



Ordinary Council Meeting

Addendum to Item: 13 – Notice of Motion

**Harvey Council Chamber
Tuesday, 25 August 2026
4PM**

The following additional information is provided in regard to Item 13.

Additional Officer Comment

Several Western Australian local governments, including Bunbury, Dardanup, Busselton, Donnybrook-Balingup and Capel, have pursued Ministerial approval to either deregulate or extend retail trading hours under the *Retail Trading Hours Act 1987*. These examples demonstrate that local governments can adopt a range of approaches from targeted trading-hour variations through to full deregulation.

Common elements include undertaking stakeholder consultation, demonstrating community and business support, and providing evidence of economic and community benefits. The experience of neighbouring local governments, particularly Bunbury, Dardanup and Capel provides a relevant regional precedent for any future consideration by the Shire of Harvey.

Common themes emerging from other WA local governments include:

- Consultation with businesses, residents and tourism stakeholders is a critical part of the process.
- Applications must demonstrate community awareness and evidence of support.
- Economic development, business attraction and regional competitiveness are frequently cited as reasons for seeking deregulation.
- Neighbouring local government arrangements are often used as justification, particularly where consumers and businesses operate across local government boundaries.
- Some councils have pursued full deregulation, while others have adopted incremental or location-specific extensions.

Shire of Capel

The Shire of Capel provides a recent and relevant example of the process undertaken by a local government in the Greater Bunbury region to investigate, consult on and ultimately seek full deregulation of retail trading hours.

In November 2022, the Shire of Capel Council resolved to undertake a formal consultation process to ascertain the level of support for further deregulation of retail trading hours across the district (OC/2022/219). The consultation process was undertaken in accordance with the Shire's Community Engagement Framework and was determined to be a "Consult" level engagement under the IAP2 framework.

Discussion Paper

The Shire of Capel process involved the preparation and public release of a comprehensive Discussion Paper that outlined:

- The legislative framework for retail trading hours in Western Australia.
- Existing retail trading arrangements within Capel and neighbouring local government areas.
- Potential economic, employment, tourism and community impacts of deregulation.
- Options ranging from full deregulation through to no change.
- Opportunities for community and stakeholder feedback.

Consultation Methodology

The Shire of Capel's consultation was carried out by Shire Officers, where the methodology included:

- Public notices.
- Social media campaigns.
- Website information.
- Written submissions from the community.
- Direct engagement with business and tourism organisations.
- Community workshops.
- Business workshops.
- Online surveys.
- Opportunity for presentations to Council.

Evidence of Consultation

Importantly, the Department of Mines, Industry Regulation and Safety (now DLGIRS) required evidence that consultation has been undertaken with the local community, local businesses, tourism interests and local Members of Parliament and that broad support exists before any application to vary trading hours is considered. This requirement was specifically identified by the Shire of Capel as a key component of the application process.

The outcomes reported to Capel Council in March 2023 demonstrated support for deregulation from major retailers and regional business organisations including ALDI, Bunnings, the South West Development Commission, the Bunbury Geographe Chamber of Commerce and Industry and the Bunbury Geographe Economic Alliance.

Application to the Minister DMIRS

Following completion of the consultation process, the Shire of Capel Council unanimously resolved on 29 March 2023 to support seeking full deregulation of retail trading hours and to submit an application to the Minister through DMIRS.

The Shire of Capel retail trading hours were officially gazetted on 1 September 2023, with the full deregulation in effect the next day on 2 September 2023.

Deregulated Trading Hours Options

It should be noted, pursuant to the *Retail Trading Hours Act 1987*, a local government is not limited to seeking permanent deregulation. The Minister has discretionary powers under section 12E to vary trading hours and historically has approved both temporary and ongoing variations in different regional circumstances. The Act allows the Minister to vary trading hours for specified areas, specified days, specified classes of shops, or specified periods.

The Shire of Capel has demonstrated that a staged approach, consisting of an initial investigation and consultation framework followed by community engagement, assessment of outcomes and subsequent Council consideration, represents a practical and well-established pathway should Council wish to further investigate amending retail trading hours within the Shire of Harvey.