

# Hon Kate Doust MLC

Member for South Metropolitan Region

Deputy Leader of the Opposition in the Legislative Council

Shadow Minister for Industrial Relations; Commerce; Information Communications Technology;  
Small Business; Electoral Affairs



16 March 2016

Hon Simon O'Brien  
Chairman  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

Dear Simon

I write to support the issues raised in Petition No. 110 – Deregulation of retail trading hours and specifically the request the Environment and Public Affairs Committee undertake a full and public inquiry into the costs and benefits of both the proposed changes to trading hours and previous changes.

As Shadow Minister for Commerce; Small Business; and Industrial relations I am concerned about the welfare of the employees in the retail industry and am also concerned about the welfare of the industry itself.

## *Retail workers*

It is well known that there are many casual employees working in the retail industry, but this was not always the case. Traditionally retail stores employed workers on a full-time basis with little need for part-time or casual employees. However, the extension of retail trading hours meant that permanent employees, particularly full time employees, could no longer staff the stores for the duration of the shop opening hours. Therefore, the use of part time and casual employees increased considerably.

Casualisation leads to a range of issues for workers, from job insecurity (no guarantee of on-going employment) to constant changing of rosters and irregular hours – which makes it very hard for people to be able to plan their futures and is a major impediment to the achievement of effective work/life balance.

These problems make life especially difficult for workers with family responsibilities.

One of the issues for part time or casual workers is the problem of 'overly short days' which can impose terrible burdens on individual workers, as a result of the fixed costs (both time and financial costs) associated with working, such as transport to and from work or childcare.

Further deregulation of trading hours will only increase the burden on workers who will be required to start work earlier than they do and the flow on effect in relation to a major area of concern – childcare. The West Australian newspaper on Tuesday 15 March 2016, reported that "families are facing waits of up to two years to get child care in some Perth suburbs and one three of the city's long daycare centres is booked out.

The Shop, Distributive and Allied Employees Association, which represents employees in retail, warehousing and distribution, fast food, petrol stations, pharmacy, beauty and modelling industries, noted that 60 per cent of its members were women. For many of its members, 'extended trading hours, decreasing permanency of employment and increasing financial pressures mean they often have limited choice about working arrangements, particularly in regard to evening and weekend work'<sup>1</sup>.

---

<sup>1</sup> Productivity Commission 2014, *Childcare and Early Childhood Learning*, Inquiry Report No. 73, Canberra.

### *Small retail businesses*

In Western Australia a 'small business' is usually defined as a business undertaking which is wholly owned and operated by an individual person, persons in partnership, or by a proprietary company within the meaning of the Corporations Act 2001 (Cth) and which:

- (i) has a relatively small share of the market in which it competes;
- (ii) is managed personally by the owner or owners or directors, as the case requires; and
- (iii) is not a subsidiary of, or does not form part of, a larger business or enterprise.

Australian retailers range from sole-operators to businesses that are large by global standards, operate multiple retail outlets and employ a large workforce. Around 95 per cent of all retail businesses are either non-employing or have 1–19 employees (ABS 2014e). Of food retailing businesses in operation at June 2013, 33 per cent were non-employing, 60 per cent had a workforce of 1–19 employees, 7 per cent had 20–199 employees and about 0.2 per cent of businesses employed 200 or more people (ABS 2014e)<sup>2</sup>.

With most retail businesses being either non-employing or having 1–19 employees they are particularly vulnerable to the pressure of extended trading hours.

I note that small business owners who, although not presently restricted from trading outside General Retail Shop trading hours, choose not to do so, may feel the need to increase their trading hours to protect market share as a result of increased competition within the retail sector from General Retail Shops following the deregulation of shop trading hours.

For example a newsagent in a shopping centre may feel the need to open their business as early as a co-located major retailer who sells newspapers.

It is time that an inquiry and analysis is undertaken regarding the pre and post deregulation experience in Western Australia in relation to impact of extended trading hours on;

- consumers;
- retail employees, including;
  - their access to public transport;
  - their ability to undertake family and caring responsibilities;
  - their ability to participate fully in religious, cultural, sporting and volunteer activities;
- community activities;
- small business owners and their families;
- retail sales;
- level of employment in the retail sector;
- the viability of small retailers and the share of market held by major chains;
- the viability of local suppliers; and
- religious, cultural, sporting and volunteer activities,

before further deregulation occurs.

Competition policy requires that laws that restrict retail trading hours reflect what is best for the community as a whole, not just a particular group, and consider the effect on small businesses and sole traders, particularly in balancing work and family commitments.

Yours sincerely



**Hon Kate Doust MLC**

---

<sup>2</sup> Productivity Commission 2014, Relative Costs of Doing Business in Australia: Retail Trade, Research Report, Canberra.