



Anzac Day Trading Restrictions
Policy & Strategy
Better Regulation Division
Department of Customer Service

By email: Anzacdayretailtrading@customerservice.nsw.gov.au

To whom it may concern

Thank you for the opportunity to provide feedback to the review of NSW retail trading laws on the ANZAC Day public holiday.

The NSW Small Business Commissioner (the Commission) is an independent statutory authority of the NSW Government. It provides strategic advice, advocacy, and affordable dispute resolution services across NSW. The Commission's role includes:

- Encouraging government agencies and larger businesses to enter productive working relationships with small businesses.
- Facilitating and encouraging the fair treatment of small businesses.
- Promoting a fair operating environment in which small business can flourish.

The Commission understands the NSW Government is considering current restrictions on the opening hours of retail stores on the ANZAC Day public holiday. Non-exempt retail businesses are required to stay closed until 1pm under the *Retail Trading Act 2008*.

The Commission is supportive of Anzac Day being appropriately recognised, with NSW residents being given the opportunity to pay their respects. Under current arrangements, workers and business operators can attend dawn and other services and return to trading as needed in the early afternoon. Current trading restrictions allow NSW workers and business operators the opportunity to participate in commemorative and community events on ANZAC Day, while accommodating trading later in the day where it is in their commercial interests to do so.

While current restrictions are balanced to recognise the significance of ANZAC Day, the Commission anticipates that some non-exempt retailers would be concerned about the prospect of increased restrictions. Further trading restrictions would adversely impact some small businesses who are continuing to operate in a difficult trading environment, including higher input costs, challenges with cashflow and subdued customer demand. The Commission notes that it has previously received a significant number of contacts expressing concerns about extemporaneous public holidays.

Conversely, the Commission is unaware of any significant dissatisfaction with status quo arrangements, particularly when considering the deep respect many small business operators hold for ANZAC Day. For this reason, the status quo arrangements appear to strike an appropriate balance, though there may be opportunities for fine-tuning.

Should this consultation process yield any specific proposals to amend the *Retail Trading Act 2008*, the Commission encourages further consultation to ensure small businesses have the opportunity to provide

specific feedback on any changes proposed and to inform preparation of appropriate regulatory impact assessment.

If you require further information, please contact my Executive Officer, Megan Bennett, at either megan.bennett@smallbusiness.nsw.gov.au or (02) 9372 8767.

Yours sincerely

Chris Lamont
Commissioner
NSW Small Business Commission

Date: 11 October 2023