

PLANNING AND ECONOMIC COMMITTEE**9 APRIL 2014****8****APPLICATION TO AMEND THE TRADING HOURS ORDER FOR NON-EXEMPT SHOPS TRADING BY RETAIL WITHIN THE CAIRNS CBD AREA**

Sarah Cook : 8/20/1 : #4320399

RECOMMENDATION:**That Council resolves to:**

- A. Support the National Retailers Association's application to amend the Trading Hours Order for non-exempt shops trading by retail, located within the Cairns CBD area (as defined);**
- B. Note that independent and exempt shops are not restricted by the Trading Hours Order;**
- C. Note that non-exempt shops outside of the Cairns CBD area (as defined) will be restricted to the trading hours set established in the Trading Hours Order for non-exempt shops trading by retail for either the Cairns Tourist area (as defined) or the remainder of the State; and**
- D. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters in relation to this matter.**

EXECUTIVE SUMMARY:

This report provides an analysis of the National Retailers Association's ('the NRA') application to the Queensland Industrial Relations Commission for an amendment to the Trading Hours Order for non-exempt shops within the Cairns CBD area (see Appendix 1). Non-exempt shops are generally those trading by retail with 20 or more staff on the floor at any one point in time.

The NRA is seeking an amendment to the prescribed hours of trade for non-exempt shops, to allow for extended Saturday and Sunday, trade to 9pm, within the Cairns CBD. The proposed extended hours would result in all non-exempt shops within the CBD trading the same hours as supermarkets are currently entitled to trade. However, non-exempt shops outside of the Cairns CBD area would not be afforded the same extended hours of trade and would be restricted to either the allowable hours of trade provided for by the Trading Hours Order.

The amended trading hours order would allow for greater activation within the Cairns CBD for the extended hours. It is recommended that Council support the proposed amendment and advise the National Retailers Association of this outcome.

BACKGROUND:

The National Retailers Association ('NRA') has filed an application in the Queensland Industrial Relations Commission ('the Commission') to seek an amendment to the Trading Hours Orders made for non-exempt shops trading by retail, for the Cairns CBD area, as prescribed under the *Trading (Allowable Hours) Act 1990*. Although the application is being made on behalf of Kmart and Target, practically the application is seeking to extend the prescribed allowable hours of trade for all non-exempt retail shops within the defined Cairns CBD (refer to appendix 1 for defined areas).

Under the Act there are three categories of shop trading by retail; exempt, independent and non-exempt. The Trading Hours Order only applies to non-exempt shops; it does not apply to exempt or independent shops. The Act does not limit the hours of trade for exempt or independent shops, other than restrictions on trading for Good Friday, Anzac Day and Christmas Day. Non-exempt shops are generally those trading by retail with 20 or more staff on the floor at any one point in time.

Currently, under the trading hours order, the Cairns Regional Council local government area has three separate allowable hours of trade, The State hours, the Cairns Tourist Area Hours and the Cairns CBD. Below is a summary of the trading hours within these areas:

The State hours	
Monday – Friday	8.00am – 9.00pm
Saturday	8.00am – 5.00pm
Sunday	No trading

The Cairns Tourist Area	
Monday – Friday	8.00am – 9.00pm
Saturday	8.00am – 5.30pm
Sunday	9.00am – 6.00pm
Public Holidays (excluding Good Friday, 25 April, Labour Day & 25 December)	8.30am – 5.30pm

The Cairns CBD (for supermarkets only)	
Monday – Friday	8.00am – 9.00pm
Saturday	8.00am – 9.00pm
Sunday	9.00am – 9.00pm
Public Holidays (excluding Good Friday, 25 April, Labour Day & 25 December)	8.30am – 5.30pm

The current request for amendment to the trading hours order is for all non-exempt shops within the Cairns CBD to be allowed the same hours as those currently afforded to supermarkets.

COMMENT:

Council has traditionally been supportive of applications for amendments to trading hours. Most recently Council had no objection to a request from the NRA in 2010 to seek an amendment to the prescribe hours of trade for Supermarkets, as a specific category of non-exempt shops, within the Cairns CBD to allow for extended hours of trade to 9pm on Saturdays and Sundays.

An approval of the proposed amendment would see non-exempt shops within the Cairns CBD translates to an additional 3 ½ hours on a Saturday and 3 hours on a Sunday. It is likely that non-exempt shops outside of the Cairns CBD area would experience less of a demand to trade within these extended hours. Furthermore, should there be a demand, non-exempt shops are entitled to seek an amendment to the trading hours for their particular area.

OPTIONS:

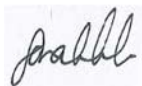
1. *Support the proposed extension to trading hours for non-exempt shops trading by retail within the Cairns CBD area and advise the National Retailers Association of Council's position;*
2. *Not support the proposed extension to trading hours, and seek opportunity to participate in the hearing of the Queensland Industrial Relations Commission.*

CONSULTATION:

Not applicable

ATTACHMENTS:

Cairns CBD and Cairns Tourist Area defined trading areas



Sarah Cook
Planning Officer



Peter Boyd
Manager Planning Strategies



Kelly Reaston
General Manager Planning and Environment

Cairns CBD trading area



Cairns tourist trading area

