

Ai GROUP

Submission to the Review of Anzac Day
Trading Restrictions in New South Wales

OCTOBER 2023



About Australian Industry Group

The Australian Industry Group (Ai Group®) is a peak national employer organisation representing traditional, innovative and emerging industry sectors. We have been acting on behalf of businesses across Australia for 150 years.

Together with partner organisations we represent the interests of more than 60,000 businesses employing more than 1 million staff. Our members are small and large businesses in sectors including manufacturing, construction, engineering, transport & logistics, retail, fast food, labour hire, mining services, the defence industry, civil airlines, the care sector and ICT.

Our vision is for *thriving industries and a prosperous community*. We offer our membership high quality services, strong advocacy and an effective voice at all levels of government underpinned by our respected position of policy leadership and political non-partisanship.

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Introduction

Ai Group welcomes the opportunity to provide input into the review by the NSW Government into Anzac Day trading hours in NSW.

We appreciate the commitment set out in the Consultation Paper prepared by the Department of Customer Service to “carefully consider all feedback received” on the open-ended question of whether “the current policy and legislative settings should remain in place or whether changes should be made”.

However, in preparing this submission we have been guided by the Government's clear statement that the review has a notably narrower remit. The Government has said that it “will undertake a review of retail trading laws on Anzac Day, to consider whether retail stores should remain closed for more of the public holiday.”¹

As a result of the Government's more limited focus, in this submission we confine our attention to the questions of whether the current restrictions on retail trading should be extended beyond 1 pm on Anzac Day and/or whether current exemptions or grounds for exemptions from the restrictions should be narrowed. We do not, in this submission, advance arguments in favour of relaxing current restrictions or broadening exemptions from those restrictions.

Ai Group opposes any extensions of restricted trading on Anzac Day. There are clear costs of any such extension and few benefits.

The costs include:

- The prevention of people from shopping when that is their preference
- Reduced enjoyment of, and participation in activities that are complementary with shopping (including participation in commemorative activities)
- Reduced opportunities for, and income derived from, commercial activities
- Reduced employment, and household income from employment, due to the reduced opportunities for commercial activities.

¹ NSW Government Media Release, *Consultation process announced for ANZAC Day trading hours*, 30 September 2023.

There are comparatively few benefits to be derived from imposing additional restrictions on trading on Anzac Day. The considerations in this conclusion include:

- That there are plenty of existing opportunities for people to attend official commemorative services prior to the end of restrictions at 1pm
- There is a very wide range of other opportunities for participation in official and non-official commemorative activities.

What happens on Anzac Day?

For many Australians Anzac Day is a special day in which there are opportunities to share in reflection, remembrance, commemoration and acknowledgement of service during times of war.

It is also a day when many join with family and friends to enjoy a wide range of other activities. This range includes sports and leisure activities, shopping, entertainment and just visiting with each other.

Australia's major football codes have tapped into the clear diversity of preferences among the Australian public about how to spend Anzac Day and have built a new tradition of allocating iconic matches between historic rivals to the afternoon and evening of Anzac Day. These matches are very well attended and attract high television audiences.

Many of these activities are complementary with participation in commemorative Anzac Day services. In the case of the football matches, the entertainment, both live and televised, is combined with short commemorative services.

Both the commemorative services and the wide range of other activities pursued on Anzac Day are often complementary with browsing and shopping at retail outlets. These activities are enjoyed with greater intensity when combined with shopping. People meet up at a morning service and then go shopping; families and friends stock up as they prepare to head to the footy or to a picnic; others pick up something from a supermarket on the way to visit family and friends.

For all these reasons shops are well attended after restrictions are lifted at 1 pm on Anzac Day.

People want to shop on Anzac Day and this supports participation in commemorative activities

Many people have a clear and expressed preference for shopping once trading hour restrictions are removed on Anzac Day.

Extending the restrictions on trading hours or reducing the current range of exemptions from restrictions would prevent people from exercising their desire to shop.

Such an extension would also reduce the participation in, and enjoyment of activities that are complementary with shopping.

To the extent to which participation in commemorative activities is supported by the complementarities between such participation and shopping, an extension of retail restrictions would reduce participation in commemorative activities.

There are plenty of opportunities to attend commemorative services

Most official Anzac Day commemorative services are held in the morning and are completed before the current trading hour restrictions are lifted.

In addition, there are other opportunities, including dusk services, that allow people to engage in official Anzac Day activities.

Further, as already noted in relation to the popular Anzac Day football matches, there are non-official commemorative activities, that satisfy people's desire to mark Anzac Day with reflection, remembrance, acknowledgement and commemoration.

There is, therefore, a ready availability of options for participation in commemorative activities for people who are involved in retail activities permitted under current trading restrictions.

Extending these restrictions – either by extending restrictions beyond 1pm or by reducing the current range of exemptions from restrictions - would add little to the options for participation in commemorative services that are not already available.

Restrictions on business activities on Anzac Day give rise to a loss of income for businesses and employees

The restrictions that currently operate until 1pm on Anzac Day prohibit non-exempt retailers from offering goods for sale; permitting in-shop browsing; delivering or making goods available for delivery; receiving or processing orders; receiving, unpacking or placing goods on shelves; and stocktaking.

These restrictions on retailers also detract from employment opportunities for people who would otherwise be directly engaged by retailers during the restricted hours.

The restrictions on retailers are also felt up and down the supply chains linked to retailing.

- They prevent suppliers, and the employees of suppliers, who would otherwise be engaged in activities related to delivery to retailers during the restricted hours, from undertaking such activities.
- They prevent people and businesses involved in the delivery of goods to customers from activities related to delivering goods picked up from non-exempt retailers during restricted hours.

These restrictions on retailing activities prevent retailing business and the businesses involved in a range of commercial activities linked to retailing from earning income. They also prevent income being earned by the people they would employ or otherwise engage during the restricted hours.

Extending the trading hours restriction beyond 1 pm or reducing the range of exemptions available under the current arrangements would further detract from the opportunities for businesses and their employees to earn additional income.

Conclusion

Ai Group opposes any extension of restricted trading on Anzac Day.

There are clear costs of any such extension and few benefits.

The costs include:

- The prevention of people from shopping when that is their preference
- Reduced enjoyment of, and participation in activities that are complementary with shopping (including participation in commemorative activities)
- Reduced opportunities for, and income derived from commercial activities
- Reduced employment and household income from employment associated with the reduced opportunities for commercial activities.

There are comparatively few benefits to be derived from imposing additional restrictions on trading on Anzac Day. The considerations in this conclusion include:

- That there are plenty of existing opportunities for people to attend official commemorative services prior to the end of restrictions at 1pm
- There is a very wide range of other opportunities for participation in official and non-official commemorative activities.

Extending the current Anzac Day trading restrictions – either by extending restrictions beyond 1pm or by reducing the current range of exemptions from restrictions - would add little to the options for participation in commemorative services that are not already available.



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