutique stores."

"Why on earth would you curtail or sacrifice the needs/wants/demands of the customer, which is the reason businesses exist (Peter Drucker, 'the purpose of being in business is to create a customer'), to protect the interests of a business (or type of business)? Businesses exist to serve the needs of customers. Regulation shouldn't change this order around. Customer-centric businesses are the future. Get with it!"

"Smaller retailers need to specialise and/or diversify in order to compete."

A review of changes to *South Australian Shop Trading Hours Act 1977*<sup>11</sup> commissioned by SafeWork SA and prepared by the South Australian Centre for Economic Studies Adelaide and Flinders Universities in March 2013 highlights the view of consumers that they should shop where they want to and not where they are told. The report states that:

"Whilst there was strong support for the proposition that public holiday trading in the CBD Tourist Precinct is good for tourism, only a small proportion of respondents expressed a preference for shopping in the CBD Tourist Precinct, with a significantly higher proportion expressing a preference for shopping in the suburbs. There was a mixed response to the idea of being able to shop anywhere on public holidays, the mean response was 5.4, indicating weak support, with 35 per cent of respondents expressing strong agreement, but 27 per cent expressing strong opposition. There was, however, strong agreement that

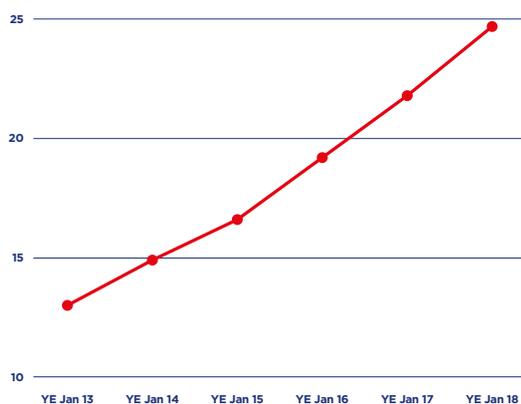
*it is unfair to 'just let shops in the City trade on public holidays'.*"

The Harper Review identified retail trading hours as an area for immediate reform, noting:

"Consumers continue to seek greater diversity in how and when they shop, as seen in the rapid take-up of online shopping. The growing use of the internet for retail purchases is undermining the original intent of restrictions on retail trading hours. When consumers can switch to online suppliers outside regulated trading hours, restrictions on retail trading hours merely serve to disadvantage 'bricks and mortar' retailers relative to their online competitors. In any event, as more bricks and mortar stores opt for an online presence to counter this disadvantage, the notion of restricted trading hours becomes less meaningful. Customers are already deciding when and how they wish to make purchases. Retailers should be given freedom to respond by deciding for themselves when to open and close their bricks and mortar stores, referring after-hours customers to their online portals."<sup>12</sup>

Global research by PWC<sup>13</sup> identifies access to lower prices as the reason why most people choose to buy online, while a survey of South Australian shoppers conducted by Bentleys SA in 2016<sup>14</sup> found 52% of respondents shop online for convenience.

**Australian Online Retail Sales (\$b)**



Source: National Australian Bank, 'NAB Online Retail Sales Index Report – In-Depth Report', January 2013–January 2018.

10 Business SA, 'Survey of Business Expectations September Quarter', 2017.  
 11 South Australian Centre for Economic Studies, 'Review of Changes to Shop Trading Hours Act 1977', March 2013.  
 12 Commonwealth Government, 'Competition Policy Review Final Report', March 2015.  
 13 Global PWC '2015 Total Retail Survey'.  
 14 Bentleys SA – SA Retail – at the Crossroads? 2016 (n=153 shoppers and 53 retailers) Conducted for Business SA.

## Impact on Youth Employment

Regulations restricting trading hours impose significant costs on some retail employees compared to others. Restricted Saturday, Sunday and Public Holiday trading hours are a disadvantage to those workers willing to fill non-traditional working hours, such as students (ABS data shows 51% of sales assistants and 61% of checkout operators

are aged 15 to 24 years) or part-time workers (with women representing the largest fraction of those).<sup>15</sup> This observation has particular relevance at a time when South Australia has the highest rate of youth unemployment of all states and territories.

	Unemployment % of youth aged 15-24*	Retail % of total workforce†
Tasmania	12.9	11%
Australian Capital Territory	13.8	10%
Northern Territory	10.1	10%
New South Wales	11	10%
Victoria	15	11%
Queensland	14.8	11%
Western Australia	13.5	10%
<b>South Australia</b>	<b>15.2</b>	<b>11%</b>
<b>National</b>	<b>12.3</b>	<b>10%</b>

\* ABS, '6202.0 Labour Force', January 2018.

† Federal Department of Employment, 'Australian Jobs 2017'.

<sup>15</sup> ABS, '6202.0 Labour Force', January 2018.

## Other States and Overseas Experience

The Productivity Commission notes experience in deregulated states shows relaxing retail trading restrictions increases the scope for businesses to achieve scale economies and reduces red tape.

### Victoria

Victorian shop trading hours were deregulated in 1996. Prior to deregulation, shop trading hours in Victoria were regulated by the *Shop Trading Act 1987 (Vic)* and the *Capital City (Shop Trading) Act 1992 (Vic)*. The debate focused on removing the following restrictions; Saturday trading after 5.00pm; Sunday trading; and restrictions on the majority of public holidays (except Good Friday, Christmas Day and prior to 1.00pm on ANZAC Day).

A University of Western Australia research report on shop trading hours in Western Australia<sup>16</sup> reviewed the impact of deregulation in Victoria. It found the experience in Victoria has been largely positive and resulted in benefits to consumers (post deregulation surveys showed a significant increase in consumer support); a growth in the retail sector (sales and employment); and the feared impact on small retailers and grocers did not eventuate.

The review found Victorian turnover grew an average of 6.2% in 10 years post the 1996 deregulation as opposed to 2.7% in the 10 years prior. The review also found from deregulation in 1996 to June 2002, retail employment grew by more than 18% in Victoria. In contrast over the same period, South Australia's retail employment grew by 14%, while Western Australia was 16%. The retail sector's share of total employment in Victoria also increased from 14.6% to 15.4%. The 2014 Productivity Commission report<sup>17</sup> found that following deregulation, Coles

added 2,000 staff in Victoria and Woolworths hired an additional 1,750.

The 1999 Productivity Commission review of competition policy in rural and regional Australia<sup>18</sup> found studies concurred, showing since deregulation of shop trading hours in Victoria, retail employment in Victoria had grown, and this growth occurred alongside an existing trend away from casual and toward full-time and part-time employment. The Commission concluded that deregulation of shop trading hours across Australia had not led to reduced employment in the retail sector overall.

### Tasmania

Tasmania effectively deregulated trading hours in 2002. From 2003 to 2006 Tasmanian retail sales grew by 25% compared with an Australian-wide growth of 16%. In the five years after deregulation retail employment in Tasmania grew by 3.4% per annum. In the first year after deregulation Coles noted an increase of 280 jobs in Tasmania and retail jobs grew by 8.3% (compared with 4.3% average job growth across all Tasmanian industries).<sup>19</sup>

16 Tracey Atkins, 'Shop Trading Hours in Western Australia: A Research Report', (University of Western Australia, November 2011).

17 Productivity Commission, 'Relative Costs of doing Business in Australia – Retail Trade Research Report', 2014.

18 Productivity Commission, 'Impact of Competition Policy Reforms on Rural and Regional Australia', 1999.

19 Australian Government, 'Competition Policy Review Final Report', March 2015.

## Queensland

Following the 2016 Review of Queensland's *Trading (Allowable Hours) Act 1990*<sup>20</sup>, the Act was amended<sup>21</sup> in December 2017. The amendments swapped 99 trading hour provisions for six, extended trading hours in South-East Queensland from 7am to 9pm Monday to Saturday, and in regional Queensland from 7am to 9pm Monday to Friday and 7am to 6pm on Saturday. Trading hours for Sunday and public holidays were standardised across Queensland from 9am to 6pm. Regional towns without Sunday and public holiday trading were able to opt in to those trading hours through an application to the Queensland Industrial Relations Commission.

The Centre for International Economics report prepared for the Queensland Office of Best Practice Regulation found an increase in trading hours in Queensland could amount to benefits in the order of \$200 million<sup>22</sup>. The Queensland Minister for Employment and Industrial Relations said; "These amendments will end this confusion and bring Queensland into line with our biggest interstate trading partners".

Likewise, South Australia should also come into line with its biggest interstate trading partners, noting the Productivity Commission's 2017 review<sup>23</sup> stated the benefits calculated for Queensland should be similar for South Australia.

## International

European studies have shown employment rises when Sunday trading is deregulated (depending on the existing level of regulation). International research supports Australian evidence, with a London School of Economics study evaluating the impact of Sunday trading deregulation in Europe<sup>24</sup>. The study cites studies in the USA, Canada and Germany which found deregulation generally increased employment (mainly part time) by between 4.2% to 12%. This cross-country study result suggested Sunday trade deregulation had a significantly positive impact on employment, stemming both from new firms entering the market and from job creation in existing firms.

20 John Mickel, 'A Review of Queensland's Trading (Allowable Hours) Act 1990', December 2016.

21 Queensland Parliament Finance and Administrative Committee, 'Trading (Allowable Hours) Amendment Bill 2017', April 2017.

22 The Centre for International Economics, 'Prioritisation of regulatory reforms, Prepared for Queensland Office of Best Practice Regulation', 2012, p 13.

23 Productivity Commission, 'Shifting the Dial: 5-year productivity review', October 2017.

24 Genakos and Danchev, 'Evaluating the Impact of Sunday Trading Deregulation', (Centre for Economic Performance), March 2015.

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# Impact on Tourism



**82.35% of Business SA members agreed that shop trading hour restrictions help create a negative perception of South Australia as a place to visit.**

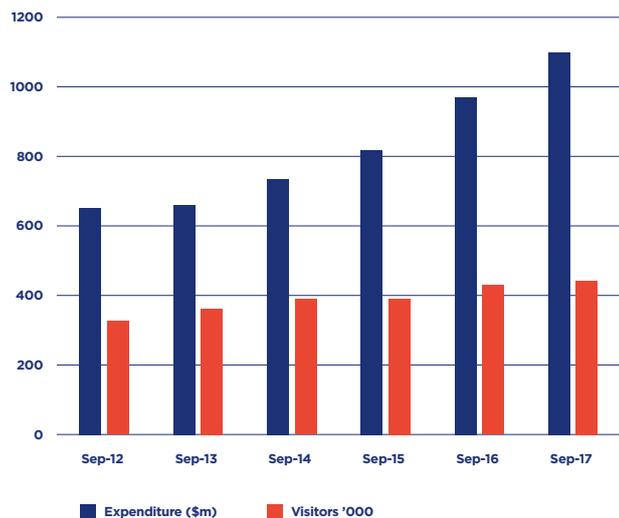
With South Australia’s tourism sector experiencing strong growth in recent years, including a 33.9% increase in international visitor nights since 2008/09<sup>25</sup>, it is important for tourists to be able to shop at times which suit them, without being hindered by outdated trading hour restrictions. While the 2012 relaxing of shop trading hour restrictions for the CBD on public holidays was partly predicated on servicing the needs of international tourists, particularly for the growing number of cruise ships, it has become increasingly clear that broader deregulation is required across the whole of Adelaide.

In response to a recent survey question, *“In your opinion do shop trading hour restrictions help create a negative perception of South Australia as a place to visit?”* 82.35% of Business SA members agreed.<sup>26</sup>

South Australia is being increasingly recognised for its world-class events, particularly the Tour Down Under and the Adelaide Fringe, and business delegates are also coming in growing numbers for major conferences including the 2017 International Astronautical Congress, International Conference of Young Researchers on Advanced Materials (ICYRAM) in 2018 and 2019 World Routes.

While considerable State Government resources are being directed to attracting tourists and business delegates to South Australia, current trading hour restrictions are limiting the business community’s ability to leverage from this market growth. With South Australia’s population barely growing, local businesses need to have full capacity to access the growing number of overseas and interstate visitors.<sup>27</sup>

South Australian Tourism Expenditure and Visitors



Visitor Nights '000



Source: South Australia Tourism Commission, 'International Performance to September 2017', December 2017.

25 Tourism Research Australia, Unpublished data from the National Visitor Survey and International Visitor Survey, 2016.  
26 Business SA, 'Survey of Business Expectations, September Quarter', 2017.  
27 South Australian Tourism Commission, 'Domestic Performance Statistics', December 2017.

## Impact on Small Business

Every report and review of deregulation or liberalisation of trading hours generates emotive arguments regarding the loss of market share by small to medium retailers in shopping centres and more often in strip shops.

In the four years following deregulation in Victoria, studies<sup>28</sup> found *"deregulation of shop trading hours did not lead to the demise of strip shopping and shopping in the Central Business District of Melbourne and Suburban retail centres (excluding planned, enclosed centres) continued to account for some two-thirds of the retail market in Melbourne with evidence suggesting sales for these retailers has increased by some 3.5% since deregulation."*

A 1999 Productivity Commission review<sup>29</sup> found *"while it is clear that many small independent supermarkets and some specialised grocery shops are suffering from the increased competition from the national chains, there are also examples of others finding a niche and remaining profitable. Meanwhile, consumers are benefiting from lower prices, a larger range of goods and better service"*.

While the State Government-initiated 2007 Moss review of the *Shop Trading Hours Act 1977*<sup>30</sup> argued deregulation would hurt small business, it also reported a lack of evidence that the 2003 liberalisation of Sunday trading had reduced the overall number of small businesses.

The Productivity Commission 2011 review came to the following conclusions regarding the impact of deregulation on retailers in Victoria and lack of regulation in the Northern Territory and the ACT.

*"The absence of legal restrictions on trading hours does not necessarily mean that all shops are open for a longer period in these jurisdictions...nor has deregulation resulted in 24-hour, seven days a week trading for most retailers in these jurisdictions."*

Deregulation allows retailers to decide for themselves when to open for trade. Appendix 2 provides an example. Most South Australian regions, including the major country centres including Loxton, Mount Barker, Mount Gambier, Murray Bridge, Port Lincoln, Port Pirie, Port Augusta, Renmark, Victor Harbor and Whyalla have been deregulated for many years and as shown in the table, shops have chosen to open at times which suit consumers. The table shows supermarkets, on average, opening on a Sunday at 7 to 8 am and closing between 8pm to 10 pm. Business SA argues all retailers in South Australia should have this opportunity.

Business SA notes productivity payments are available from the Federal Government bilateral grants for red tape reform and proposes the introduction of completely deregulated shop trading hours be partnered with support for small-to-medium independent retailers to find appropriate niche markets and remain profitable during the transition period.

28 Tracey Atkins, 'Shop Trading Hours in Western Australia: A Research Report', (University of Western Australia, November 2011).

29 Productivity Commission, 'Impact of Competition Policy Reforms on Rural and Regional Australia', 1999.

30 Alan Moss, 'Report of the 2006/07 Review of the Shop Trading Hours Act 1977', February 2007.

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## Case study 1

Manager of Mega Bike, Roxanne Price, supports giving businesses the choice to open when it suits them, rather than being restricted to specific hours depending on where the store is located.



**“Retailers should have the freedom to choose their own hours.”**

Roxanne already works long hours, with popular cycling store Mega Bike open Monday to Friday, 10am to 4pm on Saturday, and 12pm to 4pm on Sunday.

She doubts whether her partner’s store would increase its hours, unless people started shopping at 9am on a Sunday, but supports retailers having the freedom to choose their own hours.

“I absolutely support full deregulation, just because it doesn’t work for us doesn’t mean it won’t work for everyone else,” Roxanne said.

She said deregulating shopping hours would bring South Australia into line with the rest of the nation, where “Tasmania has more liberal hours than us”.

And she knows that tourists are critical of restricted trading, given they come into contact with hundreds of interstate cyclists every year in the weeks around the Tour Down Under juggernaut.

“I had people in for the Tour Down Under saying they wanted to go to the shops on a Sunday morning but they were closed. It was nuts.”

## Case study 2

Owner of Emmsee Sportswear, Grant McCarron, thinks retailers should be able to open when it suits them, to enable them to work around their customers and industry needs.



**“If you want to make a go of anything, you have to have that flexibility.”**

The team sportswear manufacturer and retailer closes on Saturday afternoons and Sundays, but says they have the choice to close, just as some businesses should have the choice to open.

“Give people choice so they can do what they want to do and they can adjust their business to what their customers want,” Grant said.

“If you want to make a go of anything, you have to have that flexibility.”

While his western suburbs business would not open for longer hours if the option was there, he supported city traders being able to open earlier on a Sunday or later on Saturday and Sunday evenings.

“It would be good for people staying in the city, and depending on what’s on. If there’s AFL on in the city, or there’s a function or a concert, it would work if it’s regular.”

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### Case study 3

Barbara and her husband work seven days a week and open their Grange store, Crystal Waves, on all but a handful of public holidays a year, and she wants to see all retailers in South Australia given the choice to open when they want.



**“We can’t expect tourists to come here if the shops are closed.”**

“The Premier says we’re open for business, but are we really? No, we’re not,” Barbara said. “Our shops are closed and we can’t expect tourists to come here if the shops are closed. The state should be more open to being able to do what you want to do.”

Barbara supports full deregulation, and knows interstate tourists come to her business on public holidays because they know it’s open, when other stores are not.

She says people have money to spend while on holidays, and we should be giving them the opportunity to spend their cash.

“Businesses should be allowed to stay open when they want to. They’ll be able to work it out quickly if it’s worthwhile, they’ve got overheads and they’ll know if it’s profitable.”

### Case study 4

Pharmacist Nam Huyn has ownership in several chemists across suburban Adelaide, including Better Health Pharmacy at Westfield West Lakes.



**“We can open earlier on Sundays, but none of the other traders can, so it isn’t viable.”**

At West Lakes Nam must operate under Westfield’s opening hours, with some leeway to open earlier on Sundays. However, given most other stores are not allowed to open earlier on Sundays, he says it’s not worth raising the shutters because there are no customers.

“We’re just dictated to by the shopping mall, the landlord, and whatever they put up or require us to do we adhere to,” Nam says.

“There’s no real choice, we can choose to open a little earlier on the Sunday but none of the other traders are so it isn’t viable.”

## South Australia Now

The Property Council of Australia in its 2016 Simplify Day submission<sup>31</sup> reflects the facts and sentiment of previous submissions made by many parties, including Business SA, when it states;

*"SA finds itself in the unique situation where many traders and retail employees are permitted to trade and work on public holidays while others are prevented from doing so by virtue of their geography and as a consequence of harsh regulation.*

*The current approach to regulating shop trading hours has a complex web of regulations that prevent some operators from trading at certain times on particular days while permitting others to do so. In addition to the complexity of rules pertaining to opening hours, all retailers are forced to comply with a myriad of unnecessary complex and technical regulations that add to the red tape cost of operating in SA."*

The Productivity Commission in its 2014 report on Relative Costs of doing Business in Australia – Retail trade<sup>32</sup> notes; *"At a time when consumers are changing their shopping patterns towards smaller more frequent shopping trips and online purchasing, trading hours restrictions are increasingly out of step with community expectations and restrict the industry's ability to adapt and compete with online competitors. As retail is a significant sector of the economy, the costs imposed on retail businesses and consumers from trading hours restrictions continue to increase over time."*

Acclaimed American data scientist W. Edwards Deming said, "Without data, you're just another person with an opinion". The data clearly supports the deregulation of shop trading hours to the direct benefit retailers, employees and consumers alike. As the South Australian economy continues to transition the State Government must embrace all opportunities to drive employment and economic growth.



**A complex web of regulations prevent some operators from trading at certain times on particular days while permitting others to do so.**

<sup>31</sup> Property Council of Australia, 'Removing Outdated Legislation – Simplify Day', August 2016.'

<sup>32</sup> Productivity Commission, 'Relative Costs of doing Business in Australia- Retail Trade Research Report', p 104, 111, 2014.

# Appendix 1

State	Weekdays	Saturday	Sunday	Public Holiday trading hours
South Australia Exempt shops based on size, type and location, non-exempt shops regulated	Close 9pm	Close 5pm	11am to 5pm	CBD and most regional deregulated other than Good Friday, Christmas Day and the morning of ANZAC Day Metro unable to trade on public holidays
Western Australia General retail sops restricted based on locality, size and type of shop	8am to 9pm	8am to 5pm	11am to 5pm	Metropolitan Area restricted trading on public holidays 11am to 5pm, closed Good Friday, Christmas Day and the morning of ANZAC Day. North of the 26th Parallel no trading hour restrictions
Queensland		7am to 6pm/9pm dependent on location	9am to 6pm or by application dependent on location (mainly regional)	9am to 6pm other than 3 iconic holidays or by application dependent on location (mainly regional)
Tasmania	Total deregulation other than Public Holidays			Restricted trading on Good Friday, Christmas Day and the morning of ANZAC Day
New South Wales	Total deregulation other than Public Holidays			Restricted trading on Good Friday, Easter Sunday, Christmas Day, Boxing Day and the morning of ANZAC Day
Victoria	Total deregulation other than Public Holidays			Restricted trading on Good Friday, Christmas Day and the morning of ANZAC Day
Australian Capital Territory	Trading Hours Act repealed in 1962, many retailers chose not to trade on Good Friday, Christmas Day and the morning of ANZAC Day			
Northern Territory	Has never had trading hour restrictions, many retailers chose not to trade on Good Friday, Christmas Day and the morning of ANZAC Day			

# Appendix 2

## Regional towns above 3,000 population not in Proclaimed Shopping Districts

Regional Town	Population	Supermarkets	Independent	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Public Holidays
Barmera	3,014	Foodland	Eudunda Farmers Ltd	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8
Walleroo	3,053	Drakes		7:30-9	7:30-9	7:30-9	7:30-9	7:30-9	8-9	8-9	8-9
Kapunda	3,152	FoodWorks		7-7	7-7	7-7	7-7	7-7	7-7	7-7	
Clare	3,278	Woolworths		8-8	8-8	8-8	8-8	8-8	8-8	8-8	
		Foodland	Eudunda Farmers Ltd	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8
Berri	4,103	Coles		7-9	7-9	7-9	7-9	7-9	7-8	8-8	
Tanunda	4,153	Foodland	Eudunda Farmers Ltd	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8
Nuriootpa	4,414	Foodland	The Community Co-operative Store Ltd	8-7	8-7	8-7	8-9	8-7	8-7	10-5	
Kadina	4,470	Woolworths		7-8	7-8	7-8	7-8	7-8	8-8	8-8	
		IGA		7:30-6	7:30-6	7:30-6	7:30-6	7:30-6	7:30-12pm		

Regional Town	Population	Supermarkets	Independent	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Public Holidays	
Roxby Downs	4,500	Woolworths		7-8	7-8	7-8	7-8	7-8	8-7	8-7		
Naracoorte	4,888	Foodland	Tim and Valerie Carter	8-8	8-8	8-8	8 to 8	8-8	8-8	8-8	8-8	
Strathalbyn	5,654	Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-9		
		IGA		7-8	7-8	7-8	7-8	7-8	7-8	7-8		
Loxton	7,109	Woolworths		7-8	7-8	7-8	7-8	7-8	7-8	8-7		
		Foodland	Eudunda Farmers Ltd	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8
		IGA		7-7	7-7	7-7	7-7	7-7	7-7	7-7	7-7	
Renmark	7,491	Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-9		
		Foodland		7-8	7-8	7-8	7-8	7-8	7-8	8-6	8-6	
Victor Harbor	13,481	Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-9		
		IGA		7-10	7-10	7-10	7-10	7-10	8-10	8-10		
Port Augusta	13,500	Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-9		
		Coles		6-10	6-10	6-10	6-10	6-10	6-10	6-10	6-10	
		Foodland	Eudunda Farmers Ltd	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8	7-8
Port Pirie	13,820	Woolworths		6-10	6-0	6-10	6-10	6-10	6-10	6-10		
		Coles		6-10	6-10	6-10	6-10	6-10	6-10	6-10	6-10	
Port Lincoln	14,090	Coles		6-10	6-10	6-10	6-10	6-10	6-10	6-10		
		Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-8	8-8	
		Drakes		7-9	7-9	7-9	7-9	7-9	7-9	7-9	7-9	
Mt Barker	14,452	Coles		6-11	6-11	6-11	6-11	6-11	6-11	6-11		
		Woolworths		6-10	6-10	6-10	6-10	6-10	6-10	6-10	7-10	
		IGA		7-8	7-8	7-8	7-8	7-8	7-8	7-8	8-8	8-8
		Aldi		8:30-8	8:30-8	8:30-8	8:30-9	8:30-8	8-7	8:30-7	8-8	
Murray Bridge	16,710	Woolworths		7-9	7-9	7-9	7-9	7-9	7-9	7-9		
		Coles		6-10	6-10	6-10	6-10	6-10	6-10	6-10	6-10	
		IGA		7-9	7-9	7-9	7-9	7-9	7-9	7-8:30	7-8:30	
Whyalla	22,110	Woolworths (Viscount Slim Avenue)		7-10	7-10	7-10	7-10	7-10	7-10	7-10		
		Woolworths (Nicolson Avenue)		7-10	7-10	7-10	7-10	7-10	7-10	7-10	7-10	
		IGA		7:30-7	7:30-7	7:30-7	7:30-7	7:30-7	8-6	8-6		
Mount Gambier	25,000	Woolworths (Commercial Street)		6-10	6-10	6-10	6-10	6-10	6-10	6-10	8-8	
		Woolworths (Penola Road)		7-9	7-9	7-9	7-9	7-9	7-9	7-9	8-8	
		Coles (James Street)		6-10	6-10	6-10	6-10	6-10	6-10	6-10	8-10	
		IGA (Montebello)		7-8	7-8	7-8	7-8	7-8	7-8	8-8	8-8	
		IGA (Swallow Drive)		7-8	7-8	7-8	7-8	7-8	7-8	8-8	8-8	