



Government
of South Australia

TRS20D3187

Hon Emily Bourke MLC
Parliament House
North Terrace
ADELAIDE SA 5000

Treasurer
Level 8
State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 2264
Adelaide SA 5001
DX 56203 Victoria Square
Tel 08 8226 1866
treasurer.dtf@sa.gov.au

emily.bourke@parliament.sa.gov.au


Dear Ms Bourke

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 28 September 2020.

Your application seeks access to:

"Documents to which access is sought All documents, including any email, memorandum, note and/or advice, comprising materials relied on or referred to by the Treasurer in making the decision referred to below, or alternatively recording or evidencing the said decision and/or the reasons for the said decision. The Decision The decision in respect of which access to the above documents is sought is the decision of the Treasurer, the Honourable Rob Lucas MLC, pursuant to section 5(9)(b) of the Shop Trading Hours Act 1977 (the Act), to declare, on 8 November 2018, non-exempt shops, excluding shops that are solely or predominantly the retail sale of motor vehicles or boats, situated within the: • Central Business District Tourist Precinct exempt from the provisions of the Act between the hours of 9.00am and 11.00am on Wednesday, 26 December 2018; and • the Metropolitan Shopping District and Glenelg Tourist Precinct exempt from the provisions of the Act between the hours of 9.00am and 5.00pm on Wednesday, 26 December 2018, which exemption was subject to the following conditions: • Normal trading hours prescribed by section 13 of the Act shall apply at all other times. • All employees working during these extended hours will do so on a strictly voluntary basis. • Any and all relevant industrial instruments are to be complied with: • All work health and safety issues (in particular those relating to extending trading hours) must be appropriately addressed, from 22 March 2018 to 8 November 2018.

Determination under review

The Office of the Treasurer did not make a determination on your initial application within the 30-day time period required by the Act. Accordingly, the Treasurer's Office

was deemed to have refused access in full to all documents relevant to your application.

Outcome of Internal Review

A total of 7 documents was identified as answering the terms of your application.

I grant you access in full to 7 documents; copies of which are enclosed.

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

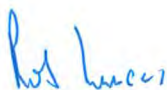
In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Ms Vicky Cathro, Ministerial Liaison Officer, by telephone on 8226 9769 or by email to vicky.cathro@sa.gov.au.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

8 December 2020

RELEASE

MINUTES forming ENCLOSURE to

Rec'd	21/9/18
File No:	T18/035
Physical ID:	TRSI8P1847

18SWSA0508

TO: TREASURER

CC: UNDER TREASURER
DEPARTMENT OF TREASURY AND FINANCE

SUBJECT: 2018 CHRISTMAS SHOP TRADING ARRANGEMENTS

PURPOSE

- To:
 - provide you with information about shop trading arrangements for Christmas 2018; and
 - seek your direction on the issuing of an exemption pursuant to section 5 of the *Shop Trading Hours Act 1977* (the Act) to provide additional trading hours for non-exempt shops over the 2018 Christmas period.

BACKGROUND

- In the absence of an exemption, the Act provides the following hours for non-exempt shops over the 2018 Christmas period.

Day	Date	Adelaide CBD	Metropolitan & Glenelg
Sunday	16 December	11:00 am until 5:00 pm	11:00 am until 5:00 pm
Monday	17 December	until 9:00 pm	until 9:00 pm
Tuesday	18 December	until 9:00 pm	until 9:00 pm
Wednesday	19 December	until 9:00 pm	until 9:00 pm
Thursday	20 December	until 9:00 pm	until 9:00 pm
Friday	21 December	until 9:00 pm	until 9:00 pm
Saturday	22 December	until 5:00 pm	until 5:00 pm
Sunday	23 December	11:00 am until 5:00 pm	11:00 am until 5:00 pm
Monday	24 December	until 9:00 pm	until 9:00 pm
Tuesday	25 December	CLOSED	CLOSED
Wednesday	26 December	11:00 am until 5:00 pm	CLOSED
Thursday	27 December	until 9:00 pm	until 9:00 pm
Friday	28 December	until 9:00 pm	until 9:00 pm
Saturday	29 December	until 5:00 pm	until 5:00 pm
Sunday	30 December	11:00 am until 5:00 pm	11:00 am until 5:00 pm
Monday	31 December	until 9:00 pm	until 9:00 pm
Tuesday	1 January	11:00 am until 5:00 pm	CLOSED
Wednesday	2 January	until 9:00 pm	until 9:00 pm

Note: Hardware; furniture; floor covering; and motor vehicle parts stores (commonly referred to as "partially exempt stores") can trade from 9:00am until 5:00pm on 16, 23, 26 and 30 December, and 1 January in all shopping districts.

- The Greater Adelaide Shopping District (GASD) consists of the Central Business District (CBD) Tourist Precinct, the Metropolitan Shopping District (MSD), and the Glenelg Tourist Precinct (GTP).
- The GASD is defined as the area that is recognised as being the metropolitan area of Adelaide (the 18 metropolitan councils and a portion of the Adelaide Hills Council).
- The Act allows non-exempt shops in the CBD to trade from 11.00am until 5.00pm (12 noon until 5.00pm on Anzac Day) on all public holidays other than Good Friday and Christmas Day.
- Non-exempt shops in the MSD and GTP must be closed on all public holidays (except Easter Saturday), however 25 December, 26 December and 1 January are also declared as non-trading days which means when any of those days fall on a weekend, both that day and the substituted public holiday are non-trading days.
- This year Christmas Day and New Year's Day both fall on a weekday, therefore no additional or substitute public holidays are prescribed under the *Holidays Act 1910*.

DISCUSSION

- In recent years it has been normal practice to provide non-exempt shops in the GASD with additional trading hours:
 - on four Sundays prior to Christmas and the Sunday immediately after Christmas Day; and
 - on three weeknights during the lead up to Christmas Day.
- A list of additional hours granted in 2016 and 2017 is provided as Attachment 1.
- SafeWork SA would normally undertake informal discussions with major retailers and retail groups such as the Shopping Centre Council of Australia, Rundle Mall Management Authority along with the Shop Distributive and Allied Employees Union (SDA) in the months prior to the Christmas period. In 2017 the SDA also undertook their own consultation with key retailer stakeholders which indicated general consensus that an exemption consistent with recent years was appropriate again in 2017.
- These discussions would occur every year for the purposes of reaching a general consensus on extended Sunday and late night trading during the busy shopping period leading up to Christmas, and any further hours that may be considered appropriate, particularly when additional non-trading days are created due to the variances of the calendar.
- SafeWork SA is yet to contact retail groups to initiate discussions and is seeking your direction on whether:
 - you would like consultation to be undertaken; or
 - you wish to issue an exemption based on previous year's arrangements; or
 - you wish to issue an exemption based on your preferred alternate arrangements.
- Without undertaking any discussions it is presumed that retailers will be expecting the equivalent or greater additional hours of trade during the Christmas period.
- You have recently received correspondence from Mr Angus Nardi, Executive Director, Shopping Centre Council of Australia who submitted the following range of hours for your consideration as an exemption for non-exempt shops in the Metropolitan Shopping District or the GASD:

- 9.00am openings for three pre Christmas Sundays and first post-Christmas Sunday (9, 16, 17 and 30 December)
 - 9.00am opening and 7.00pm close on Sunday 23 December;
 - 6.00pm close for the two pre-Christmas Saturdays (15 and 22 December);
 - Midnight trading for Thursday 13 December, Thursday 20 December and Friday 21 December; and
 - Wednesday 26 December – 9.00am – 5.00pm (instead of closed all day)
- These hours are similar to what has been proposed in recent years, with the exception of requesting trading on 26 December 2018 (Proclamation Day).
- With the fall of dates this year, SafeWork SA considers that the below hours would be appropriate to consider as an option, noting that this option should meet most of the additional hours expected to be requested by key stakeholders and strikes a fair balance between the interests of consumers, retail workers and retailers large and small.
- Non-exempt shops in the GASD to trade:
 - from 9.00am (instead of 11.00am) until 5.00pm on the Sundays of 2, 9, 16 and 30 December 2018;
 - until 12 midnight (instead of 9.00pm) on Thursday, 13 December; Thursday, 20 December; and Friday, 21 December 2018;
 - until 6.00pm (instead of 5.00pm) on Saturday, 22 December 2018; and
 - from 9.00am (instead of 11.00am) and until 6.00pm (instead of 5.00pm) on Sunday 23 December 2018.
- A table is provided as Attachment 2 which shows the hours of trade for non-exempt shops over the 2018 Christmas period should you agree with the above proposal.
- Should you wish to also consider granting an exemption to non-exempt shops within the MSD to trade on 26 December 2018 (Proclamation Day) as proposed by the Shopping Centre Council, careful consideration of section 5(8)(b) of the Act should be undertaken, in relation to the extensiveness of the exemption, and whether it could be considered as so extensive as to undermine, to any significant degree, the controls on shop trading hours set out in the Act.
- It should be noted that an exemption under the Act does not alter the industrial status of any public holiday and that workers retain the right to refuse work on those days or receive the appropriate penalty rates if they do work.
- Subject to your approval, SafeWork SA will either:
 - commence consultation with retail groups on the suggested hours above; or
 - commence consultation with retail groups on a different range of hours as indicated by you; or
 - provide you with a Cabinet Note to inform Cabinet of the additional trading hours suggested above, along with a Gazettal notice for your signing; or
 - provide you with a Cabinet Note to inform Cabinet of a different range of hours, along with a Gazettal notice for your signing.
- In previous years, trading arrangements for the Christmas period have been announced publicly in October or early November.

RECOMMENDATIONS

That you:

- note the information about shop trading arrangements for Christmas 2018; and
- approve one of the following options:

Option 1

- SafeWork SA commence consultation with targeted retail groups on the following additional hours for the Greater Adelaide Shopping District over the 2018 Christmas period:
 - from 9.00am (instead of 11.00am) until 5.00pm on the Sundays of 2, 9, 16 and 30 December 2018;
 - until 12 midnight (instead of 9.00pm) on Thursday, 13 December; Thursday, 20 December; and Friday, 21 December 2018;
 - until 6.00pm (instead of 5.00pm) on Saturday, 22 December 2018; and
 - from 9.00am (instead of 11.00am) and until 6.00pm (instead of 5.00pm) on Sunday 23 December 2018.

Option 2

- SafeWork SA commence consultation with targeted retail groups on a range of additional hours that differ from the hours listed in Option 1, for the Greater Adelaide Shopping District over the 2018 Christmas period;

Option 3


- Approve the issuing of an exemption pursuant to section 5 of the *Shop Trading Hours Act 1977* to provide additional hours of trade for non-exempt shops during the 2018 Christmas period as listed in Option 1, by informing Cabinet by way of a Cabinet note followed by a Gazettal notice;

Option 4

- Approve the issuing of an exemption pursuant to section 5 of the *Shop Trading Hours Act 1977* to provide additional hours of trade for non-exempt shops during the 2018 Christmas period that differ from the hours listed in Option 1, by informing Cabinet by way of a Cabinet note followed by a Gazettal notice.

Should you choose either Option 1 or Option 2, a further briefing with the consultation outcomes will be provided to you for consideration and a recommendation of hours presented, followed by a Cabinet Note and Gazettal notice for your consideration.


Should you wish to discuss this matter further, please contact Ashe Bucco, A/Manager Policy and Governance Team on telephone (08) 8303 9982.


Martyn Campbell
EXECUTIVE DIRECTOR
SAFEWORK SA

21 September 2018

Erin Sneath – 8204 9742

NOTED/APPROVED/NOT APPROVED



Treasurer

Date: 28/9/2018



14 September 2018

The Hon. Rob Lucas MLC
 Treasurer
 Level 8, State Administration Centre, North Terrace
 ADELAIDE SA 5001

And by email: treasurer.dtf@sa.gov.au

Dear Treasurer

2018 Extended Christmas shop trading hours

In advance of the 2018 Christmas shop trading period, I write to respectfully submit our proposed 'extended' trading hours for non-exempt shops in the 'Metropolitan Shopping District', or the 'Greater Adelaide Shopping District', for your consideration as an 'exemption' under the *Shop Trading Hours Act 1977*.

We have continued to monitor the Christmas trading period, and have enclosed analysis based on a sample of our members' centres (Attachment A), to support our proposed approach and assist the Government in its consideration of this issue.

Similar to previous years, the extended Christmas trading period in 2017 experienced strong demand from both customers and retailers. Further, as has been observed in previous years, customer demand increased closer to Christmas; highlighting the need for extended hours closer to Christmas Day.

Our proposed extended trading hours are similar to what we have proposed in previous years, however this year we propose that Proclamation Day, on Wednesday 26 December, is declared as a trading day.

We note (at section 13(6) of the Act) that 26 December is prescribed as a day when shops outside the Adelaide CBD must be 'closed'.

As we observe in other jurisdictions, shopping on this day (broadly referred to as Boxing Day across other jurisdictions) is popular with consumers, and generally the most popular post-Christmas trading day. For national retailers, and their customers, this day is associated with the commencement of post-Christmas 'sales'.

In submitting our proposal, we are also mindful about the days that key dates (e.g. Christmas Day) fall on. This year, no public holidays (e.g. Christmas Day) in the period fall on a weekend day; meaning there are no additional or substitute public holidays as prescribed under the *Holidays Act 1910*.

Further, we are also mindful of other issues, such as the end-of-term date for state schools (Friday 14 December).

Our proposed extended Christmas trading hours for your consideration are:

- **9am Sunday openings** for three pre-Christmas Sundays (2 December, 9 December, 16 December), and first post-Christmas Sunday (30 December) (i.e. a 9am-11am 'extension').
- **9am Sunday opening and 7pm close** for Sunday 23 December (i.e. a 9am-11am 'extension', and a 5pm-7pm 'extension').
- **6pm close** for the two pre-Christmas Saturdays (i.e. a 5pm-6pm 'extension')
- **'Midnight' trade:** Thursday 13 December, Thursday 20 December, Friday 21 December (i.e. 9pm - 12pm 'extension').
- **Wednesday 26 December** - 9am-5pm.

The above is similar to what the former Government approved for the 2017 period. The above seeks total 'extended' hours of 31 hours.

We have proposed broader extended trading hours for Sunday 23 December, compared with other Sundays, as we have observed that this date can be one of the most popular pre-Christmas trading days for consumers, and we believe that additional hours on this day will be necessary to provide consumers with adequate flexibility and choice.

As a final point, I note that last year the decision on extended hours was announced by the former Government on 24 October, and in the previous year, on 9 November 2016.

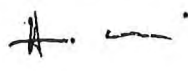
Subject to the Government's decision, we would welcome an early announcement to provide appropriate time for our industry and retailers to undertake relevant marketing and rostering activities.

Subject to any decision, we would gladly assist the Government to help arrange an appropriate location for a public announcement.

Thank you for your consideration of our proposal.

I would gladly provide further clarification as needed. Please don't hesitate to have your staff or Department contact me on anardi@scca.org.au or 0408 079 184

Yours sincerely

 14.9.2018

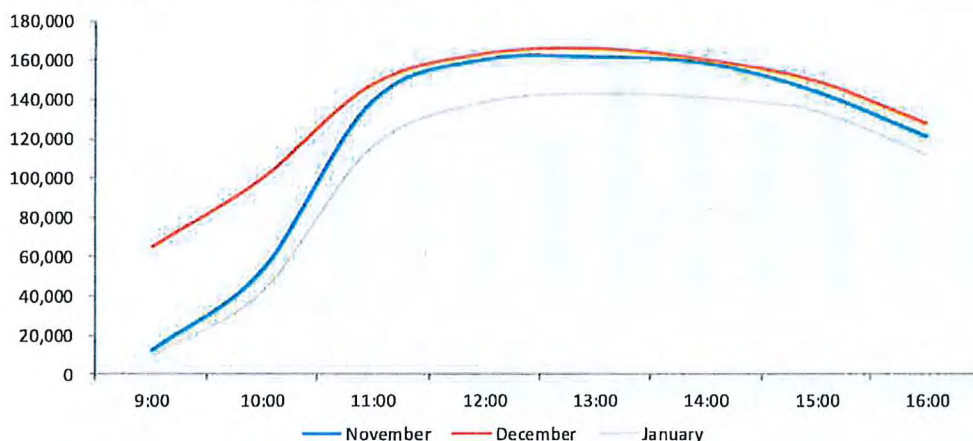
Angus Nardi
Executive Director

ATTACHMENT A: SUPPORTING ANALYSIS – 2018 EXTENDED CHRISTMAS TRADING HOURS

CUSTOMER DEMAND FOR SUNDAY MORNING

The below outlines the strong consumer demand for early (9am-11am) Sunday trading, across previous multiple years, which for December represents 15.2% of daily customer foot traffic. The strong demand is also illustrated when compared with November and January (including January 2018) which didn't have extended hours.

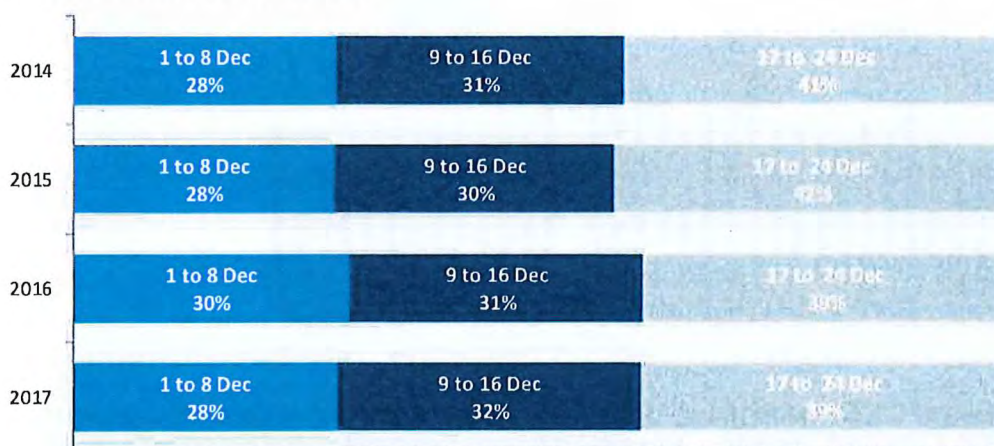
SA Trading Hours Analysis (Nov/Dec/Jan) - Sunday Trading
Total Hourly Foot Traffic - Select Centres 2014 to 2018



CUSTOMER DEMAND INCREASES CLOSER TO CHRISTMAS

The below outlines that across overall customer demand up to Christmas Day, demand increases progressively across the three 'eight-day' periods up to, and including, 24 December. This could be due to issues such as when the school-term finishes, the need to purchase certain goods (e.g. fresh food) closer to Christmas Day, and also the notion of consumers doing their shopping 'at the last minute'.

Customer Foot Traffic Analysis
SA Pre-Christmas Period 2014 to 2017

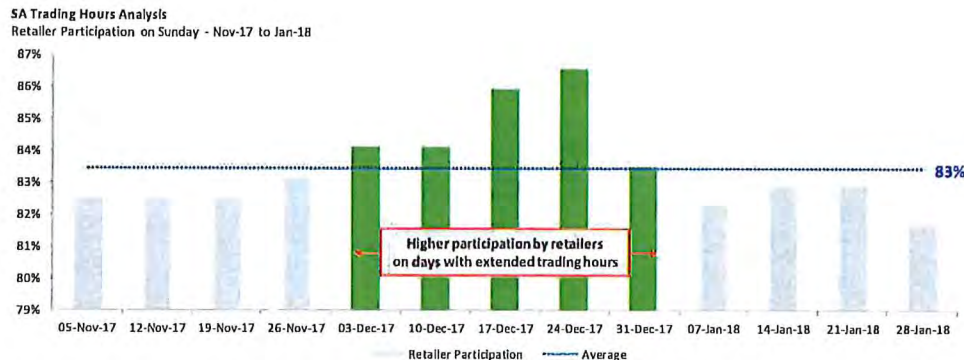


Percentage of Pre-Christmas Foot Traffic

Source: SCCA Research

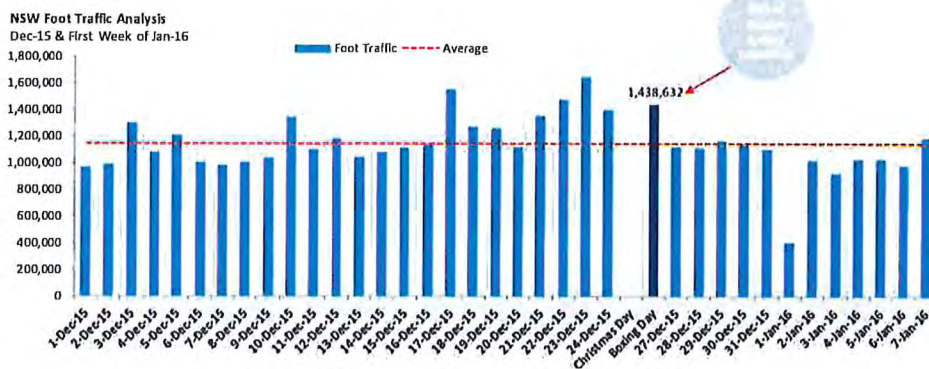
STRONG RETAILER PARTICIPATION – INCLUDING SMALL RETAILERS

The below outlines the strong retailer participation on Sundays in 2017 which had extended hours (9am-11am). It is worth noting that retailers cannot be 'forced to trade', so their participation is voluntary (otherwise participation would be 100%). For every non-exempt retailer (e.g. supermarkets, discount department stores) that can open in one of our members' centres, there is at least an additional 28 smaller specialty (i.e. 'exempt') retailers that can leverage and mutually benefit from larger retailers opening due to the large trade catchment they service and customer foot traffic they generate.



PROCLAMATION (BOXING) DAY – STRONG CONSUMER DEMAND

The below notes the strong consumer demand that occurred across Sydney, when Boxing Day trading was extended (via legislative amendments passed by the NSW Parliament) beyond the Sydney CBD in 2015. This highlights that Boxing Day was one of the most popular trading days across the Christmas period, and the most-popular post-Christmas trading day. Given that in 2014, consumer demand was around 700,000 consumers in the Sydney CBD, the below highlights there was a net increase in consumer demand (rather than a 'redistribution' of demand) from 2014 to 2015 of more than 700,000 people across Sydney (resulting in an overall demand of around 30% of the greater Sydney population). If Proclamation Day trading was permitted beyond the Adelaide CBD, the equivalent demand could result in around more than 400,000 Adelaide consumers shopping on this day.



In addition, in the National Retail Association's recent *Briefing Note: Response to Claims by Stop Deregulation Adelaide*, it was noted that when widespread Boxing Day trading was permitted in NSW in 2015, Woolworths has noted that on Boxing Day in 2014, its employees "worked approximately 18,272 hours across NSW. This increased to 60,266 on Boxing Day 2015 and grew again to 61,998 on Boxing Day in 2016". This highlights the potential increased rostering and associated wage benefits for retail workers, if Proclamation Day trading was permitted more widely beyond the Adelaide CBD.

3 October 2018

The Hon Rob Lucas MLC
Treasurer
Government of South Australia
GPO Box 2264
Adelaide SA 5001

By email: treasurer.dtf@sa.gov.au

Dear Treasurer,

I am writing in response to your letter dated 28 September 2018 regarding Christmas Trading Hours.

Coles fully supports extended trading hours during the Christmas / New Year period.

Coles welcomed the extended shop trading hours that were previously granted across the 2017 / 2018 Christmas trading period. The extended trading hours were very well received by our customers, providing them with greater convenience, choice and flexibility in the lead up to and post-Christmas.

Coles fully supports further liberalisation of trading hours in South Australia in order to provide our customers with even greater convenience all year round.

We appreciate your consideration of extended trading hours during the Christmas trading period and suggest the following:

- Thursday 20 December and Friday 21 December 9am-midnight
- Saturday 22 December and Sunday 23 December 9am – 7pm
- Wednesday 26 December 11am-5pm
- Saturday 29 December and Sunday 30 December 9am – 7pm.

Yours sincerely,



Sophie Wong

State General Manager SA / NT



**South Australian
Independent Retailers**
Supporting local

5th October 2018

The Hon Rob Lucas MLC
Treasurer
Level 8
State Administration Centre
200 Victoria Square
Adelaide SA 5000

Dear Treasurer

Re: Christmas 2018 Trading Hours – Exemption for ‘non-exempt’ traders

We refer to your correspondence dated 28th September regarding extended trading hours for the Christmas 2018 period.

Extending trading hours for ‘non-exempt’ traders under an exemption of the Shop Trading Hours Act 1977, over the Christmas period demonstrates the agility of the current legislation.

The model that was implemented during the 2017 Christmas period, which includes consultation with our industry sector, is in our view satisfactory and would be supported, given current demand.

We believe that this model, which has been in place now for several years has provided a *reasonable, fair and balanced approach* for all Greater Adelaide Area retail businesses over the Christmas period.

Please note that SAIR would not support any significant deviation from the basis of the current model, where for example unreasonable additional hours were added or public holidays were exempted for ‘non-exempt’ traders.

It is our view that such consideration would only benefit the major shopping centres and the multi-national & international retailers, at the expense of South Australian owned small retail businesses and their local supply chains.

Yours sincerely,

Colin Shearing
Chief Executive Officer

The Hon. Rob Lucas, MLC
 Treasurer
 Government of South Australia
 Level 8, State Administration Centre
 200 Victoria Square
 ADELAIDE SA 5000

Via email: treasurer.dtf@sa.gov.au

3 October 2018

Dear Treasurer

RETAIL TRADING BILL 2018 & CHRISTMAS TRADING HOURS

We are writing in response to your correspondence dated 28 September 2018, in which your office invited Lewis Land Group, owner of Harbour Town Adelaide (HTA), to submit desired trading hours for non-exempt shops over the 2018 Christmas shopping period.

Based on consultation with our tenants, we request the following trading hours for the Centre's non-exempt retailers:

Wednesday 26 December 2018	10am to 5pm
Tuesday 1 January 2019	11am to 5pm

Extended trade for these retailers during these key holiday times would improve the retail experience and offering for local customers as well as enhance the travel experience for tourists in Adelaide wanting to visit the centre over this peak period.

Background

Lewis Land Group is Australia's oldest private property developer, having been founded by Bernard Lewis in 1957. With more than 60 years' experience in property, the Group has developed a trusted and pioneering reputation across the residential, retail and hospitality sectors.

The Group owns and manages a diverse mix of Australian real estate assets across the retail, hospitality, commercial and residential sectors. This includes Harbour Town Outlet Shopping Centres, Australia's first outlet shopping centres.

Harbour Town Adelaide

Harbour Town Adelaide is South Australia's largest outlet shopping destination which is home to 135+ specialty retailers over 30,000m² of retail space. Our key retailers include Adelaide's only standalone Polo Ralph Lauren as well as international brands such as Tommy Hilfiger, Calvin Klein, Adidas, Mimco and Orotan.

Harbour Town Adelaide's contribution to the South Australian economy is significant and diverse:

1. HTA provides employment to more than 1,200 South Australians
2. HTA generates annual sales in excess of \$150M, which represents almost 1% of Adelaide's total retail market share

3. HTA welcomes more than 3.5 million customers through our centre annually. This includes a large number of interstate and overseas visitors who represent <20% of our customer profile
4. HTA is Adelaide's only outlet centre. Outlet shopping centres- attract a higher proportion of tourists
5. HTA's customer profile is dominated by white collar professionals who make up approximately 77% of our primary and secondary trade area

* * * * *

We would like to take this opportunity to thank you for your ongoing commitment to deregulating the restrictive trading hours legislation currently in place in South Australia. We believe that a move to less restrictive trading hours will assist in the creation of more jobs for South Australians and provide a positive contribution to the State's economy. It will also make the State more attractive to visitors and benefit the tourism industry.

Should you wish to discuss how we may assist you further, please feel free to contact us directly as per below:

- Natalie Maire, Head of Investments
Phone: (02) 8047 0817
Email: Natalie.maire@lewisland.com
- Tania Rucioch, Centre Manager, Harbour Town Adelaide
Phone: (08) 8355 1144
Email: tania.rucioch@harbourtownadelaide.com.au

Yours faithfully

HARBOUR TOWN CENTRE MANAGEMENT PTY LTD
HARBOUR TOWN ADELAIDE



TANIA RUCIOCH
CENTRE MANAGER

Submission to the South Australian Government – Christmas 2018 Trading Hours



Prepared by the National Retail Association

October 5 2018

1.0 About the Submitter

The National Retail Association (NRA) is a not-for-profit industry organisation providing professional services and critical information and advice to the retail, fast food and broader service industry throughout Australia. The NRA is Australia's largest and most representative retail industry organisation, representing more than 24,000 stores and outlets nationwide.

The NRA's membership is comprised of members from all the sub-categories of retail including fashion, groceries, department stores, home wares, hardware, recreational goods, newsagents, fast food, cafes and personal services like hairdressing and beauty. It also includes both large and small businesses, including the majority of national retail chains, as well as independent retailers and franchisees, and other service sector employers.

The NRA has represented the interests of retailers and the broader service sector for almost 100 years. The NRA's aim is to help Australian retail businesses grow.

2.0 Overview

The NRA is a leader in the area of trading hours reform, having worked with Governments in numerous states to achieve an appropriate balance between the needs of shoppers, workers, small businesses, large retailers and shopping centre owners. We understand that all these factors must be given due consideration when determining appropriate trading hours.

Since South Australia's existing trading hours regime came into place, the Australian retail landscape has changed dramatically, and consumers now have different expectations of when and how they will be able to shop.

They also have greater choice than ever before, including the ability to shop from the comfort of their own lounge room or kitchen table. And yet, state legislation constrains both the choices of South Australian shoppers, and the ability of local businesses to generate economic activity and jobs.

South Australia currently has the lowest spend per capita on retail of all the states and territories. Although there may not be one single reason for this, it is hard to deny that having the most regulated set of trading hours laws has contributed to this.

In previous submissions the NRA has made the case for deregulating South Australia's trading laws and the associated benefits it would bring. As the Retail Trading Bill 2018 is still before parliament, we strongly urge legislators to extend trading hours for non-exempt shops during the Christmas trade period. Aside from ensuring the state's retailers (large and small) are unshackled during the busiest trade period of the year, it would also demonstrate the strong demand from South Australian customers for more convenient shopping hours.

3.0 Christmas Trading

The Christmas trade period is critical to retail. It is far and away the busiest part of the year as shoppers across the country flock to buy Christmas gifts for friends and family, as well as to cash in on the bargain prices that kick into effect on Boxing Day.

In 2017 the Christmas trade period – which encompasses all of December and half of November – recorded \$47.5 billion in retail sales nationwide, with South Australia accounting for \$3.1 billion of total spend. To put this into context, December 2017 was the only month of the year

that retail sales in South Australia broke the \$2 billion barrier (with November recording the second-highest volume of sales). Not only do these high sales figures provide a great windfall for retailers, but it also greatly assists many small businesses in being able to financially navigate quieter parts of the year.

Allowing non-exempt stores to trade for extended hours would only see sales in the state grow. In the process it would benefit workers by providing extra work hours and the corresponding increase in wages, while also providing greater choice and convenience for shoppers.

These assertions are backed up by experiences in other states that have relaxed trading hours laws during Christmas. A major national retailer New South Wales experienced an increase in employee workhours going from a meagre 18,000 on Boxing Day in 2014, to more than 60,000 hours in 2015 when Boxing Day trading hours were extended beyond the Sydney CBD.

Moreover, when Western Australia extended Sunday trading hours during Christmas in 2016, the increased flexibility was embraced by shoppers. Analysis revealed that the 'Sunday AM' trading period accounted for a massive 60 per cent of the foot traffic during the period. Increased foot traffic also results in bigger retailers helping smaller outlets. Research conducted for the NRA by renowned economist Henry Ergas found that:

Large grocery stores act as 'anchor tenants' in suburban shopping malls because they generate positive externalities (or benefits) for other stores. Shopping centre owners "internalise" and organise these externalities, reflecting them in the rents they charge to tenants. Thus, speciality stores are commonly found in the same shopping centre as major supermarket chains. Far from being potentially 'smashed' by the large retailers gorging on extended trading hours, the speciality store benefits from the increased foot traffic caused by the presence of the anchor tenant. Thus, speciality retail stores are likely to locate close to major supermarkets.

Finally, more flexible trading hours across Christmas would help South Australian bricks and mortar retailers compete with online rivals. Consumers have reached the point where technology has given them far more purchasing power than at any time in history – they can get what they want, when they want, at a price they want, and from anywhere they want. Archaic and highly regulated trading hours laws over Christmas would undoubtedly provide a huge disadvantage to local retailers who need to be able to cater to the 21st century demands of shoppers.

Extended trading hours across Christmas would boost sales for local retailers, provide extra work opportunities for workers and make shopping more convenient for consumers. The NRA urges the South Australian parliament to facilitate additional trading hours across the Christmas period.

4.0 Proposal

The NRA advocates for a sensible middle ground that balances the needs of businesses, shoppers and workers as described above.

We are therefore calling for:

Greater Adelaide shopping district	
Sunday, 2 December 2018	9am - 5pm
Sunday, 9 December 2018	9am - 5pm
Thursday, 13 December 2018	Midnight close
Sunday, 16 December 2018	9am - 5pm
Thursday, 20 December 2018	Midnight close
Friday, 21 December 2018	Midnight close
Saturday, 22 December 2018	7am - 9pm
Sunday, 23 December 2018	7am - 9pm
Monday, 24 December 2018	Normal trading
Tuesday, 25 December 2018	Closed
Wednesday, 26 December 2018	9am - 5pm
Sunday, 30 December 2018	Normal trading
Monday, 31 December 2018	Normal trading
Tuesday, 1 January 2019	9am - 5pm
Wednesday, 2 January 2019	Normal trading

The NRA supports a continuation of existing practice around Christmas trading hours for non-exempt shops in Millicent as follows

Millicent non-exempt stores	
Sunday, 2 December 2018	Normal trading (Closed)
Sunday, 9 December 2018	9am - 5pm
Sunday, 16 December 2018	9am - 5pm
Sunday, 23 December 2018	9am - 5pm
Monday, 24 December 2018	Normal trading
Tuesday, 25 December 2018	Closed
Wednesday, 26 December 2018	Closed
Sunday, 30 December 2018	Closed
Monday, 31 December 2018	Normal trading
Tuesday, 1 January 2019	Closed

5.0 Contact information

David Stout
Manager, Industry Policy
National Retail Association
1800 738 245
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Friday 5 October 2017

BY EMAIL

The Hon Rob Lucas MLC
Treasurer
GPO Box 2264
ADELAIDE SA 5001

treasurer.dtf@sa.gov.au

Dear Mr Lucas,

Application for Exemption to Shop Trading Hours – Rundle Mall Precinct

I write on behalf of the Rundle Mall Management Authority (RMMA), which represents the stakeholders in the Rundle Mall precinct, to seek the following special exemptions to shop trading hours for the Christmas 2018 trading period in the Rundle Mall Precinct under section 5(8)(a)(iii) of the Shop Trading Hours Act 1977.

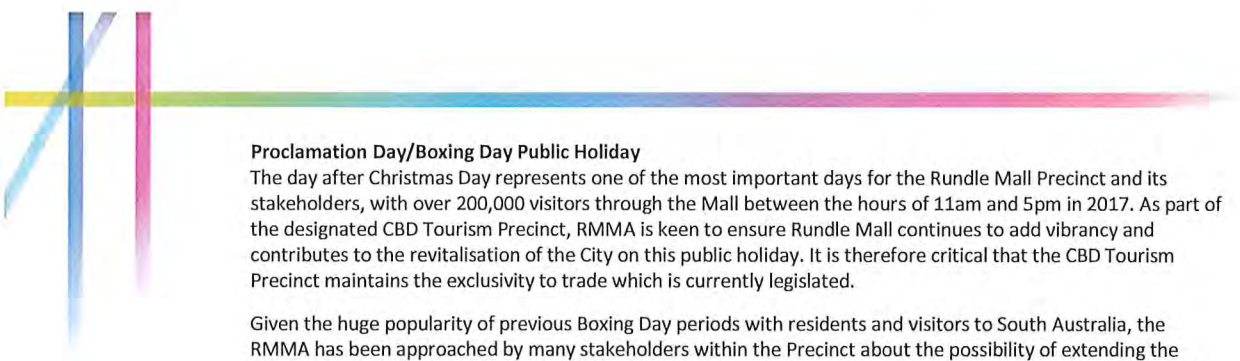
The Rundle Mall precinct (as managed by the RMMA) is bound by the southern side of North Terrace, the eastern side of King William Street, the northern side of Grenfell Street and the western side of Pulteney Street and includes the land and retailers operating in-between.

Christmas 2018 Trading Hours

Following a period of stakeholder consultation, the Rundle Mall Management Authority respectfully requests the following exemptions for the Rundle Mall Precinct for the Christmas 2018 trading period.

This proposal is largely in keeping with trading hours for previous Christmas periods and in line with the exemptions granted to the Greater Adelaide Shopping District for these periods.

Date	Day	Exemption to trade	Comment
2-Dec	Sunday	9am - 11am	2 hours additional trade at beginning of day
9-Dec	Sunday	9am - 11am	2 hours additional trade at beginning of day
16-Dec	Sunday	9am - 11am	2 hours additional trade at beginning of day
20-Dec	Thursday	9pm - Midnight	3 hours additional trade at end of day
21-Dec	Friday	9pm - Midnight	3 hours additional trade at end of day
22-Dec	Saturday	5pm - 6pm	1 hour additional trade at end of day
23-Dec	Sunday	9am - 11am 5pm - 6pm	2 hours additional trade at beginning of day 1 hour additional trade at end of day
26-Dec	Wednesday	5pm - 7pm (or 9am - 11am)	* Public Holiday - assume exclusivity for 'CBD Tourist Precinct' 2 hours additional trade Preferably at end of day but open to beginning of day
30-Dec	Sunday	9am - 11am	2 hours additional trade at beginning of day
1-Jan	Tuesday	-	* Public Holiday - assume exclusivity for 'CBD Tourist Precinct'



Proclamation Day/Boxing Day Public Holiday

The day after Christmas Day represents one of the most important days for the Rundle Mall Precinct and its stakeholders, with over 200,000 visitors through the Mall between the hours of 11am and 5pm in 2017. As part of the designated CBD Tourism Precinct, RMMA is keen to ensure Rundle Mall continues to add vibrancy and contributes to the revitalisation of the City on this public holiday. It is therefore critical that the CBD Tourism Precinct maintains the exclusivity to trade which is currently legislated.

Given the huge popularity of previous Boxing Day periods with residents and visitors to South Australia, the RMMA has been approached by many stakeholders within the Precinct about the possibility of extending the trading hours on 26 December 2018. In order to meet the wishes of the RMMA stakeholders, the RMMA ask you to consider an extension by two hours on 26 December 2018. We have proposed these additional hours at the end of trade but would also consider adding these to the beginning of trade if deemed more appropriate. As part of this request, we have considered the need to provide a safe environment for both customers and retail workers and continue the RMMA's respect for the balance for retail workers throughout the Christmas period.

As noted, the RMMA remains respectful of the fact that any approved exemptions would allow retailers to choose whether or not they will open for trade and are equally respectful that retail employees should be able to choose whether they want to work under normal Industrial Award conditions. Given that, the noted proposal for all Christmas 2018 trading days, including extended hours on the Proclamation Day/Boxing Day Public Holiday (26 December 2018), does not question the validity of the Public Holiday itself and only the ability to trade on this day. As such, no employee will be disadvantaged by this proposal.

The Rundle Mall Precinct enjoys its status as a 'tourism precinct' and although the cost of doing business is somewhat higher for stakeholders on Public Holidays, there is a significant advantage to maintaining the momentum of 'Boxing Day' trade by creating more activity for the public and economic benefit for the retailers.

As an outcome of stakeholder consultation, this Christmas 2018 proposal is representative of the views held by the vast majority of retailers operating within the boundaries of the Rundle Mall precinct. In addition to the retailer community, the SDA, SafeWork SA, SAPOL and City of Adelaide have also been consulted in regard to the hours proposed above.

In what has been a tough year for retail, support for these hours will allow the RMMA and its stakeholders to create an exceptional and authentic experience for customers within the Rundle Mall Precinct, ultimately supporting the economic viability, activation and vibrancy of our City centre. The City plays a central role for tourists and visitors alike, and it is critical to ensure it is open for business and offering the maximum level of services and accessibility during this special trading time.

Retail Trading Bill 2018

In relation to the Retail Trading Bill 2018, as the Authority tasked with providing a voice for a diverse range of stakeholders including the 700 retailers, 5,000 employees and many property owners, the RMMA asks that you consider the following impacts of the proposed Bill, as previously communicated.

Declining visitation to the City leads to lower retail sales and inevitably the closure of stores. This not only disadvantages the people who live, work and shop in the City but may affect tourism, the attraction of major conventions, private investment and the attractiveness of our City to international students and visitors. These industries are all major sources of revenue and employment for the State. As such, the ramifications of eroding visitation to the City are much more profound than they may appear.

The RMMA unashamedly stands for the progress of the City of Adelaide as that will ultimately underwrite the sustainability of City retailers and other stakeholders. A vibrant City reflects positively for all South Australians. Our concern remains that the deregulation of shop trading hours will not only negatively impact on Rundle Mall, but also on small to medium sized enterprises and their employees. In our opinion, the current legislation is the best option to protect the interests of all concerned.

I would welcome the opportunity to discuss our proposal further and will contact your office in this regard. I look forward to your consideration of these exemptions at your earliest convenience as the retail community are eager to confirm trading hours for planning purposes. Please do not hesitate to contact me on 8203 7268 or k.fuss@rundlemall.com should you require any further information.

Yours sincerely



Kate Fuss
Acting General Manager
Rundle Mall Management Authority

CC: Peter Joy, Chairman RMMA