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The Director,
Legislation and Policy - Consumer Protection Division,
Department of Commerce,
Locked Bag 14, Cloisters Square,
Perth WA 6850

RE: Issues paper- whitegoods and other consumer durables

I write in response to the recently released issues paper on the options to amend the Retail Trading Hours Act 1987 to allow Sunday trading in white goods and certain other bulky goods or durable consumer goods.

The Australian National Retailers Association (ANRA) represents the leading national retailers in Australia, across a broad range of retail products and services. Members of the Association include Australia's most trusted household names in supermarket chains, department stores and speciality retailers.

As you would be aware, it is ANRA's position that retail trading hours should be completely deregulated across Australia, with restricted trading days limited to Christmas Day, Good Friday and the morning of ANZAC day.

As such, ANRA welcomes the WA Government's recent moves to deregulate shopping hours around the Perth metropolitan area and introduce more special trading precincts.

ANRA is also encouraged by the release of this latest issues paper that examines the benefits of allowing further trading on Sunday for durable consumer goods, and welcomes the opportunity to provide feedback on the three key questions raised in the paper.

Should Sunday trading in whitegoods and certain other "bulky" or "durable" goods be permitted?

ANRA supports Sunday trading in whitegoods and other bulky or durable goods across both the Perth metropolitan area and regional areas.

Such a move would recognise the realities of modern life, where consumers need the flexibility to access retail opportunities at times that fit in with their other commitments such as work and family.

Sunday trading also gives retail employees the same opportunities as their inter-state counterparts to earn penalty rate wages by working Sunday shifts.

Which definition of relevant goods should be adopted?

ANRA encourages the WA Government to take a broad approach to defining the types of goods covered by the proposed changes. This should include:

- **White goods and household electrical equipment** – products in this category would include products such as fridges, washing machines, domestic heating and cooling equipment, kitchen equipment and appliances, bathroom equipment and appliances and cleaning equipment such as vacuum cleaners.
- **Brown goods and household office equipment/supplies** – products in this category include televisions and other audio-visual equipment and components, television antennae and accessories, home entertainment systems equipment and accessories, audio equipment and accessories, video gaming equipment and accessories, computer imaging products such as digital cameras/video cameras and accessories and home office equipment. Home office equipment would include computers, computer peripherals, adaptors and cables, software, scanners/copiers, telecommunications and communications equipment.

- **Household furniture** - products in this category include all types of lighting, bedroom furniture, outdoor furniture, lounge furniture, home office furniture and accessories. Furniture categories include ready to assemble and finished furniture.
- **Recreation equipment and supplies** - products in this category include recreation and outdoor equipment such as BBQs and accessories, fishing and camping equipment, children's play equipment, bikes and camping equipment in addition to gardening equipment, supplies and accessories as well as animal and pet supplies.
- **Household floor and window coverings** - products in this category include all window coverings and fixed and loose floor coverings, rugs, fixed carpets, timber, vinyl and tile.
- **Motoring equipment and accessories** - products in this category include motoring supplies and accessories.
- **Tools and Hardware** - the products in this category would include tools and hardware.

What implementation method should be adopted to allow Sunday trading in whitegoods and certain other bulky/durable goods?

ANRA has examined the five options put forward in the Issues Paper and believes a modified version of Option 3 would be the most practical to implement. However, it would need to be adjusted from its present form to ensure it does not impede competition, restrict the shopping opportunities for consumers or limit the opportunities for retail employees to earn additional Sunday rate wages. ANRA does not support Option 3 in its present form, with a high predominance test threshold of 70%-90%.

Option 3 overcomes the problem of retail staff having to constantly explain WA's complex and restrictive trading laws to confused and angry consumers (as would be the case under Option 2 & 4). It also avoids the need to develop and update lists of goods that can be sold on Sunday (as would be the case under Option 4). However, it has significant negative competitive implications in its present form by not allowing all bulky good retailers to open on Sunday. This also disadvantages employees of those retailers that do not meet the predominance test.

ANRA believes the best model is a modified version of Option 3.

Under this model all retailers that meet the predominance test could sell their complete range of products on Sunday. The concept of predominance is that the retailer mainly engages in selling these types of goods, so a 50% threshold is more appropriate than the high rates discussed on the issues paper.

A 50% predominance threshold reduces the negative competitive implications of Option 3 and maximises the opportunities for consumers and retailers. This list of qualifying goods would include all classifications of products defined earlier in this submission.

In terms of implementing the scheme, annual sales data is the most practical option for retailers. The regulatory burden of the scheme would be reduced by ensuring the right to trade on Sunday lasted for a number of years (e.g. five years) rather than retailers needing to re-apply annually. Arrangements would also need to be made for newly opened stores to ensure they could compete on an equal footing with existing stores. ANRA would be happy to assist the WA Government when it comes to developing the detail around how the scheme would operate.

ANRA believes this approach is both practical to implement and limits the negative competition impacts of only allowing trade in certain goods on Sunday.

Of course, the competitive and practical challenges outlined in the Issues Paper around all the Options could be overcome if WA moved in-line with the majority of Australia and allowed Sunday trading for all retailers across the State.

Should you require more information on ANRA's submission, please contact Ms Margy Osmond, CEO, at margyo@anra.com.au or on (02) 8249 4520.

Yours sincerely

Margy Osmond
Chief Executive