

RETAIL TRADING AMENDMENT (ANZAC DAY TRADING HOURS) BILL 2024

Statement of Public Interest

Tabled, by leave, Mr Shafe
[Signature]
Clerk of the Parliaments
14/8/2024

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Retail Trading Amendment (ANZAC Day Trading Hours) Bill 2024 (**the Bill**) is the product of public consultation undertaken by the Department of Customer Service (**the Department**) to determine if current ANZAC Day trading restrictions are appropriate and fit-for-purpose.

ANZAC Day is one of 11 public holidays in NSW under the *Public Holidays Act 2010*. Of those 11 public holidays, five are classified as 'restricted trading days' as defined by the *Retail Trading Act 2008 (the Act)*. ANZAC Day is the only restricted trading day under the Act where shops are required to remain closed for only part of the day (before 1pm). On all other restricted trading days (Good Friday, Easter Sunday, Christmas Day and Boxing Day) shops must remain closed for the entirety of the day, unless exempted by the Act.

Public consultation was undertaken from 29 September until 20 October 2023. A total of 299 submissions were received with all responses acknowledging the significance of ANZAC Day. The majority of submissions from members of the public and unions were in favour of greater trading restrictions on ANZAC Day to allow the community to pay respects and partake in commemorative services that take place throughout the day. Submissions from the retail industry associations, retailers and businesses primarily supported the retention of current trading restrictions.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill extends retail trading restrictions on ANZAC Day by:

- amending the definition of '*restricted trading day*' to make ANZAC Day a restricted trading day for the entirety of the day, not only before 1pm,
- amending the Act to require shops to be kept closed at all times on ANZAC Day, not only before 1pm, and
- amending the Act so that banks can no longer seek approval from the Secretary to open on ANZAC Day

The Bill was the subject of public consultation. The amendments therefore reflect current community attitudes and expectations on retail trading on ANZAC Day.

The amendments will ensure that appropriate respect is shown for those who have served and continue to serve in all military and peacekeeping operations. There is strong public interest in ensuring that the ANZAC tradition is preserved and commemorated.

Options: What alternative policies and mechanisms were considered in advance of the bill?

A number of alternative policies were considered, including maintaining the status quo and an educational campaign to clarify and reinforce existing worker protections. Given the wide public support for extending ANZAC Day retail trading restrictions and the historical significance of the day it was decided that an amendment to the Act was required.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Maintaining status quo: The key benefit of maintaining the status quo of the Act is providing certainty for stakeholders by maintaining existing trading hours. However, maintaining the status quo would undermine the significance of ANZAC Day.

The preferred option is to amend the Act, to realise the benefits of increased opportunities for the community to show respect and commemorate the ANZAC tradition.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Minister for Industrial Relations and NSW Fair Trading will lead implementation of the reform, which will be in place ahead of ANZAC Day 2025.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Public and industry stakeholder consultation feedback and views were vital in the development and drafting of the Bill.

Public consultation commenced with the release of a consultation paper to seek feedback on current ANZAC Day retail trading restrictions. The consultation was undertaken from September until October 2023, during which the Department received 299 submissions.

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Overall, stakeholders generally supported the Bill and most respondents agreed with the proposed amendments.