

RETAIL TRADING HOURS AMENDMENT BILL 2012

Second Reading

Resumed from 13 June.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [7.32 pm]: I rise to make a few comments on the Retail Trading Hours Amendment Bill 2012 and to indicate the opposition's support for it. We have waited a little while to deal with this bill and we have had the unusual circumstance of a member from the government benches leading off on this debate. I thank Hon Nick Goiran for stepping up as he did on that occasion. Unfortunately, I was called away as my father had had a very serious accident that afternoon which meant that I was unable to be here. It was not the case, as it may have been thought, that I was not ready; it was simply the case that I was unable to be here, so I am very pleased now to be able to make some comments.

When I looked at this bill I thought to myself that it had been more than 28 years since I started as a union organiser with the Shop Assistants' Union, as it was known in those days. I recall that one of the very first issues we had to deal with was trading hours; it is an ongoing issue for people working in that industry. Leading up to that time, there was a fairly significant inquiry into the possible restructure of trading hours, which was the Kelly inquiry of the 1980s. My first personal foray into the retail sector was in 1978 when I worked at a Coles supermarket on a Thursday night; Thursday night trading had just been introduced. I went to work for the union a few years later and was involved in this great period of change in the industry. As a result of the extensive Kelly inquiry of the time, we saw the introduction of Saturday afternoon trading in 1988 and some quite radical changes across the industry in terms of pay rates and the introduction of superannuation. I mention superannuation because I know that a number of members in this chamber tonight attended a briefing about their own superannuation, and I want to note that, just as superannuation is a significant issue for members of Parliament today, it was a significant issue at that time for people working in the retail sector. In fact, the introduction of Saturday afternoon trading at that time saw the introduction of universal superannuation for retail workers as part of their conditions.

We have seen significant change occur in this area over time in Western Australia. More recently, in the 1990s, we saw the introduction of the tourism precincts in Fremantle and the CBD of Perth, and in 2009 the introduction of the additional special trading precincts in Joondalup, Midland and Armadale. We have seen these changes occur as people demand different ways of retail shopping. I also note that this legislation is only going to impact on the metropolitan area; it will not have any impact at all on regional areas because the decision was made a long time ago that regional areas will make their own decisions as to whether retail outlets will open for trade longer than ordinary trading hours. In most places, those decisions are left up to the local council. There are different rules in different parts of the state, depending on the decisions made by local communities. The exception, of course, is that part of the state north of the twenty-sixth parallel; retail outlets in places like Port Hedland, Dampier, Karratha and Kununurra have had the capacity to trade 24/7 since, I think, the 1970s or early 1980s.

That is just a bit of a rundown of the history; I know that Hon Nick Goiran talked about some of those changes as well. When I had the opportunity to go back and read through his speech I thought that he had canvassed the issues very well and I found that there were a number of his views that I agreed with. I have said before to Hon Simon O'Brien, behind the Chair, that I find myself in a difficult place, having fairly consistently throughout my working life been opposed to Sunday trading. I find it quite unusual to be now standing here on behalf of the opposition, indicating our support, but I will do so with enthusiasm!

Hon Simon O'Brien: We appreciate your discomfort!

Hon KATE DOUST: I thank Hon Simon O'Brien!

Hon Liz Behjat interjected.

Hon KATE DOUST: Maybe I need to call a quorum and get them all back in!

This is an issue that divides our community; people are either really enthusiastic about extended hours, whether for Sundays, for late night trading, or 24/7 trading; or, on the flipside and for a range of reasons, people do not support any further deregulation of trading hours. I note that we had a referendum on the issue in 2005 and at that time the Liberal and Labor Parties were on opposite sides of the chamber and opposite sides of the argument; the Liberal Party of the day did not support any further extensions, based particularly upon the views of the WA Independent Grocers Association, led then by Mr John Cummings. We dealt with legislation then and saw an increase in the number of people who could work on the shop floor as a result of that legislation. There was a very extensive debate in this place, with Hon George Cash and others, so it is quite interesting to be standing with the government on this issue at this time.

This bill is an amending bill; it is not onerous or voluminous in detail. It simply seeks to enable Sunday trading to occur throughout the metropolitan area between the hours of 11.00 am and 5.00 pm. It will provide an equal playing field for all retailers and remove the provisions that enable only the special trading precincts of Midland, Joondalup, Armadale, Fremantle and the CBD to operate during those hours. Those are probably the two key changes that this legislation will bring about.

There are a few things I want to put on the record about some of the comments that have been made to me about this legislation and its possible impacts. Even though the opposition supports this legislation, there are a few things I would like to raise with the minister. I know that the government is very keen for this legislation to go through by August, but I do not know what sort of planning has been put in place to assist both consumers and workers to make that adjustment. One issue that has been raised with me is transport. Currently, people can get to their workplaces from Monday to Friday and even on Saturday, but the introduction of increased Sunday trading throughout the metropolitan area will create issues for people who rely on public transport to get to work. Based on my experience of working with people in the retail industry, the vast majority rely heavily on public transport to get to and from work. On weekdays it is not an issue; there is always a train or a bus running. But on the weekends, as the Minister for Commerce and I both know, timetables are different and usually people have to wait longer for a bus or a train and they start running later and finish earlier. For a lot of people, therefore, there will be some difficulty in getting to and from work unless some consideration has been given by the government to increasing the frequency of buses and trains. It is easy enough to get to shopping centres such as Garden City, Karrinyup and even Joondalup by train. However, Swan View is not the easiest place to get to by public transport for someone wanting to go to Coles there. The same goes for Mundaring, Medina and a range of places. I think there is still a Coles supermarket in Mosman Park—I am not too sure but there used to be—and that sort of place more than likely will be open. A range of places such as Beldon, Mindarie and lots of other far-flung places are not near a train station and not easily accessible. Therefore, one of the things I am interested in hearing from the minister is what the government will do to facilitate access to appropriate transport for people working on Sunday. I would hate to think that some poor shoppie could not get to work and was either chastised, given a warning or the boot, if you like, because they were late for work on a Sunday. It is a significant issue that needs to be dealt with, and not just for people who work in the retail industry. I imagine a lot of young people in the food industry will be required to work on Sunday, not just seniors who may have access to a driver's licence. This is therefore a key issue for those young people. They need to be able to get to their work safely, securely and on time. I know from experience that one of the big issues that young retail workers face is getting a warning on punctuality at work.

The other reason I asked the question is if people are to be encouraged to shop on Sunday, they need to be able to access the shops. Again, the same thing would apply: if they are not using private transport, has provision been made to put on extra buses and trains? I have not had an opportunity to look at this year's budget in that area, but I am sure the minister will be able to provide a response to that question at a later stage.

Hon Simon O'Brien: I'll give a general response tonight.

Hon KATE DOUST: Yes. It is a significant issue. People talk about the idea of shopping on Sunday, but they do not think about how they will get there or how they will get to work on Sunday. Not everyone has a mum or a dad who can drive them. A lot of young people working in retail live alone. A lot do not own a car because they cannot afford it. Working in retail is, unfortunately, not as well paid as other industries in our state. Quite often people forgo the luxury of a car and rely on public transport. That is an issue on which I am keen to get a response from government. I do not know whether the government has given consideration to how that issue could be managed better. Certainly, people working in the industry would be pleased to hear how the government will deal with it.

Over this extensive period when the issue of trading hours has been a political issue—it has gone backwards and forwards, no matter who has been in government—I do not think it has always been tackled as well as it could have been. It has sort of been piecemeal, if you like, with a little bit of amendment here and a little bit of amendment there. We have seen trading hours extended to Thursday night and Saturday afternoon, we have seen the introduction of some Sunday trade in certain areas and now we will see it more broadly. Having talked to people in the industry, having had a recent discussion with the Chamber of Commerce and Industry of Western Australia and having raised this issue in my own party room from time to time, I know that there continues to be significant issues in retail trade that need to be dealt with. We never really talk enough about these issues. One is the restriction on types of products sold on certain dates. People going into service stations will often see CDs and DVDs on sale. They can purchase a CD or a DVD on Saturday but they cannot purchase one on Sunday. The case will still be there but they cannot actually buy it on Sunday. That just seems crazy in this day and age. If the shop is open, why can they not purchase one?

Hon Simon O'Brien: There is a range of anomalies like that.

Hon KATE DOUST: There are and they have been around forever. I know that they drive retailers and shop assistants crazy. Some shops get customers coming in and saying, “Why can’t we buy this type of letterbox? You sell all these others but we can’t buy a metal one or a timber one or whatever.” Those issues still need to be dealt with. In some ways access to a type of product sold on a particular day is perhaps an even greater issue for people than when they can shop for it.

Another issue that needs to be looked at that has not been looked at for a long time is the categories for shops. There are four or five different categories of retailer. I do not think there has been a review into what constitutes the difference between a general retail shop, a special shop and a small special shop. I think there are four or five different categories. The best example I can give is Bunnings. Back in the early 1980s it was a series of very smallish to medium-sized hardware shops that might have had 15 to 20 employees if they were lucky. Some of the ones in the bush might have had only half a dozen employees. Then in the early 1990s Bunnings grew extensively and became maxi stores, but they were still able to trade under the old trading hours in their registered category, which I think was a special shop or a special retail shop. Whichever it is, they were able to trade from seven in the morning until seven at night. In fact, technically they might have been able to trade longer. This is the issue the minister has talked about —

Hon Simon O’Brien: The phrase you are looking for is “special retail”.

Hon KATE DOUST: Yes, special retail shops. I think in the same category are newsagencies, pharmacies, gift stores, jewellery shops and a raft of what were traditionally small shops. As retail has evolved and we have seen formerly small shops become large shops, they have retained the same classification that allows them to operate in a different way from the way originally intended when they first set up business. New players coming into the market and operating with the “general shop” restrictions have pointed to the disparity and unfairness, if you like, between one retailer versus another retailer. I know that issue has been canvassed by a couple of new players in the hardware business. I use that only as an example. There is a raft of others through the industry. Those categories were established probably 40 or 50 years ago and I cannot recall the last time there was an appropriate rethink, if you like, about how to classify a shop. There is another example that I always think of. When I was first organising there were different types of small supermarkets and food fairs. Charlie Carters is one of my personal favourites, I can tell members. How do you stop a truck outside a Charlie Carters? I can tell you in 15 different ways! I think Woolworths had its own brand of small supermarket as well. There were half a dozen different types. But over time they have evolved and have been incorporated into large sites. It all comes back to what the purpose was at that point and whether it is different now. It would be interesting at some point for someone to be brave enough to have a look at those issues and see how the retail industry thinks they should be handled into the future.

I think they are important issues for not only people working in the industry, but also players coming into the industry. Minister, those are my private and personal views as a member, but they are also views that have arisen in discussion over an extended period. Therefore, I take the opportunity today just to canvass those as sideline issues, if you like. I know that the Retail Trading Hours Amendment Bill is a narrowly cast piece of legislation and that the government wanted to bring it in and get it resolved fairly swiftly, but it is a shame in some ways that there could not have been that big picture look at how the industry works and whether it could be done better. There are a lot of very archaic practices in retailing; a lot of things could be done to improve and modernise it. A couple of these issues may be the key to doing that in the long term.

We all know that the retail trading hours issue has been batted around for many years. We know that Premier Barnett consistently had a clear and singular view on his own position on retail trading hours. Even when the Premier was at the Chamber of Commerce and Industry of Western Australia, he was very clear on how he thought that should be played out. I note that whilst he is satisfied at this point with Sunday trading being extended more broadly throughout the metropolitan area, I imagine—I think it has already been stated by the Liberal government—that the Liberal Party will take a policy, a commitment, into the next election and I am sure that we are all interested in seeing how much further this Premier intends to look to deregulate this industry. The question is: how much further can this industry cope with deregulation? I ask that because in my electorate—in fact, the area I live in, Victoria Park—where the notional boundary for the extension of trading hours finishes at Duncan Street, is the Woolworths Centro shopping centre. I have watched with interest since its trading hours were extended to 9.00 pm Monday to Friday and from 11.00 am to 5.00 pm on a Sunday. That was a relatively quiet shopping centre. Woolworths is the anchor store and there is a liquor store and a number of bakeries and fruit and vegetable shops, so it is pretty much predominantly food businesses—although there are a couple of hairdressers—in a reasonably quiet suburban shopping centre. Since the trading hours were extended, Woolworths is packed on Sundays. However, people can go there on a Saturday and it is great because no-one is around. It has been interesting to see the trading pattern change as a result of Sunday trade. My office is across the road and if I or my staff are around, we go in and out of that centre from time to time. It is very quiet during the week and on most evenings until between eight and nine o’clock. Woolworths is still open then. Most of the

other shops close by seven o'clock. Most of them are family businesses, small businesses, and they have taken their own decision that they need a life basically, and they are working now seven days a week —

Hon Simon O'Brien: And it is good that they should be able to exercise their option—their choice.

Hon KATE DOUST: Absolutely, and I will talk about that shortly.

What I am concerned about and interested to see is that once trading hours are extended for the entire metropolitan area, how that centre will manage. I know that the vast bulk of people who shop there on a Sunday are not locals; therefore, I think that as they revert to their own local shopping precinct, that shopping centre will again be as it was before—albeit it will have Sunday trading. It will be interesting to watch those places, particularly those that have had the benefit, if you like, of isolation in being able to open on Sundays, because I think once the trading hours are more broadly extended, the dynamic will change for them. It will be interesting to revisit, perhaps 12 months after retail trading hours have been extended, how many businesses are opening, how many are still trading, and even the staffing levels to see what sort of adjustments have been made to deal with Sunday trading.

The issue that the minister raised—I thank him for doing that—was about retailers' capacity to make that decision to trade. I think that it is very important for retailers to have that flexibility. It is very difficult; a lot of people come into retail, particularly small shops, thinking that it will be a very good way for them to build a business, manage their finances and support their families. Good on them, because it is a tough, tough industry and not everyone survives. There is an extremely high turnover. I already look to the city. If we look to the CBD, we see that in the past six to 12 months there has been a significant shift, looking at the number of large and small stores that have already closed and at the number of people who no longer have jobs in those stores. We see that a lot of the shops now close at 4.00 or 4.30 pm on Saturday and at the same time on Sunday. I do not know whether members go into the city very often on a Sunday. Occasionally, I go in and have a look around. It is interesting to look at what is and what is not open and how retailing is changing. I know that Mayor Lisa Scaffidi is constantly trying to find ways to encourage people back into the city. Fremantle manages in a different way because people go to Fremantle for different reasons from the city. I think shopping in Fremantle is probably more accidental because people go there for the markets, the pubs, the museums or lots of other activities there that are attractors to people. In the Perth CBD on a Sunday, shopping is really the key attractor. Therefore, once we start to have Garden City, Karrinyup, Midland, Joondalup, Rockingham, Mandurah—actually, Mandurah does not come into this, does it? Mandurah is still not classified as metropolitan.

Hon Simon O'Brien: No.

Hon KATE DOUST: So once we start to have those types of large shopping centres open on Sunday with all the national stores, the mix of clothing and food, people will say, “Why would I bother going to the city? Why would I bother going to Fremantle? I'll just go to my local shopping centre.” If they want to shop on a Sunday, that is where they will go. Again, minister, it will be interesting to see the economic impact upon the CBD.

Hon Simon O'Brien: I imagine the new Elizabeth Quay will be a major attraction, too, to bring people into Perth city.

Hon KATE DOUST: Maybe in 20 years' time, but I do not think it will be something that the minister or I will be holding our breath for! It certainly will not be a shady place to visit for a long, long time. Let us not have that debate now; I am happy to have that at another time. But if the minister wants to be cheeky about it, this debate might take a bit longer than he planned!

Hon Simon O'Brien: I wasn't going anywhere.

Hon KATE DOUST: Minister, I take this issue very seriously. This is a key issue and I have always had a strong interest in it. Therefore, it is not something that I hoped the minister would treat flippantly. These issues have been raised with me —

Hon Simon O'Brien: You know I don't.

Hon KATE DOUST: I know, and I think these issues need to be taken on board because whilst we support this bill, we need to ask: what issues will arise from this? How are people going to deal with it? What impact will it have on people as consumers, as workers and as small business people?

Coming back to the issue of flexible arrangements for small business people in shopping centres, I know there is that capacity and that there are some very strong provisions in the Commercial Tenancy (Retail Shops) Agreements Act. However, the minister has probably noticed that there has been quite a significant turnover. I now get representations almost every week from retailers who are either being forced out of their business or have to close for a range of reasons. A number of them say, “Yes, this flexibility might be there and I might be able to say no, but I know that when I come to renegotiate my next lease that there might be a problem for me if

I'm saying no to wanting to trade for longer hours." I think it will be interesting to see how that is tested. Sometimes when there is Sunday trade in some of the centres—when they are allowed that extra trade once a year for charitable purposes—even then I know Garden City had an issue a couple of years ago when I think about one-third of the retailers said that they did not want to trade. Quite substantial pressure was applied to those retailers to remain open on that Sunday.

A lot of retailers are not making enough money to make it worthwhile opening their doors, which is a real difficulty for them, and in a lot of cases they are paying quite exorbitant rents, which is the killer. Those retailers have issues around how, when and why they make the decision about whether it is worthwhile for them to open on Sundays albeit for six hours. I do not know whether the government will come back and review this legislation; hopefully, we will be in government and we will get to review it in 12 months—that would be a lovely place to be. We will watch these issues with interest.

We are one of the last states to have broad Sunday trading, and probably over the past 20 years we have seen a gradual shift towards it. But just because shops are allowed to open for extended hours or just because they are allowed to open on Sundays, it does not necessarily mean they will, which again relates to the flexibility small businesses will have—I am very sure that the large national retailers will open. When we talk about extended hours, I think a lot of consumers think that just because the shops can open, they will. After we get through a bit of a honeymoon period and we find that some retailers decide it is not worthwhile or they only choose to open certain Sundays or part of that time, it will be interesting to test the consumers to see how they manage with that. It may be that people will not get what they expect after this legislation goes through. I think a lot of people think everything will be open. Does the minister understand what I am saying?

Hon Simon O'Brien: Yes.

Hon KATE DOUST: I think it will be interesting to see how that all settles down and see how consumers deal with it.

A flow-on issue about which there has been some debate and concern is workers' wages. Whenever trading hours have been altered in any way, there has always been a follow-up debate about wage rates. We had a sort of discussion about Sunday penalty rates, particularly with our National Party colleagues, a few weeks ago. When this legislation was introduced into the other place there was some public discussion about the need to review penalty rates and the barrier they may create to retailers opening or getting staff to work. The Labor Party is fairly consistent, and it will never support the cutting of retail workers' penalty rates. As I have already explained, retail is not the highest paid work, and to encourage people to work on a Sunday and give up their family and sporting time, or time that everybody else enjoys, they should be remunerated in an appropriate way. I will watch with interest how the Premier deals with this in due course. I will be interested to hear the government's position on protecting the wage rates of retail workers who work on Sundays now and into the future. I think that is a significant issue for those people, and one of serious concern.

The legislative change in 1988 brought about the introduction of three tiers of wage structure that resulted in some substantial pay rises for retail workers, depending upon the days they worked, and there was discussion at the time about additional jobs being created. But the reality is that this legislation will bring about a shift in the trading pattern and, over time, the more senior and experienced staff will be persuaded to change their working rosters to work during peak times. I am pretty sure that what will happen, because it is just natural, is that all new starters will be required to work on Sundays, and, because of how the industry works, over time there will some pressure—hopefully gentle—on people to change their hours and work on Sundays.

Hon Simon O'Brien: You won't have any trouble getting people to work on a Sunday.

Hon KATE DOUST: There will be trouble actually, minister, because this industry is dominated by working women who have families, and young working women who at some point would like to have a family. Minister, it is really, really tough for them to juggle a family and work weekends, especially if their partner is not here. This state is in the very interesting situation of having a high rate of fly in, fly out workers, and quite often the other partner is working in some sort of service industry, such as retail or hospitality, or even nursing or teaching. We find that the partners of a lot of women working in retail work away, and so the women are juggling the family. If the minister is expecting them to shift into working Sundays, it will get very hard for them. I think the minister will find that there will not be the great enthusiasm that the minister has talked about. I am sure they will find people to work —

Hon Simon O'Brien: They'll find people, and it is not going to be as hard as you reckon.

Hon KATE DOUST: — but it will be a difficult call for a lot of people in the industry because they are trying to juggle their work–family balance and working on a Sunday will be pretty tough. It will be a significant issue for them.

Hon Simon O'Brien: I reckon the problem's going to be in how you choose those volunteers you require on a Sunday, not about press-ganging people to come to work on a Sunday. I will discuss that later.

Hon KATE DOUST: I agree with the minister. It is how people are encouraged and what is done to look after them if they make that call. It is natural; of course, for retailers to want the best workers on the floor at the peak times. In my experience, the best things can be put in black and white in enterprise bargaining agreements, in codes and in mission statements—all those lovely things in companies—but what happens on the shopfloor is sometimes not what the minister and I would like to see happen, and pressure is put on people. When I was a union official, from time to time, unfortunately, I would have to go in and sort those types of problems out. Rostering is a significant issue for people in the industry, and how companies manage it will need to be looked at. I agree with the minister; it is how it is pitched and how people are encouraged, but having experienced significant change in the industry in the past, there was a lot of mopping up to do and a lot of, I suppose, repair work in encouraging or assisting people who could not work those hours.

The Labor Party received some criticism for changing its position on this issue. I think when Hon Mark McGowan, MLA, became Leader of the Opposition, this was probably one of the first issues he spoke on. He said we would be agreeing with the government to get this bill through quickly, and I think one of the reasons for that was because it has been used as a political football over the years, and I think we are keen to assist the government by getting this issue off the table so we can deal with other issues. The minister can sit and laugh about it, but he has us standing here supporting the legislation.

Hon Simon O'Brien: Absolutely; because you're keen to get it off the political agenda because you're on a hiding to nothing!

Hon KATE DOUST: It went through the other house fairly swiftly.

Hon Simon O'Brien: Look, I welcome it; I am not going to try to sink the slipper over this. We welcome your support.

Hon KATE DOUST: I picked up on some of the comments of Hon Nick Goiran about his wife not wanting to take him shopping. I am sure she is right; I do not like to take my husband shopping either. But I agree with the member that in some ways it is a shame that our society has changed so much that our shopping malls are now cathedrals to consumerism, and we focus more on them, if you like, than on our community engagement or spending time with our families doing other types of activities. Over the years I have had the discussion with shopping centre management people and all sorts of others about their great enthusiasm to get more and more people into shopping malls; my view is that we should be getting out into the community or spending time with our families playing sport or learning other activities. We have had a very interesting and concerning shift in society, and it needs to be carefully monitored.

The minister notes that the opposition has three amendments on the supplementary notice paper. I did say to him earlier today that there were only two amendments, but I have since found that there is a consequential amendment that might need to be made if we are successful with the first amendment. I will go through the first amendment that we will propose. I know by looking at the minister that he is not going to support it. Do not look at me like that!

As I said, a shop assistant is not a highly paid job and they do not get a lot of opportunities. But the one thing they always look forward to is public holidays. I know that Easter Sunday is not a public holiday; I think we all know that. This legislation provides that shops will not be open on Christmas Day, Anzac Day and Good Friday. That is fantastic. It is great that shops will be closed on those days. They are significant days. Christmas in particular is significant for people who are of a particular religious bent, Anzac Day is significant because of our cultural heritage and our history, and Good Friday is probably the most significant religious event we have.

Hon Ed Dermer: I'm sure that if Easter Sunday had not been a Sunday, it would've been a public holiday.

Hon Simon O'Brien: And indeed it is, and I will comment on that when I respond.

Hon KATE DOUST: Our amendment is about saying that even though Easter Sunday is not a public holiday, it should be treated as such so that the shops do not open and people in the industry, be they shop assistants or small business people working in the industry, can enjoy that four-day long weekend just like most other workers in this state. In that way, they can have that time with their families to celebrate religious activities from Holy Thursday to Good Friday through to Easter Sunday, if they are that way inclined. For some people, Easter is just about spending time with their families—having that block period when they can just check out and spend time with their families. There is another group of people who enjoy Easter for other reasons. I am not going to go into those reasons because I have no idea what they are. For me, it has always been a significant and important spiritual time of the year. Easter is an important time to celebrate various events and also to spend time with family.

If this bill goes through without amendment, shop assistants will be able to have Friday off, because shops will not be allowed to open, unless of course it is a special small shop or a deli; the shops will open on Saturday in most cases—I know that Easter Saturday was a very contentious issue many years ago in terms of how much they got paid—and they may be asked to work on Easter Sunday if required, which has not always been the case because the shops have not been open in the vast majority of instances, except in the city and maybe Fremantle in the past few years. We are happy to have this discussion during the committee stage, but it would be a sign of good faith to say to people working in the industry that they, too, should have that four-day break with their families or that they, too, should have the opportunity to celebrate Easter in accordance with their own beliefs.

Hon Simon O'Brien: What about IGA employees? Aren't they entitled to it?

Hon KATE DOUST: Yes, they should be. They operate under a different set of rules at this point. I happy to look at how we deal with all those other people in the industry, but I am not too sure that the minister is open to having that discussion or to introducing that type of change. If the government wants to say that no shop will be allowed to trade on Easter Sunday anywhere in the state, that would be a very brave decision on its part. I am sure that it is one that shop assistants throughout the state would applaud the minister for.

Hon Simon O'Brien: I'm not remotely interested in going down that path. Are you proposing that?

Hon KATE DOUST: I had not even thought about it until the minister tinkered around the edges with it.

Hon Simon O'Brien: Policy on the run has been a feature of your party recently.

Hon KATE DOUST: Let me look through the bill and see where I can propose an amendment to that effect. I might think about that one.

The other amendment we have proposed is probably a little more complicated. It is an issue that has been canvassed in the other place. I have touched upon it briefly. In the past, people have not always had the freedom to say that they do not want to or cannot work on a particular day. What we are proposing with the amendment is that a general shop could be defined as a special shop for the purpose of Sunday trading and the minister could set down specific regulations. One of the regulations that we would propose would be that shop assistants working in general shops for the purpose of Sunday trading would have the right to say no if they did not want to work on a Sunday. It is a fairly simple proposition. As I said to the minister earlier, it is not always clear-cut and it is not always easy for a shop assistant to say to the boss that, no, they cannot work. Even though there are well-defined mission statements, enterprise bargaining agreements and awards, all sorts of pressure can be exerted to persuade someone that they will work. Sometimes that pressure is simply, "You work or you don't have a job." It is as simple as that. I am happy to go through that issue in more detail during the committee stage. I dare say that the minister will have a few words to say about that in his reply.

Those are essentially the two amendments that we will propose. I think they are fairly important amendments for people working in the industry, be they shop assistants or retailers. I hope that our colleagues around the chamber will support us when we move those amendments. I will say more about those amendments when we get to them.

I will not spin this out much longer. It is not an overly complicated bill. It is perhaps contentious in its nature, but I think trading hours is always going to be a contentious issue until somebody sits down at some point and says, "Let's have a good look at how the whole thing operates." It is a very complicated industry. It is an industry that is ever changing. It is a very interesting industry to work in. Some very talented people work in the industry. It is an industry that gets pushed aside or gets looked down on, because these workers are not seen as being highly skilled. Quite frankly, having worked in the industry for 17 years and having started my working life as a shop assistant, I know that they are highly skilled people. They are dealing with consumers. They are persuading people to buy their dreams. They are very skilled at making consumers feel good and open their wallets even wider and at putting up with their interesting temperaments on the shop floor. They are dealing with a range of new technology. It is an ever-evolving industry and there are many different types of competition. It is a fascinating industry to work in, but it is an industry in which there is an extremely high turnover. The pay rates are not high and so it is very hard for retailers to hold on to their good staff. We may very well see a further exodus from some parts of the industry, as we saw in 1988 with the advent of the Saturday afternoon trade. We saw some significant change then, because a lot of people working in the industry at the time used to finish at midday and then went to their kids' sporting activities or to community events. When they found that their rosters changed and they could no longer do those sorts of activities, which also had a flow-on impact on the general community in some ways, they said, "I'm not going to stay here. I'm going to find another job that will allow me to spend time with my family." I think we will see that occur again.

I look forward to hearing the minister's response to some of the issues that I have canvassed, particularly the issue of transport and whether workers will be protected if they choose to say no to working on a Sunday because of family commitments. It will be a very interesting exercise 12 months after the introduction of this

legislation to see what sort of impact has occurred across the metropolitan area—that is, who is trading and who is not—and whether the idea of being able to shop on a Sunday is what people thought it was going to be. From an academic point, it will be interesting to see how those things measure up. As I said earlier, regardless of the parties to which members belong there are different views about how these issues will be managed and how they will evolve into the future. At this point, we will agree to the proposals that the government has put forward for the extension of Sunday trading between the hours of 11.00 am and 5.00 pm and the deletion of the special trading precincts to hopefully provide a more even playing field for retailers across the metropolitan area. It will be interesting to see how our friends in the National Party vote on this legislation given that its members already have the capacity to shop on a Sunday in the vast bulk of their areas. It has been interesting to note their opposition to this legislation given that it shares the government benches and given that a number of National Party members are ministers who sit in the cabinet room. I am not sure of any other situation in which one of the two parties to a coalition—I know that the government does not like to use the word “coalition”, but I am not too sure what other relationship they are in—has said that it will not agree with legislation. It is outrageous that the National Party has stood the government up on this occasion and that the Labor Party is stepping in to assist. It is quite bizarre given that this piece of legislation is really focused on the metropolitan area and impacts only —

Hon Simon O'Brien: We respect their right to be a little different.

Hon KATE DOUST: They are a little different on this occasion.

Given that this bill will impact only the metropolitan area, and given that National Party members are already working and living in areas that have the capacity for extended hours—in fact, the capacity exists for trade 24/7 if their local government so chooses—it is quite a surprise that they will oppose this legislation. I have already had indications that the National Party will not support our amendments to have Sunday trading on Easter Sunday included as one of those days where shops will not open. I am bowled over by that. I am very interested to hear why it will not support that exemption for that particular day given that this is such a narrow piece of legislation in that regard.

With those few comments, I am sure we will have further discussion when we get to committee. I certainly look forward to Hon Nick Goiran joining with us and voting on the Easter Sunday trading amendments.

Hon Nick Goiran: You'll be coming over here.

Hon KATE DOUST: Yes, that is right; we will be coming to join you!

Hon Simon O'Brien: He might be on urgent parliamentary business!

Hon KATE DOUST: No, no! Now that the minister has raised the issue, Hon Nick Goiran has given strong commitments on the public record that he will support our amendments. Hon Nick Goiran is a man of his word and a man of honour. He will stick with his word and he will vote with the opposition on its amendments. He will not waver on that—it is too important to him.

I look forward to the minister's response. I am certain this legislation will be through this house in time for the government to achieve its goal of introduction into the community by August.

HON LYNN MacLAREN (South Metropolitan) [8.28 pm]: I rise to provide the response of the Greens (WA) to the proposal to further deregulate trading hours to permit Sunday trading. The Greens will oppose the Retail Trading Amendment Bill 2012, which seeks to amend the Retail Trading Hours Act 1987 to allow all metropolitan general retail shops, including major supermarkets and department stores, to open between 11.00 am and 5.00 pm on Sundays. The special trading precincts of Perth, Fremantle, Midland, Armadale and Joondalup will therefore be abolished. There will be no change, as far as I understand, in the regulated hours for small business, which is now defined “as a business with not more than six owners and 18 employees, including the owners”. They already have extended trading hours. Most Independent Grocers of Australia stores fall within the definition of “small business”.

If both the major parties vote as they have indicated, the bill will be passed by this chamber. One of the impacts of the major parties combining to pass legislation is the risk that the policy and detail of a bill is not properly canvassed under a critical eye. Indeed, that is the case here because the merits of shopping all hours have overshadowed the burden of working all hours. It falls to the Greens to review who the winners and losers might be. During that review, I will pose a few questions for the Minister for Commerce. I will also comment on what restricted trading hours achieved in this state, provide my perspective on the value of special trading zones, which we are in the process of abolishing, and raise concerns about the impact of Sunday trading on small retailers.

I start by pointing out that the only reason we are debating this bill is because the opposition had a change of leadership and with that change it agreed with the government to pass the bill. I will go back to one of the stories in the Australian Associated Press, which covered a comment from the former Leader of the Opposition.

Mr Ripper, about the WA Liberals when they decided to take the issue of Sunday trading to the election. The article is dated 14 August 2011. The honourable member, who was Leader of the Opposition at the time, said —

One of the things we want to make sure of is that the interests of shop workers are taken into account

we represent those people.

In that context it is important that we examine the benefits of this legislation to workers. Both the Liberal Party and the Labor Party have changed their position on this issue so many times that both sides must be feeling a little schizophrenic at this point. When the opposition forgets that it is supposed to hold the government to account, the public does not hear constructive criticism of a policy or the risks or weaknesses in a policy decision. The current Leader of the Opposition, Mr McGowan, says that he understands that it is a tough world for a small business. But this legislation does not help small businesses. Small businesses, which just got a little bigger with the recent change in definition, can trade when they like. We canvassed views about Sunday trading when this bill was introduced. It will not be a surprise to anyone that those in favour of Sunday trading are the Chamber of Commerce and Industry, the Retail Traders' Association of WA and the Committee for Perth, among others. Those opposed to Sunday trading are the WA Retailers Association and IGA Western Australia. That might be because of legislation we recently passed that included them in the definition, giving them favourable trading hours against the big players. Now the government is seeking to erase the advantage they got with the previous amendment. I want to question whether there is a voice for the retail workers in this debate. We went looking for someone who would stand up for the workers because of the opposition's change in the position. We found that UnionsWA put out a media release on 19 April 2012, which says, among other things, that unsociable work hours are bad for health, relationships and productivity. Simone McGurk, the secretary of UnionsWA says —

If we want to address poor mental health and lost work productivity then we should support workers taking holidays and put checks on the 24/7 economy.

Those checks are the nature of the debate I am raising today. Simone McGurk goes on to say —

Recently the Chamber of Commerce and Industry in WA derided “the old concept of the eight hour day” while Premier Barnett, when introducing Sunday trading, announced he will move to abolish penalty rates for those working after-hours. The Parliamentary Inquiry into Fly-in Fly-out ... work this week heard evidence from the Australian Medical Association of WA that such unsociable work contributes to relationship breakdown.

The final quote from Simone McGurk is as follows —

There is a push on by the Barnett Government and employers for more unsociable working hours.

That is a concern shared by the representatives of the shop workers. We would like to see some comment on behalf of the minister on how we will ensure that those unsociable hours do not cause these negative impacts that have been flagged not only by UnionsWA but also in many different media. For instance, an article by Bevan Lawrence talks about Sunday trading being a health hazard. One of the health impacts of these long work hours is that we can become obese from not having enough time to be active, to move around, to play sport or to do the various things people do on a Sunday such as kayaking, bush walking or whatever they would like to do. If people are working that day they have less time to do it, even if they are working a restricted day from 11.00 am to 5.00 pm. We would like to see checks and balances put in place to make sure that workers are not required, as Hon Kate Doust put it very well, or not forced to work long hours, especially on Sundays if they, indeed, feel that is a day they need to have off.

The last article I want to quote from is *The West Australian* dated 23 March 2011 which is headed “Shop hours pose big threats to our life balance”. The author, Kim MacDonald says —

I am what you would commonly call a shopper. I'm the type to call stockist hotlines, order things from Melbourne and display furniture catalogues on my coffee table like the essential reading material I consider them to be.

For this reason, most people assume I support the State Government's recent announcement that it will go to the next election with a policy to fully deregulate trading hours.

We are not waiting for that election; we are doing it now. This was in March last year. We are about to deliver these extended trading hours. Kim MacDonald goes on to talk about how this will hand retail giants even more power and profits. I want to go into a bit more detail on how that might happen. Basically, the Greens policy direction on a sustainable economy is to control trading hours and discriminatory trading practices that favour large one-stop shopping centres, which tend to be internationally owned franchise operations. I think we can all

agree that we do not want Western Australians to become like some places in the United States that I know very well, like Los Angeles where there are huge shopping malls, and the small strip shops with a variety of small retailers are lost. We do not want to see us go down that path.

We also have a policy on employment and workplace relations, which guides me on my thinking on Sunday trading that we would support legislation and actions that ensure there are adequate statutory minimum conditions of employment, including, but not limited to, rates of pay, hours of work, leave entitlements, including access to paid parental and carer's leave, redundancy provisions, regular work hours for part-time workers, minimum call-out times and rates for casual employees.

As I have stated, one of the things we are anticipating following the passing of this legislation is that we will abolish Sunday penalty rates. If members went into a shop on a special trading day and talked to workers now, they would hear how everyone believes that we have already passed this legislation. All the shop workers are saying, "Yes, in August, we will be working on Sunday because it is a done deal." I went to Garden City last Sunday when it opened. I agree; lots of people like to shop on special trading days. It was a very busy time and the shopkeepers were doing good business. I like to ask them how they are going. They were all saying, "Okay, come August, we will all be working on Sunday anyway." When I asked the workers, "How do you feel about working on a Sunday, wouldn't you rather be hanging out with your mates or doing stuff at home?", they say, "Well; it's not bad pay on Sunday. I really like the fact that if I work this one day, I can go to school and study on my days of study." It is a kind of pay-off. In Western Australia, the trade-off of family time and relaxation time through working on Sunday has always been that employees got a little bit of extra money. The normalisation of Sunday trading hours will impact on the people who are prepared now to put in extra hours as a trade-off, if you like. But if those hours are paid at the regular pay rate as a Monday or Tuesday might be, I think people will begin to view working on Sunday a bit differently.

Hon Simon O'Brien: I can't see that happening.

Hon LYNN MacLAREN: That is good to hear. This whole debate has been very interesting to me because, as members know, I grew up in the United States where 24/7 trading is not unusual.

Hon Simon O'Brien: Look how well you turned out.

Hon LYNN MacLAREN: Thank you minister, I appreciate your compliment. I will take that interjection!

Moving to WA I had to adjust to restricted trading hours. I had to get out the door on Saturday before 12 o'clock, for goodness sake, to do my grocery shopping because those were the days when we did not have trading past 12 o'clock on a Saturday. It never fails that if someone from the United States comes to visit me, I have to push them out the door and say, "Look, we've got to get to the shops by four o'clock, close to five o'clock, otherwise they will be closed. My visitors look at me in horror and they think Australia might be a little bit of a throwback when we cannot have consumption at any time of the day. But once we established those special trading zones where there were concentrated points of activity, where shoppers could go and people who worked until five needed to get groceries later than the normal closing time. That cultural difference between here and America is diminished. I think it was a good approach to retail trading to have concentrated areas of activity, which, by the way, align with the Department of Planning's Directions 2031, which proposes zones that invite people to come for a commercial activity at particular times.

Under Directions 2031, which is a planning framework, that is what we are aiming to achieve and develop. We could then deliver services such as public transport into those areas of activity that are frequent and reliable on Sundays when trading occurs. Once we allow Sunday trading throughout the metropolitan area and lose that concentration of activity, we are then under pressure to deliver public transport to workers who are working, for example, at the Coles in Beldon or the Woolies in Ellenbrook. We are required to deliver those public transport services because, in many cases, these are low-paid workers and they cannot afford to pay for parking all day while they are working in a job that does not pay them adequately. They can only do it within their budget. Fremantle is a prime example where there is very little free parking for workers, and a lot of the workers working on the special trading zone days travel there on public transport. It is a way to help them to balance their budget. Having to depend on infrequent public transport is incredibly difficult for them, so I think this is an opportunity for us to perhaps extend the public transport system. I thought Hon Kate Doust asked a very good question about whether plans were afoot to do that.

I said that I was going to look at who the winners and losers are in this issue. On the one hand, consumers are going to welcome the opportunity to shop on a Sunday if they so choose; not every consumer is like Hon Nick Goiran, who does not want to take his entire family out to the mall on a Sunday. There are infinite choices for what people can do with retail on a Sunday, but the problem is that there is now the risk that if we allow Sunday trading throughout the metropolitan area, the choice of shop in a deregulated marketplace will be restricted because extending trading hours to include Sunday will increase the competitive advantage that large retailers

already have. Small retailers may not survive this change. Again, if we look at the US experience, large retailers dominate the market and small retailers suffer when they are chasing only a fixed amount of the retail dollar. Consumers who now eagerly anticipate shopping on Sunday may not be so eager when their choice of retailers is limited to a handful of large retailers.

The current issue of *Choice* magazine reports that 71 per cent of the grocery market share in Australia is taken by the top two supermarkets. This change will give them an even greater advantage, and it is hard to imagine how that will impact small business. By comparison, 76 per cent of the grocery market share in the United Kingdom is taken by the top four supermarkets; it is shared by four supermarkets there, whereas the huge percentage of 71 per cent is shared by the two supermarkets in Australia.

The other people who will be affected by this change are retail workers. The consumers may benefit in the short term, but their choices may, indeed, be restricted. The other people who will be affected are retail workers. On the one hand, more shifts will be possible; existing employees will not be required to work on a Sunday, but new employees will have to accept Sunday shifts. The retail sector has been hit hard by the global financial crisis; just as mining jobs have increased in Western Australia, the number of retail jobs is falling. The minister may recall that I asked him a question, I think last week, about the impact of the GFC on the small business sector. He very eloquently described how it was difficult to say exactly how or why small retailers have diminished. Retail sector jobs are not increasing at the same pace as mining jobs and it is difficult to actually pin down why that is, but I think that should make us a little more cautious about changing the playing field and extending hours to include Sundays.

In today's *The Australian* there was a very good graph on page 2 accompanying an article about the two-speed economy. The graph illustrates that mining jobs have been increasing across Australia by 12 per cent since 2004, while retail jobs—although increasing, as we would have expected them to since 2004—have increased at a rate of only 1.4 per cent, so only a tiny percentage of the overall boom is actually being shared by the retail sector, as I am sure the minister knows; I am not telling him anything he does not already know! My question to the minister is: does he anticipate Sunday trading to increase the number of jobs in the retail sector? I would like him to address how the increase in trading hours on Sunday will impact the number of jobs in the retail sector. In fact, the evidence indicates that this legislation will help big business. It will disadvantage small business because they will now have to compete against big business in what is very disingenuously referred to as a “level playing field”.

What did Sunday trading, when it was restricted, achieve? In the absence of a strong and well-resourced small business commissioner and a transparent lease register for commercial tenants, restricted hours curtailed the powers of the large corporate retailers; we have heard that debate in this place before. That is what it achieved. Small businesses could trade on Sundays, and for extended hours, without competition from the big players. That is where the small niche boutiques made their money, because the big players were not open. Consumers are willing to pay slightly higher prices at shops that are open during the “antisocial” times. At the checkout, we see that the shop assistants serving us, instead of relaxing with their families, playing team sports, going for bush walks or hanging out with mates, are standing there, working, and consumers in the past have been prepared to pay the price for that service. If the big retailers are also open, consumers are less likely to support the small local shops, and small shops will gradually be replaced by ubiquitous malls and large shopping centres. Big retailers generally have enterprise agreements with their staff that mean they can avoid paying penalty rates on Sundays. This does not apply to small retailers, who are often obliged to employ casual staff at higher rates that they can ill afford.

What did the special trading zones achieve when they were in place? I guess I should not use the past tense, but really, we all know that this bill is a done deal because the two major parties are going to support it. What I really should ask is: what have we achieved by having those special trading zones? As I said before, they concentrated that activity, so they attracted tourists, shoppers and day trippers, and as Hon Kate Doust said, Fremantle is a particular magnet for that. Midland is also a magnet for that; people drive or catch the train out to the Midland Markets on a Sunday because they can see different shops, even if the trains are more infrequent on a Sunday.

To take the example of Fremantle, there are small specialty shops such as Kakulas Sisters, Home Providore, the Fremantle Chocolate Factory, the Oxfam Shop and the Pickled Fairy. They thrive on Sunday trading, as does Fremantle Markets, and that is because it is a special trading zone and it brings people in for those disparate activities. I ask the minister: what will happen to Fremantle, which is one of those special trading zones that we are about to abolish? What is going to happen if these specialty precincts are abolished? Has the minister looked into the potential impact on those sectors?

Hon Simon O'Brien: Fremantle CBD needs a major revamp, and it has to be driven from within, if you'll take the interjection. I note what the council is doing and I note what the local chamber of commerce is doing under

its president, Ra Stewart; I was with them the other Friday night. Sorry about the length of my interjection, but government has a role in encouraging that, and I am finding some other ways to encourage it, quite apart from this trading hours regime.

Hon LYNN MacLAREN: I will be very keen to hear about those other ways, because the City of Fremantle is only one of the special trading precincts that will potentially be impacted when we spread trading hours across the metropolitan area on Sundays. That will potentially impact Joondalup, Midland and Armadale, but those new precincts, which we have just created, will probably not feel the impact as intensely as the original special trading zones, which used to be called tourist trading areas. Those are the zones that I worry about. It is fair enough to worry about those small business communities because there is not a lot of give in the economy at the moment. With the price of housing, the price of food and the price of energy in heating a home, as we have heard often, there is not a lot of fat in the family budget. Therefore, any kind of restriction on employment, such as fewer hours if a small business closes, has an extreme impact in this day and age. I therefore think it is beholden upon us, if we are making a change of this nature, to look at those impacts and try to identify what will be not only the positives but also the negatives. Who will be negatively impacted and how can we have a safety net to catch them when they fall? The minister mentioned it and I commend the City of Fremantle for its very proactive approach to the business improvement districts—BIDS.

Hon Simon O'Brien: Way, way, way overdue, I might add.

Hon LYNN MacLAREN: The business development unit gave a presentation only yesterday to us and described the tremendous work that is being done to recreate Fremantle as a thriving hub of activity. It is doing great work and I anticipate seeing some benefits of that good work in the very near future.

Are we in the state of Western Australia creating a retail trading environment that will take us into the future? Why are we doing this? In his paper entitled “2037: Regional WA Transformed: Big Picture Issues Resulting from Demographic Change in Regional WA”, Bernard Salt shows how jobs in mining, health and professional occupations are on the increase, as indicated in today’s *The Australian*, while those in agriculture, retail and manufacturing are declining.

One of the factors in this changing retail environment is online shopping. I took the time to speak ever so briefly with the chair of the Committee for Perth, Marion Fulker, about this. She, like many others, is predicting that online trading and online shopping will increase dramatically over the next five to 10 years. Online shopping has increased rapidly to the detriment of retail. A PricewaterhouseCoopers report that we looked at, entitled “Have you made sense of online shopping?”, shows that online spending has increased by over 13 per cent on last year’s spending of \$12 billion to \$13.6 billion, and that it will reach \$21.7 billion by 2015. The report states —

Online shopping, both locally and offshore, is expected to grow at least twice as fast in comparison to the total retail market in Australia over the next four years”.

Online shopping does not need retail trading hours; it functions all the time, 24 hours. Online shopping does not need a shop front; it does not need a hive of activity; it does not need an activity centre. Online shopping will be a big change in our economy and we have to be ready for it. Whether extended trading hours on Sunday across the metropolitan area will take us into that future is a good thing to question. I would like to hear from the minister about his vision and how we will incorporate an economy that is changing at such a rapid rate in retail with the online shopping craze.

I do not need to go into the drivers of the growth in online shopping. I think members are all well aware that the Australian dollar is very strong at the moment. Purchasing overseas has a huge benefit. Online shopping from overseas also attracts that beautiful thing that if the product is under \$1 000, people do not have to pay GST. So a lot of people are into this. For wise consumers who need something, online shopping is the place for them to go to spend their dollar, especially when our cost of living is so high and increasing, especially for low-paid workers.

I want to make that same comment that Hon Kate Doust made about transport infrastructure. We need to question whether we have the transport infrastructure that will support Sunday trading. We need to think about those workers and how they can get to their jobs quickly and with some reliability so that they can be there on time to start, and so that they can get home when the shops close. I ask the minister whether public transport will be increased in frequency on Sunday and whether he will have some reliable services that are on time to ensure workers get to their jobs on time.

The Greens (WA) supported extended trading hours, as Hon Kate Doust reminded us. We supported extended trading hours the first time around, but for a number of reasons this legislation has gone too far. One of those reasons is that anchor tenants in a shopping centre pay a fraction of the rent that a small tenant pays; they pay between one and two per cent of their turnover. A small tenant in a shopping centre pays between 10 and 20 per cent of their turnover. There is not even a lease register to provide transparency about the rent so that other

tenants in the centre can compete in a fair and level marketplace. This legislation will push up rents and variable outgoings for small retailers in shopping centres, regardless of whether they open on Sunday. The so-called protection of the commercial tenancy legislation is insufficient to prevent this because often the pressure from landlords is subtle and the duress is difficult to substantiate without hard evidence. Tenants are not given access to facts and figures to give them the wherewithal to seek protection from the Small Business Commissioner, whose track record is in any event unproven and, we would argue, his powers inadequate to the task because he is a mediator only. The law is difficult for small business people to access, and if they do so successfully, they may face discrimination from landlords in the future.

In 2005 we had a referendum and I have a copy of the report here with me. Sixty per cent voted no to Sunday trading. I acknowledge that this result would be different if it were taken today.

Hon Simon O'Brien: No, they did not. I was in this place when Hon Dee Margetts contributed—in inverted commas—to the framing of the dopest questions that could be put to the public, and the then government acquiesced. It was not a referendum.

Hon Peter Collier: So there!

Hon LYNN MacLAREN: I quote from the “Western Australian Referendum on Retail Trading Hours Report” of 26 February 2005.

Hon Simon O'Brien: They might call it that but it was not a referendum.

Hon LYNN MacLAREN: The Western Australian Electoral Commission published this report; I am not just calling it that.

Hon Sue Ellery: But he knows better! Haven't you figured that out? He knows best.

Hon LYNN MacLAREN: I will take that under advisement, minister.

Hon Simon O'Brien: It was not a referendum. There were no consequences upon the vote being taken.

The DEPUTY PRESIDENT: Order, members! Perhaps the remarks could be directed through the Chair. At the moment Hon Lynn MacLaren has the call.

Hon LYNN MacLAREN: As I mentioned, the people went to a referendum in 2005. I acknowledge that the result would be different if it were taken today because consumers want and expect more choice at less cost, as the significant shift to online shopping indicates. But what may be good for consumers may also be bad for retailers and for their employees. Premier Barnett said that he would like to do away with penalty rates for Sunday, traditionally a day on which people would expect to earn more for the sacrifice of not having a day off with family and friends, which in the past they were entitled to expect as a right. Employees of big retailers who currently choose not to work on Sunday will be able to choose whether to work on Sunday without being penalised. However, existing employees in small businesses will not have the right to choose, nor will any new employees. This discriminates against people who do not wish to work for religious or family reasons. Many small businesses do not wish to open longer hours, as is evident now, because they can but they do not. There is no hard evidence that longer opening hours increases turnover. In fact, the anecdotal evidence indicates that the same earnings are just spread out over the longer period. Do we really need what Clive Hamilton calls more “affluenza”? Affluenza is his word for buying stuff for the sake of it, throwing out old things that are perfectly serviceable, getting, spending and wasting. The government has already had several bites of this cherry. It should have taken this opportunity to rationalise a system that is confused, confusing, illogical, overregulated and costs taxpayers a lot of money on monitoring and enforcement.

Let us recap: since I was elected to this place there has been the Retail Trading Hours Amendment Bill 2009, the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009, the Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010, the Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010, the Small Business and Retail Shop Legislation Amendment Bill 2011, the Retail Trading Hours Amendment Bill 2011 and the Commercial Tenancy (Retail Shops) Agreements Amendment Bill, which we finally passed in 2011. Hopefully, now we have the last of those retail trading hours amendment bills in extending trading hours to include Sunday throughout the metropolitan area. However, I would argue that, as with the heritage act overhaul and the changes mooted to the Retirement Villages Act to name but two, this is piecemeal legislation—that is a term we have heard before—that lacks an evidence base. In fact, the Chamber of Commerce and Industry of Western Australia itself complained about the piecemeal nature of the retail trading hours legislation. It would have liked us to have marched forward boldly into the future of deregulated trading hours way back; in fact, the CCI went to the effort to build a Productivity Commission case on this. James Pearson, the CCI chief executive, wrote to us on 3 November 2010 to thank us for supporting extended trading hours. He urged us to take the next step to allow the people of Perth, whichever suburb they live in, the right to enjoy the benefits of competition, convenience and choice, and to allow shops in the

metropolitan area to open on a Sunday. The Productivity Commission report found that Western Australia's out-of-date retail trading hours are against the interests of small business and consumers. It is no surprise to any of us in this place that that argument has been made since before—what I am calling—the 2005 referendum. The 2005 referendum followed the 2004 review of retail trading hours throughout Australia. It was deemed that Western Australia was archaic and backward and that we needed to really catch up with the rest of the flock. The CCI wrote to us and stated —

The report finds:

- WA has the most restrictive trading hours regime in Australia;
- the current restrictions impinge on consumer choice;
- the restrictions are pushing shoppers online ...

Minister, with these extended trading hours, will we see people coming back into the shops? Will we see an increase in shoppers? Will we see that trend towards online shopping fall away? Let us hear some evidence about that; let us see some vision. Is this not why we are doing this? The CCI said that the Productivity Commission report found that “the creation of special Sunday trading precincts is distorting the local market.” When the minister tabled this legislation he said, “It is unfair to have these special trading precincts because the neighbouring retail shops are not permitted to get that same business that the special Sunday trading people are.” As Hon Kate Doust said, within 12 months it will be great to look at this again and see whether in areas outside the special trading precincts business has increased for those businesses that are apparently clamouring to be able to open their big shop doors. We know that this is about large corporate monopolies and large corporate retailers; this is not about you and I wanting to go to our favourite game store or something, because we can do that now. What is happening is the big retailers have said, “We don't like to be told when to open our doors and we want regulations lifted.” This is it; we are now at the mercy of profit-making large corporations. I hope that we do not have the worst of these impacts. I want to encourage the minister to consider those impacts and try to find safety nets for the people who will be impacted. It is not at all clear that the gains will outweigh the losses, but it seems likely that small business will suffer. The Greens support small business; we cannot therefore support this bill. Retail trade in Western Australia could be improved by protecting retailers who choose not to open, by giving employees the right to choose whether to work on Sunday, providing for a lease register, rationalising the regulations and improving public transport on Sundays.

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [9.06 pm] — in reply: I thank honourable members for their contribution to the debate on the Retail Trading Hours Amendment Bill 2012. It is a debate that has been going on for a very long time and it has canvassed many things over the years. Now, we find that the issue is drawing towards agreement with the contents of this bill. I thank the opposition for its pledge of support because that will enable the changes proposed in this bill to finally take place.

As Hon Kate Doust pointed out, there have been changes of positions about this issue over many years from all parties involved. We heard a bit more about that in the course of the second reading debate. Frankly, I do not seek to highlight any things that might be called backflips or changes of stance because I think just about everyone has experienced some degree of evolution in their approach to this policy area. But that is reasonably so because the fact is that the world has changed. Therefore, when there was a change of leader in the ALP and it decided it wanted to get rid of this political albatross hanging around its neck, it moved to do that. We welcome that, but all it does is enable us to deal with an issue by a simple device; a change that means that, if adopted, these measures will henceforth bring forward a regime whereby general retail stores in the Perth metropolitan area may open, if they wish, on Sundays from 11.00 am to 5.00 pm, and those rules will be the same for everybody across the Perth metropolitan area. That is basically it. It is not a deregulation of retail trading hours; we will still have all sorts of regulation. This is a tweaking of bits of the Retail Trading Hours Act, which I administer, that states when and where businesses cannot open. We will change the hours that businesses can open to include those that I have just mentioned. There is also some other machinery, of course, in the bill about getting rid of the special trading precincts. That means that the special trading precincts will have a change that brings them into line with everywhere else henceforth; they will see a reduction in some of their Sunday trading hours. All this is a matter of the record and it is contained within the bill.

Members raised a number of issues in the second reading debate and I want to address those issues because I have been asked to address them, and I will. A supplementary notice paper has also been produced today, which contains some amendments that, lo and behold, are identical to amendments debated at some length and with great vigour, I understand, in another place. Perhaps the author of the amendments wants to bring them into this place and see them debated properly and soundly! Either way, I hope they will have the same result and be resisted. They are unnecessary amendments, and I hope to persuade the house to that view through reason, not political posturing.

Hon Nick Goiran gave us an interesting speech, and I congratulate him for it. It is refreshing when members stand in this place and look at things through a different prism and from a different angle; that is what a house of review should be about. It is also about a member having the guts to come into this place and tell other members that he has a view that is perhaps contrary to theirs. The really great thing about Hon Nick Goiran is that I know he, in turn, respects my duty to point out that the issues he raised should not change the view of other members; I know he will accept, with patience, my opportunity to explain to him where I am coming from with the issues that he raised.

One of those was this question of a referendum being held in 2005; Hon Lynn MacLaren raised it again just now. In 2004 a bill was brought into this place for a referendum. I have not researched *Hansard* or anything for this, I am just going from memory; Hon Ken Travers was in this place, so he might recall. I have just said by interjection to another speaker that the exercise that ensued was not, in my view, a referendum—at least not how I would define a referendum—even though it was called that and there were publications with “referendum” written on them. To my mind, a referendum is a matter put to the people for resolution that dictates the changed course of action that will ensue. We have seen other referenda go through this place in my time. Daylight saving was a matter put to the people for about the fourth time and defeated, I am glad to say. A referendum would start with an actual bill that contained a proposition, and if this matter we are dealing with now was put to a referendum, the proposition would be that general retail stores across the Perth metropolitan area shall be permitted to open in future from 11.00 am to 5.00 pm, and there would be a provision in the referendum that this proposition be put as a question to the people through a polling operation. The people would fill in ballot papers containing the question by indicating “yes” or “no” to the question created from the proposition. The bill would further contain provisions on what will happen when the result of the question put to the electorate is known. That might be that if it is resolved in the negative, the question is discarded and should not be further entertained or, if it is resolved in the affirmative, the referendum is deemed to have been upheld by the people and the consequences would ensue. A provision might be that section such-and-such of the Retail Trading Hours Act would be amended to provide trading hours on Sunday from 11.00 am to 5.00 pm et cetera. It is a very specific thing. But the actions of the people, by their voting, trigger the result; without those actions, it cannot be triggered. When an affirmative vote is triggered, there is no going back on it unless the process is started all over again.

The process we went through in 2005 put up a funny sort of question that was not very precise. I think it asked something along the lines of: do you think that deregulated trading hours or Sunday trading would be to the benefit of the community? That could be interpreted in any number of ways, and indeed people did, but the process did not have any instruction on what would happen with a yes or no vote of the people. That was probably just as well, given the ambiguity of the question. For those reasons I emphatically say that it was not a referendum. It was a question or a plebiscite or something, but it was not a referendum because it did not have the key elements.

Hon Lynn MacLaren: Would you take an interjection?

Hon SIMON O'BRIEN: Please do.

Hon Lynn MacLaren: It is as to the actual question. Would it assist you if I provided you with the actual question?

Hon SIMON O'BRIEN: Not really; I think we have done that bit and members probably want me to move on. I was just making the point that a referendum has not been disregarded. I do not believe there was a referendum; I think there was some sort of second-rate opinion poll conducted at a particular point in time more than seven years ago, and we have moved on from that.

Hon Lynn MacLaren: I think the question was clear, minister. I take your argument, but it might enlighten and maybe spark your memory if I told you what the question was. I've got the referendum paper in front of me.

Hon SIMON O'BRIEN: I think I had the gist of it. It was not very precise and could have been interpreted in a number of ways. But the key element is that whether people interpreted it one way or another way, the vote of an entire electorate meant nothing.

Hon Kate Doust: I voted against it.

Hon SIMON O'BRIEN: I did, actually. It meant nothing because nothing was going to happen as a trigger of the votes being taken. That is the point I make about it not being a referendum.

Now that we are more than seven years distant from that, I think the issue has cooled enough that we can dispassionately say we are now considering this afresh and that it is not a capital crime to be allegedly disregarding what the people said in 2005. I do not think it was an honest or realistic referral to the people, and it was not, in my view, a referendum as such.

I respected every word Hon Nick Goiran said about the sanctity of Sunday, and I wanted to reassure him about a couple of things. First amongst those is whether we as a society, a government and a legislature value and appreciate the cultural and, indeed, spiritual significance of Sunday to us all, to the fabric of our community life, to the life of a family—a household—to human beings, to adults, to children, and to people from all walks of life and sundry different cultural, ethnic and religious backgrounds. Indeed, this community does respect Sundays and does hold them to be something different, and will continue to hold Sunday to be a special day in the seven-day week—every Sunday—and people can be reassured about that. Just because we are enabling people in certain categories to be able to open their shop doors to their customers from 11.00 am to 5.00 pm on a Sunday, is that an attack on the sanctity of Sunday? I would like to put to members the case that says no, it is not, so that perhaps Hon Nick Goiran and others might have a rethink about whether that argument that has been advanced from a number of quarters is really legitimate.

To do that, I go back to a debate that fascinated me when I was a relatively new member in 1997. This was a date in the last millennium. For other members who might not have been in the chamber then, they can find the resumption of the second reading debate on Thursday, 20 November 1997 on page 8311 of *Hansard*. We considered the Sunday Observance Laws Amendment and Repeal Bill, which repealed the Sunday Observance Act 1677. It is not very often that a 107-year-old legislature gets rid of a 320-year-old act of Parliament, but that is what happened. I was very interested by that. Later, as Chairman of the Standing Committee on Uniform Legislation and General Purposes, I participated very energetically with Hon Matt Benson-Lidholm and Hon Donna Faragher in looking at the question of adopted imperial laws in our situation in the Western Australian Parliament. It was an arduous inquiry. It took us as far as London and Dublin. We all learnt a lot as members of Parliament. Even though it was hard yakka, I know that Hon Matt Benson-Lidholm and I look back on the time we spent on that inquiry with great fondness.

The Sunday Observance Act 1677 shows us a few things. First, today is not the first time we have tried to regulate what can and cannot be done on a Sunday. People have been doing it for centuries. Furthermore, this act consolidated a mishmash of laws that had been in existence for centuries before that.

Hon Kate Doust: Minister, this is all very interesting, but you are the only one slowing down the progress of your bill through this chamber.

Hon SIMON O'BRIEN: Only for the purpose of showing members what it is all about.

Hon Kate Doust: I think we've got it and you're the only one slowing us down. If you don't want this bill to pass, that's fine. But we're happy to facilitate the passage of this bill. The opposition is trying to assist you, minister.

Hon Ken Travers: Why is the government filibustering?

Hon SIMON O'BRIEN: We are not actually.

The DEPUTY PRESIDENT: Order, members!

Hon SIMON O'BRIEN: The Sunday Observance Act 1677 shows us that there was regulation of the commercial activities and otherwise that could be conducted on a Sunday and that there were penalties for those who wanted to disobey the law. The reason we were repealing the act in 1997 was to put beyond doubt the provision in section 6 that provided that no person upon the Lord's day shall serve or execute or cause to be served or executed any writ, process, warrant, order, judgement or decree, but with some exceptions. The reason we repealed the act is that even though we believed that all the provisions in the act had been overtaken by other acts in Western Australia, we needed to put that matter beyond doubt. That is why we repealed it. But when we examine the rest of the act, we see a number of things. Even though there was the requirement contained in the provisions that certain things not be undertaken, there was also a recognition that certain things do have to be done, even if it is the Lord's day and thou shalt not work. That is what happened before then, that is what happened in 1677 and that is what happens today. People conveniently turn a blind eye to that fact when they consider the lot. This issue was raised by other members who have spoken, so I am speaking in response to those members as they requested me. What will happen with the terrible prospect that some people will be asked to work in a general retail store on a Sunday? How can we possibly deal with that? The point is that, as a society, we have been dealing with it for hundreds of years. There has been a requirement, as there was in 1677, that people cannot work in certain pursuits, but, for instance, dairy cattle still need to be attended to.

Hon Ken Travers: In 1677, you would have had archery training too!

Hon SIMON O'BRIEN: And all sorts of things.

In this day and age, and for many, many years, lots of people have worked on a Sunday. We have the systems, the awards and the agreements that enable people to get on and do it—for example, people working in essential services such as nurses working shifts. For example, Hon Ken Travers, bus drivers work on Sundays—not every

Sunday and not all bus drivers, but they do work on Sundays. I am sure the member also did so in his day. Both he and I have worked as customs officers.

Hon Ken Travers: I worked on a Sunday as a customs officer.

Hon SIMON O'BRIEN: And what was the member's penalty rate on a Sunday as a customs officer?

Hon Ken Travers: I was getting paid a lot more than a shop assistant, I can assure you.

Hon SIMON O'BRIEN: It was 100 per cent penalty rates. I can tell the member that, as a rule, I have never had any problem in any shift job that I have been involved in—I have been involved in plenty over the years—in getting people to work on a Sunday.

Hon Ken Travers: You are talking about when you pay good penalties; absolutely.

Hon SIMON O'BRIEN: Indeed.

Hon Kate Doust: The highest pay for a shop assistant is 40 grand a year. Even with penalties, it is not the highest pay rate, is it?

Hon SIMON O'BRIEN: No, it is not. But in every case—again this goes back to the status that Sundays have in our society—Sunday is treated as a special day not only because it is the Lord's day, as they knew in 1677 and many people know in 2012, but also because it is a special day in the working week whereby the starting prospect is that normally people have Sunday off. That is the starting prospect, and if people have to work on a Sunday, they should be paid extra for it. The government supports that prospect.

Hon Ken Travers: The Premier has already talked about winding back retail penalty rates on a Sunday. He's already suggested that you might need to bring penalty rates down.

Hon SIMON O'BRIEN: There is no contemplation by the government that penalty rates be abolished. Most importantly, this legislation does not abolish penalty rates, nor does it lead inexorably towards doing that.

Hon Ken Travers: The Premier was wrong.

Hon SIMON O'BRIEN: I will place on the record that this legislation does not abolish penalty rates; that is not what this is about. In Western Australia, Sundays will be a popular day. It will be popular for consumers. Indeed, Sunday will be at least the second most popular day for retail trading. How do we know that? We know it from other states and we know it from what has happened in the special trading precincts. It is a very attractive day. It is also a very attractive day for retailers to keep their doors open. Each retailer will develop a pattern of employment to suit the nature of their operation. Retailers will probably find that they will not have their full complement of staff on a Sunday that they might have on other days of the week. For example, stocktaking and what have you would probably be more of a Monday to Friday job.

Hon Kate Doust: No; they do that after hours.

Hon SIMON O'BRIEN: Or at some other time. But retailers do not specifically bring in all their staff on a Sunday. I predict that there will be competition amongst staff in a lot of general retail outlets to come in to do it.

Hon Kate Doust: Good luck with that!

Hon SIMON O'BRIEN: I think that will be the case. I have a lot of direct experience in being involved in shift work and rostering people on, including on Sundays.

Hon Kate Doust: Your experience with shift work is vastly different from that of a retail worker. It is a very different experience.

Hon SIMON O'BRIEN: I have done it as a hospital orderly. How well paid are they?

Hon Kate Doust: But it is different again from retail.

Hon SIMON O'BRIEN: How well paid are hospital orderlies? Do not dismiss the experience of others, because that is what happens consistently.

Hon Kate Doust: I'm not. I'm saying it is a different experience as are each of those things different to each other.

Hon SIMON O'BRIEN: Of course, they are all different. But that does not mean that we should be scared of them and it does not mean that it will not happen. Most telling of all is that a whole lot of people in retail are working on Sundays. They are at the IGAs, the Bunnings stores and the Masters stores and sundry other stores, but they are not at a whole lot of general retail stores that would like to open on a Sunday to provide services to their customers. That is what this legislation will deliver.

I do not think, Hon Kate Doust, that people will be sacked because they do not want to work on a Sunday. It would be a particularly stupid and objectionable management practice. There is no need to resort to that sort of thing. If there are examples of that happening, I would want to know about them as the minister, because I will not tolerate that sort of stupid and bigoted behaviour.

Hon Kate Doust: Thank you for that, minister. If any cases occur post the introduction of Sunday trading, I will definitely advise you.

Hon SIMON O'BRIEN: It is not on that people be treated with that sort of lack of respect.

Hon Kate Doust spoke about reviewing categories of shops. Again, I think we will find that that will happen. A few things will happen as a result of this bill. A lot of the issue of trading—issue with a capital “T”—will go out of the debate and we will be able to look a little dispassionately at some of these issues. I am looking at special retail categories and wondering what is the point of having them if people can instead have access to Sunday trading. We will continue to evolve from there. It is an evolution, not a revolution, which, perhaps to some extent, we have seen with the special trading precincts and with this bill.

Hon Lynn MacLaren asked whether Sunday trading will increase the number of jobs. The experience will vary from operation to operation. Experience in other states has shown that Sunday trading and extended trading hours do not mean staff all work longer hours; therefore, intuitively one would think it would create some other casual positions, including part-time jobs. Again, it will give greater options for those who want to be involved in the workforce. Again, looking at a shift situation, I am aware of people retiring from full-time jobs and then turning up in similar shift jobs working part-time and basically picking up a full-time pay because they are working unsocial hours on a limited number of days. It will at least open up options for everyone. I cannot see how it will reduce the number of jobs available. I have already said that this has nothing to do with changing penalty rates. I do not want to do that. Yes, sure, awards and enterprise bargaining agreements will continue to evolve. But that has to be with the cooperation of all parties involved, otherwise it will never work. I am not saying everything will be locked in in whatever way it is now, because there are probably differences and anomalies that will be ironed out by the system. But as far as I am concerned, this is not a campaign to get rid of penalty rates. I do not believe in such a policy.

I have discussed the question of a referendum.

Hon Lynn MacLaren also referred to the trend towards online shopping. This bill gives the capacity for a lot of businesses to combat that by having a presence during hours on a Sunday for people to do bricks-and-mortar shopping when currently they do not. People like to see what they are buying and to compare different products. This will give greater capacity for bricks-and-mortar retailers to compete. The member is right; the trend towards online shopping is changing the entire equation. Some retailers will have difficulty coming to grips with that and, as has always been the case, some retailers will open every day, new ones, and some will out go out of business every day.

Hon Lynn MacLaren: I am sure you will be tracking it.

Hon SIMON O'BRIEN: I know that we will not see businesses put out of business because we allow them to open on a Sunday. I do not think we should see businesses that are put out of business because we allow others to open on a Sunday. If they are that shaky, they would not have a good business prospect or longevity prognosis in any case.

The thing that has been ignored in all of this—I go back to members who have participated in this debate—who is this all about? It is about general retailers opening on a Sunday. That means big retailers, does it not? Corporate entities, as Hon Lynn MacLaren referred to them—and not without a small touch of disdain, I felt. It is also about giving small business rights. As a result of this, small retail businesses will open on Sundays when currently they cannot. They are located in a range of shopping centres where people like to go but which are shut on Sundays. Sundays will become for those small businesses at least their second-biggest shopping day.

With all that in mind, and noting that the matters to be discussed in committee will be discussed in committee —

Hon Kate Doust: You haven't made any response to the issue of public transport on a Sunday.

Hon SIMON O'BRIEN: I beg your pardon. I thank Hon Kate Doust for interjecting. We do not have a specific response via this bill to analyse public transport.

Hon Kate Doust: But you appreciate it is an issue.

Hon SIMON O'BRIEN: It may or may not be. I can remember doing a Saturday morning job when I lived on Point Walter Road in Bicton; I had a Coles job at Garden City. Think about it; it is not an easy place to get to by public transport. Even today it would not be that easy, even though it is a pretty densely populated part of the world. We worked it out with my mum or someone dropping me off, maybe doing some shopping, and then

picking me up at one o'clock. That was when I was about 14. Others do different things. People have to take responsibility to get to their workplace. If people accept a retail job and work on a Sunday, they have to allow for this in the same way that people doing any job that involves working on a Sunday would. People have to work out how they are going to get to work and make arrangements. Public transport has a role to play in that.

Hon Lynn MacLaren: Are you saying that public transport is not an issue for workers?

Hon SIMON O'BRIEN: The last thing I said was that public transport has a role to play in this, but that does not mean —

Hon Lynn MacLaren: How are you going to address the issue?

Hon SIMON O'BRIEN: As the former Minister for Transport, I have already got through the system a five-year plan to dramatically increase bus services all over the metropolitan area. That is not a bad contribution. It does not mean—nor should it mean—that everyone will be provided with a door-to-door service to go to their shop job from their home on a Sunday. It will assist, but in the same way that people have to take responsibility for how they get to work if they work on a Saturday night, they will have to take responsibility to get to work on a Sunday.

Hon Lynn MacLaren: Will you be increasing services on Sundays?

Hon SIMON O'BRIEN: Specifically for this, no.

Hon Lynn MacLaren: You are requiring people to work but you're not increasing transport on Sundays?

Hon SIMON O'BRIEN: We are not requiring people to work; we are not requiring shops to open. We will give traders the freedom to choose to open if they want to. An increase in public transport services will be steadily implemented over the next five years. It is already funded and it will be implemented—with Western Australian-made buses, I might add—and it will provide benefits in this area. But there will be no specific increase in public transport.

Hon Lynn MacLaren: You are saying that since workers aren't required to work on Sunday, there is no requirement to provide public transport on Sunday. Is that what you're saying?

Hon SIMON O'BRIEN: I did not say that. I have said what I have said. Hon Lynn MacLaren is not very good at being disingenuous, so do not try.

Hon Lynn MacLaren: Thank you, minister.

Hon SIMON O'BRIEN: What I said was very, very clear. Is there any specific commitment of cash towards extra traffic transport services specifically for this bill? No; but this government is specifically increasing public transport services, and that is funded. Obviously, that will take account of all manner of public transport requirement. With respect, that is all we can expect any government to do.

I have not addressed all I could address but I think I have done justice to what members specifically raised.

Hon Donna Faragher interjected.

Hon SIMON O'BRIEN: No; members specifically raised issues and for several hours asked me whether the minister in his response could please address this question. I think I have gone through the list and done that. I will consider with members the proposed amendments. As I have already indicated, I do not think the changes to protect Sundays are required. I think I have already addressed that in my response to the second reading debate. I look forward to the support of the house for the second reading of this bill.

Question put and a division taken with the following result —

Ayes (19)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Jim Chown
Hon Peter Collier
Hon Ed Dermer

Hon Kate Doust
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien

Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Ken Baston (*Teller*)

Noes (9)

Hon Mia Davies
Hon Wendy Duncan
Hon Philip Gardiner

Hon Col Holt
Hon Lynn MacLaren
Hon Max Trenorden

Hon Giz Watson
Hon Alison Xamon
Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.