

SUNDAY TRADING

Motion

HON PHIL EDMAN (South Metropolitan) [11.30 am] — without notice: I move —

That the Legislative Council recognises the significant reforms to trading hours this government has implemented to date and considers greater flexibility in opening hours for Sunday trading.

It was great to hear on Tuesday that the Minister for Commerce, Hon Michael Mischin, approved a request from the council of Capel for an extension of trading hours in the shire. This exemption under the Retail Trading Hours Act 1987 allows retailers in the Shire of Capel to trade between 8.00 am and 9.00 pm, from Monday to Sunday, excluding Christmas Day and Boxing Day. This is just one of the many such things that this Barnett government has implemented to cut the red tape that stops business growth being affected. In August 2012 the decision was made for all our retailers in the metropolitan region to be able to open their doors from 11.00 am to 5.00 pm on Sunday. In the two years following this change, over 20 000 new jobs were created in the Western Australian retail sector and that was 15.8 per cent growth in just two years, bringing the total number of people employed in retail to a bit over 150 000 people as of August 2014. During this time the rest of the nation experienced only a 4.9 per cent increase in jobs in the retail sector. This huge growth in Western Australia has shown that there is a high consumer demand for more flexibility in trading hours and that cutting red tape in this area has been a profitable move for businesses. In a media release this week the Minister for Commerce said —

... there is no obligation for retailers to open for longer hours if they do not wish to do so ...

“Retailers can make a business decision on whether or not it is profitable to trade for longer hours.

I should say that in the Rockingham Shopping Centre, where I shop, businesses do not open for all the hours they are allowed to. In actual fact, on Sunday a couple of newsagents have decided to shut at 3.30 pm and some businesses decide not to open at all. At night no shops choose to open past six o'clock except for the bigger stores, and they are not penalised or threatened by the shopping centre management to have their lease fees put up or anything like that. This arrangement has been going for a bit over two years and there does not seem to be a problem. I believe allowing shops to open from 9.00 am on a Sunday morning if they wish rather than having to wait until 11.00 am would be another beneficial move to respond to Western Australia's changing demographic and economic trends. Western Australians society has changed and yet in WA we still have an inconsistency of laws that restrict businesses from adapting to the changes. I have to add that once again it is our government that has been deregulating and making these changes. I do not remember the ALP making any such moves when it was in government; it has been our government that has done that.

Where are we now? In Western Australia trading hours are deregulated for business proprietors north of the 26th parallel of the south latitude. They can choose when their shops open in line with their resources and customer demand. However, for those south of the line there is still a range of restrictions on retail activity. Shops fall into different categories that determine the hours they may open, depending on how many staff are employed and what goods are being sold. For example, a domestic development shop such as Bunnings—I am sure members have all been to Bunnings—is allowed to open from 6.00 am to 11.30 pm every day. However, most only sell goods prescribed by the Retail Trading Hours Regulations 1988. Bunnings can sell light bulbs, but cannot sell light fittings; it can sell outdoor lighting, but not indoor lighting; it can sell kitchen sinks, but not dishwashers; and it can sell indoor television antennas, but not outdoor television aerials. Then there is Masters Home Improvement—both these shops are in Rockingham—which cannot trade in these extended hours because it stocks light bulbs, indoor light fittings and white goods. It is confusing. It gets a little worse under these regulations. Petrol stations are allowed to open at any time, but can only sell specific goods at certain times. They can sell film and flashbulbs before 11.00 am on a Sunday, but is illegal for them to sell digital camera memory cards at that time; they may sell cigarettes before 8.00 am on Monday, but not nicotine patches; they can sell pantyhose after 9.00 pm on Thursday, but not underpants; and they may sell sewing needles before 8.00 am on Tuesday, but it is against the law to sell wool at this time. These restrictions are clearly outdated and unnecessary. They cause confusion for both shop owners and consumers, and penalise those retailers stocking a large range of products.

Furthermore, despite an unemployment rate getting to six per cent, we have seen impressive growth of jobs from introducing Sunday trading under our government. The government is doing all it can at this point in time for the creation of jobs, but I have always said there is more to be done. I have never said this government is completely perfect; there is always room for improvement. I remember some three or four years ago that Hon Simon O'Brien, when he was Minister for Small Business, also made some changes to how many people these shopping centres were able to employ. There has been a constant cutting away of red tape under this government. However, we should give more to businesses. We should not stop on the successes we have had to

date. There is more room for improvement. This would also bring greater competition and lower prices to consumers. I have to add that a mother who wants to buy some nappies at 9.00 am on a Sunday will probably pay \$3 or \$4 dollars more than if she just holds off for a couple of hours and buys them at 11.00 am at the shopping centre. That is not fair; that is not freedom for consumers.

It is also argued that most shops could not open earlier on Sunday if they wanted to, but the WA Independent Grocers Association says they can. That might possibly be the case, but the shopping centres will not open until 11.00 am so how do small businesses that want to open have customers come through the doors if the shopping centre they are in has not opened? I have to say there is a nice sneaky little entrance in the shopping centre near me that people can enter at about half past 10 in the morning if they want to get some breakfast and some bacon and eggs a bit earlier than 11 o'clock. Down my way a person has to be in the know about where that door is, but it is possible because businesses down there want people to come at that time. I brought this to the attention of the Minister for Commerce —

Hon Simon O'Brien: Is that place inside the shopping centre?

Hon PHIL EDMAN: There is a door outside. I will tell Hon Simon O'Brien later if he wants to come down for some coffee and some bacon and eggs. I will tell him how to get there.

Hon Simon O'Brien: I was feeling peckish!

Hon PHIL EDMAN: It is not lunchtime yet!

Anyway, I brought this issue up with the Minister for Commerce, Hon Michael Mischin, and I will say one thing about the minister: he has a very open ear and he is really willing to look at things. The minister had the idea for me to survey small businesses at the shopping centre and see what they say. I decided to start a petition, which I am still working on. It is not a conforming petition. It will not be tabled in the upper house and will not go to the Standing Committee on Environment and Public Affairs; I would not do that to Hon Simon O'Brien! Once it is finished, I will present the petition to the minister so I can show him the amount of support from small business. I will quickly go through some of these shops so members do not think it is just Coles and Woolworths pushing for this. It is clearly not. The shops include Thingz Gifts, Matchbox, The Reject Shop, Millers, Donut King, I-Crystal 3D, barber shops, Red Dot, The Athlete's Foot, Gentle Nails, Roger David, Betts Kids, Victoria Station, Jay Jays, Man To Man—I am quickly flipping through a lot of them—Red Rooster. There is Shen's Massage, which is a legal Chinese massage place in the shopping centre by the way, not one of those other unsavoury ones we have to deal with! There is Subway, Hogs Breath Cafe and many more. That is from just one week of doorknocking. We intend to pop into Kwinana Hub Shopping Centre, and we will go as far as Garden City Shopping Centre, to see how many businesses would like to be given the opportunity to open a few hours earlier on a Sunday. Business owners should be free to do what they do best and respond to their customers' needs. It is not the role of government to dictate when a shop can and cannot open, especially when those rules are leading to loss of sales and loss of efficiencies.

I say again that if shops in the Shire of Capel, with a population of 16 000 people, are allowed to open from 8.00 am until 9.00 pm on a Sunday, surely the City of Rockingham, with over 120 000 residents, along with all the other areas under the twenty-sixth parallel, should be given the same choice. I am not advocating for full deregulation. I am advocating for removing the inconsistencies and giving shops the right to open their doors at 9.00 am on a Sunday. When Sunday trading was introduced in 2012, the sky did not fall in. The sky will not fall in, the sun will keep shining, and the Swan River will keep flowing, if these important changes are made.

With those comments, I am interested to hear the view of the Australian Labor Party, and especially the Nationals. We might find that everybody agrees on this matter and there is no argument that we should go forward and continue with the Barnett government's cutting of red tape, and deregulation. I am looking forward to us all agreeing—for the first time in this house—that this is the right way forward, and I will be sitting here patiently to listen to all views.

HON MICHAEL MISCHIN (North Metropolitan — Minister for Commerce) [11.42 am]: I thank Hon Phil Edman for raising the issue of retail trading hours. This is an issue that seems to bubble up from time to time on a slow news day.

Hon Kate Doust: About every three months from Joe Francis!

Hon MICHAEL MISCHIN: It is interesting that some of the advocates who at one stage were urging the government to take radical action are appearing in the papers now saying that we should not have done it in the first place; and the contrary in some instances. It is a difficult area. I want to outline what the government has been doing over the last several years in its approach to this issue, and my personal philosophy on it. Since 2008, the government has adopted a policy of making some changes—incremental to a large degree—to the retail trading hours regime so that restrictions can be eased or removed and trading hours progressively deregulated.

I think householders expect that they ought to be able to purchase goods whenever they feel the need to do so. Frankly, from my personal philosophy, I do not see a role for government to tell people when they can or cannot trade. If they are not harming anyone else, and they think they can make a buck out of it between 1.00 and 1.30 am on a Sunday, I do not see why the government should say no, they cannot do it.

However, the reality of the situation is otherwise. There has been a retail trading hours regime in this state for as long as anyone can remember, and a number of restrictions have been placed on different types of traders as to what they can and cannot do and when they can and cannot do it. There are anomalies in that system. What the government has been doing over the last several years is easing the restrictions on retail trading hours. The government took a large step several years ago to introduce a broader regime of trading on weekdays and also on Sundays. Since that time, the policy has been one of incremental change, and there are a number of areas that I have identified and that I have been looking at over the last year or so to see what changes can be made. But I should emphasise a couple of points. The first is that the information that I have received is conflicting as to whether trading hours ought to be extended; and, if so, by how much. There are people who have an interest in extending trading hours, and, indeed, removing all restrictions. I can accept that argument. I can also accept the argument that there ought to be some graduation in the process and that no radical changes ought to occur.

The retail trading hours regime is complicated. It has been in place for a long time, and various refinements have been accreted to it over time. Therefore, to make one change in one area is likely to expose an anomaly somewhere else. Although it seems that private enterprise is very keen on being able to trade and do whatever it likes, it is also very jealous of its market share. People who set up small retail shops may approach their business from the point of view of a business plan that accommodates a certain trading hours regime and the need to employ people at a certain rate and for certain periods of time, and they are, of course, fearful of radical changes that may cause a disruption to their profitability and their market share and the like. I therefore need to be sensitive to those sorts of considerations as well.

Since 2007, there have been quite a number of changes and significant reforms. In January 2010, extensions were made to tourism precincts, and special trading precincts were created that enable the extension of Sunday and public holiday trading in parts of the metropolitan area. In November 2010, under the stewardship of Hon Simon O'Brien, general retail shops in the Perth metropolitan area were given the option of trading until 9.00 pm on weekdays. In response to consumer demand, the government moved to further relax that, and subsequently, in the Retail Trading Hours Amendment Act 2012, all general retail shops throughout the Perth metropolitan area were able to trade on Sundays and most public holidays from 11.00 am until 5.00 pm, with effect from 26 August 2012, and special trading precincts were abolished.

The regime in country areas is different. The Retail Trading Act 1987 does not apply above the twenty-sixth parallel; therefore, trading hours in those areas are unregulated and shops can trade at any time they like, to respond to consumer demand. South of the twenty-sixth parallel, different rules apply, as Hon Phil Edman has pointed out. But local authorities can apply to the Minister for Commerce for a trading hour variation order in their particular government area after they have consulted with their local communities and the like. Over the last couple of years, I have had a steady stream of applications—I am sure Hon Simon O'Brien had to deal with them as well—to extend trading hours in particular local government areas, most recently Manjimup; Busselton, only a month or so ago; Capel; and the City of Bunbury, which has also applied for an extension. That gradual roll-out of extended trading hours may very well become the norm everywhere other than in the metropolitan area. Therefore, the argument for having restrictions that are inconsistent with those enjoyed in regional areas starts to look a bit thin.

The whole idea of restricted trading hours for small retail shops was essentially to protect them from competition from larger operators. Whether that is the best means of doing that is a good question. But some extensions have been made in that area as well—for example, allowing a small retail shop to have up to 25 persons working in it at any one time, and eligible owners to have up to four such shops operating. Those changes became effective from October last year with the passage of the Consumer Protection Legislation Amendment Act.

A number of studies have been done on the effectiveness of the changed trading hours regime, and we keep getting conflicting figures. The surveys conducted by some interest groups tell us that an enormous burden has been put on small businesses and there has been no realisation in jobs and the like. Other surveys tell us something different. There are various interest groups that advocate for different points of view. Those sorts of things need to be weighed carefully in determining and informing policy. I welcome Hon Phil Edman's interest in the subject of canvassing the views of the small businesses and consumers in his electorate. That is part of his job. The Liberal Party has flexible arrangements when it comes to this. It encourages its members to get in touch with their local communities and find out what they think. But there will not be any radical change in the policy that this government has settled on—that is, of incremental change—over this government's term of office and into the foreseeable future.

There are areas, however, that can bear some attention as to how they can be improved. Hon Phil Edman has, of course, raised the subject of filling stations and the various anomalies as to what they can and cannot do. There are three types of filling stations prescribed under the act. There are filling stations themselves, small filling stations and prescribed small filling stations—although there are only about four of those. There are currently no restrictions on the trading hours of filling stations, but the act does prescribe the goods that can be sold by each. Hon Phil Edman has pointed out some of the anomalies in that regard. That is an area I am looking at to see whether any sensible moves can be made to try to cure some of those. As I have pointed out, if we fix one anomaly, we are just as likely to create another one somewhere else and to interfere with someone else's market share and create a fuss there, but it is an area of worthwhile reform.

Demountable markets: in the recent years we have seen an increasing number of temporary markets in Western Australia, and exempting demountable markets from the act is a potential red tape reduction initiative that can remove the fairly onerous needs for compliance by such traders. At the moment, separate applications are required for each stall location. That is another area that I am looking at as to whether that could be usefully reformed to encourage small demountable markets in places like fairs and shows and the like, and to see whether something useful can be done in that regard.

Christmas and regional trading hours variations: every year it has become customary since, I think, about 2006—I may be wrong about that—to vary Christmas and trading hours in the lead-up to Christmas and beyond that. That is another area that I have experimented with over the past few years with varying hours and gauging the response to that to see if there is formula that can be struck on there.

As to the issue of domestic development stores that Hon Phil Edman pointed out, again questions arise as to when it is no longer a domestic development store and is starting to get into general retail trading, and where the line needs to be drawn and how some of the anomalies in that regard can also be addressed. I thank Hon Phil Edman for raising the subject. There was a question from Hon Kate Doust other day, and I hope I have clarified the government's position in this regard.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [11.52 am]: It looks like this might be a short debate today.

I think it is interesting that this debate has come up. Every few months we get the Minister for Small Business popping his head above the parapet and either talking about the need to reduce penalty rates or the need to extend trading hours; it is sort of his way of letting us know he is still breathing, I think! I must say, it is certainly disappointing that the Minister for Small Business is not listening to his own constituents in that space. I do not get small business people coming to me saying, "Please, please, support the government and open the shops even longer than now." What I do get is small business coming to me and saying how difficult it has been to manage and operate their business given the extension of trading hours they now have to deal with. We can have a much longer debate on that; I only have nine minutes today.

Labor provided assistance to this government in 2012 when it could not get its coalition partners on board on this issue. We did that deliberately so that there would be some clarity and some settling of the trading hours issue so that it could be put to one side. We are still waiting, if you like, to see how the current regime is still settling. We are of the view that it is still actually too early in the process, and at this point in time we do not see a need for any wholesale further change in terms of deregulation.

On the question of those anomalies that exist about what can be sold at certain times, I think we have been fairly consistent over an extended period of time that we would support some of those changes. Those types of quirks, if you like, hark back to the old shop and factories regulations that I think go back beyond the 1950s or 1940s in some cases and refer to some quite archaic things that can and cannot be sold. When I was a union official working in this space, and a shop assistant in 1970s, it was always quite odd what could or could not be sold on certain days. We will look at those things with interest to see the minister's proposals for what can be adjusted there. Some fairly extensive lobbying has been done by Masters, a Woolworths company, about the difficulties it faces in trying to compete in the marketplace with Bunnings because of the nature of the particular products they choose to sell on a Sunday. I would imagine that in due course the minister will come back with a proposal to deal with those issues.

Trading hours, as the minister has said, are extremely complicated. I do not know whether there is a silver bullet to deal with it, to make all parties happy. Obviously, small business —

Hon Michael Mischin: If you have found one, let me know.

Hon KATE DOUST: I have been working in this space for more than 30 years and I do recall intimately every time these debates occurred both from an employer situation and from an employee situation, and it is something that I have a personal interest in.

The ACTING PRESIDENT (Hon Liz Behjat): Honourable member, can I just interrupt you there for one moment? I am sorry. Members, we always do like to acknowledge, on Thursdays in particular, when we have visitors in the gallery from our schools, and at the moment we have two schools in the gallery. We have students from Lake Joondalup Baptist College and Edney Primary School. We would like to welcome you into our gallery to see the proceedings today, and you are currently watching a debate on extended trading hours.

Hon KATE DOUST: There is no silver bullet for this, but I think it is an issue that will require further work.

I was interested to hear the minister's comments about market stalls. We have seen an ever-increasing popularity throughout communities for these market stalls. The Victoria Park hawkers markets on Friday nights and the markets on Sundays are certainly extremely popular. It would be interesting to see how that gets worked.

Hon Phil Edman raised a number of questions about, in particular, Rockingham. He listed a number of retailers that are supportive of change including—I did not get all of them but I got quite a few—Thingz, Rockmans, Crystal, Red Dot, Red Rooster and Subway. He also mentioned Betts, but it is a general shop. A lot of those shops can actually trade. Depending upon their registration as a small shop or a special shop, they can actually operate additional hours.

Hon Phil Edman interjected.

Hon KATE DOUST: I know.

The minister might clarify this: there is nothing that I understand actually stops the shopping centre management from opening the doors to enable access to whichever retailers happen to be open or choose to open in that centre. Just because the large general shops like Coles and Woolworths may not be able to trade at these other times and have to keep their doors shut until 11.00 am on a Sunday, that does not prevent the shopping centre from enabling those doors to open and allowing customers in to go to any one of these small shops that already has the capacity to open but have, up until this time, chosen not to. So, if Hon Phil Edman wants to do that favour for them, he should go and talk to the centre management and ask why it does not open the gates. Hon Phil Edman does not actually need to have the laws changed to facilitate that, and he has never had to. I think if Hon Phil Edman wants to deal with that, he should save himself a petition and go and lobby his local shopping centre.

Whenever we have these issues and debates about further deregulation, of course we always get the standard players—the Chamber of Commerce and Industry of Western Australia and the large retailers—lobbying for change because it suits them and the nature of their business. We have heard about the retailing situation above the twenty-sixth parallel that has existed for many, many years. When I used to organise in Karratha and Hedland and we had Super Kmart back in the 1980s and Hyper K at one stage, the shops would stay open but they would have one manager, one shop assistant and one security staffer after 5.30 pm. That is how it would stay until the normal trading hours commenced at 8.00 am or 9.00 am, so it did not actually create any extra work. A document has been put out, as I understand, via Woolworths about the additional jobs that are being created in the state. Of course, I fully support additional retail jobs, but I do not think those additional jobs have come about just because of any extension to hours: I think they have come about, in large part, due to further expansion of the major retailers in some of our new growth areas around Perth. We have seen a massive expansion of retailing in Joondalup and Booragoon and in some of our new suburbs. In the southern corridor there is Cockburn Central and Mandurah. This growth pattern is occurring and it will keep happening. These retailers have already pegged out land and expansion plans. Booragoon is going through another growth phase at the moment, and Carousel is mooted for future growth that, I imagine, will see, hopefully, thousands of new jobs created. It is not just Sunday trade; it is natural growth that is occurring all the time in that sector. The other thing needed to be taken into account with this industry is that the government might talk about the number of jobs increasing, but they are not permanent jobs; they are casual and part time and there is no guaranteed security of employment with these jobs. The jobs ebb and flow in hours and part-time rate hours or casual hours depending upon the time of the year and the peak or lows in trade. They are not permanent jobs. Hon Phil Edman, go back and clarify that with Woolworths and ask them for a breakdown of full time, part time and casual, and I am pretty sure, based on my own experience, that I am right.

Whenever trading hours come up, an issue is that nobody ever talks to the people working in the sector. The relevant union, the Shop, Distributive and Allied Employees' Association, with its new secretary Peter O'Keeffe, has actually made approaches to Minister Mischin to talk to him about the union members' concerns and a survey that has been done. I noted that Hon Phil Edman said that the minister has an open ear to listen to people. Unfortunately, the minister is not prepared to listen to the largest organisation representing workers in this industry. I hope the minister will respond to them and sit down and talk to them about their concerns.

Hon Michael Mischin: When did they send their correspondence?

Hon KATE DOUST: I understand they sent it to you a few weeks ago or a month ago—and I spoke to the secretary this morning and he asked me to mention it to the minister.

Hon Michael Mischin: I will look it up; I haven't seen it.

Hon KATE DOUST: All right, we can have that discussion after behind the Chair.

Another issue that the government needs to take into account is that if it wants to open shops earlier on a Sunday, how will people get there? There is not enough public transport to get them there. Most shop assistants will be required to start work anywhere between six and eight in the morning. How will they get there? A lot of people working in this sector are women with children. What will the government do about childcare arrangements? Nothing—because the government never does when it is canvassing these issues. It is not simply about, “Let’s open the shops and the consumer can buy whenever they want.” It is much more complicated than that—and we cannot deal with this issue in a very short 10-minute speech. In reference to the idea that shops need to be open in Perth all the time to attract tourists, members should go to the central business district and look at how many shops shut early, and how many shops have just shut because they cannot trade there. The CBD is not the most exciting place to go in terms of retailing. Is that what we should focus on? We have so much more to offer as a city to tourists. Rather than saying, “Come to Woolies in the CBD or go shop at Target as it is a great tourist mecca”, we should do other things. A couple of years ago my husband took me to Paris for my fiftieth birthday—a beautiful place. Shops do not open on a Sunday. What is a girl to do? There are plenty of other things to do in Paris. The retail mecca of the world does not trade on a Sunday; that should send the government a message, should it not?

HON SIMON O'BRIEN (South Metropolitan) [12.03 pm]: I will just check that no other member wants to contribute at this point. This is always an interesting subject for discussion, and I congratulate Hon Phil Edman for, in his normal energetic way, showing leadership in the community in bringing this motion to the house for further consideration. So, good on him for that. The reason I got to my feet is that I have a little history in this area, too. I point out to members that it is a policy area that often has nuances that are misunderstood, and I offer some observations that might assist members in contemplating the area.

In the Minister for Commerce’s remarks, he observed that there has been a regulated system of opening hours since time immemorial, and it is something that successive Ministers for Commerce have had to deal with. It is a situation in which there is an open system north of the twenty-sixth parallel, a separate system in the metropolitan area and a range of local arrangements in other parts of the state. The Minister for Commerce spends a lot of time receiving applications from local towns and shires throughout the south west seeking to vary their trading hours regime on an occasional or ongoing basis. It is interesting, too, when the Minister for Commerce receives those applications, they are always dressed up as being for the benefit of the community. One cannot help but think that there is also a good dose of self-interest that colours the local debate, as one would expect, and often that tends to colour the applications that are made by the respective local governments. But that is understandable and that is what happens; it has been happening all the time that we have had regulated trading hours—and that goes back a very long way.

When a regulated system is in place, whether it is trading hours, milk or egg production or, dare I say, potatoes or whatever, and those arrangements are attempted to be dismantled or varied, there will be winners and losers because the conditions that prevail change and the playing field changes. Together with people proposing for change, they are also opposing it because it affects them adversely. This debate is a classic when it comes to that situation. With that very much in mind, I sought to do a couple of things when I had responsibility for this area to respond to the community desire to open up trading hours, but also to do so in a way which had due regard for the established practices being impacted upon. I noted, for example, that prior to my coming into the commerce portfolio, there had been a transitional step that set various parts of Perth against each other in terms of their commercial retail trading hours in a way that simply could not be sustained any further. Some across-the-board changes were needed so that we were not advantaging one shopping district against another.

Before we went down the track of Sunday trading, ultimately from 11.00 am to 5.00 pm—I will come back to that in a minute—a number of other steps had to be taken. Members will all have had plenty of contact with the Independent Grocers Association and its various representatives. Go back a few more years to the 1990s and look at how the legislation regarding trading hours has evolved. Back then, it was the last ditch defence of the so-called mum-and-dad corner shops, because they were the ones that were allowed to be open for extended hours, and little supermarkets that wanted to get bigger were not allowed to open. It was a titanic change in our landscape when shops could have two and then four and then ultimately more people employed at them being open longer hours than had previously been the case. It was a titanic evolution. It does not seem like much now, but that was the last time we had this struggle of the big guys taking over the business of the little guys and pushing them out. Now, ironically, of course, it is the IGAs who paint themselves as the little guys under threat from the large duopoly—and I have a great deal of sympathy for their position. Concerns about dominant

duopolies or monopolies in this country need to be the subject of further serious debate. However, what we did as a government, and this has been referred to earlier, was to bring in an increase in the number of staff that could be on the floor of a shop at any time —

Hon Kate Doust: In fact, you brought that in to assist the IGAs.

Hon SIMON O'BRIEN: Indeed, it was to help them get bigger, because they were restricted in terms of the number of people they could have on the shop floor and the number of shops they could have. It was about getting what I would call mid-level grocers or retailers to get bigger to have a better chance of competing against the duopolies.

Hon Michael Mischin: To allow them to grow.

Hon SIMON O'BRIEN: Yes, to allow them to grow. One thing that cannot be done is to do a King Canute in that situation and try to hold back the tide. People are kidding themselves if they think they are going to stop the evolution of the retail trends that are being seen now. However, we can give assistance, and that is what governments should do—that is, give assistance rather than dictate how people will conduct their affairs. When the number of employees on the shop floor at any one time is increased from 13 to 18, percentage-wise that is quite an increase, but it does not sound like that much. In order to have, say, a 7/11 or indeed a 24/7 retail operation with those sort of numbers on the shop floor, we are not talking about having 13 or 18 employees; we are talking about having 75, at least, or perhaps well over 100. Suddenly these businesses become quite substantial. We did that and allowed that to settle before we permitted larger shops to open on Sundays from 11.00 am to 5.00 pm. I think that we got the balance about right. As Hon Kate Doust says, it needs to be allowed to bed down a little bit longer to work out how it is working. In doing that, we wanted to make sure that a number of other things happened. The first was to make sure that the staff at Woolies, Coles and those other larger retailers were not suddenly going to be compelled to work against their will on a Sunday. My understanding is that there has been no change to the arrangements that existed then to weaken the employees' rights in that respect. What I have observed is that, in fact, a lot of employees like to work on Sundays; they have a strong preference for it, of course because of the penalty rates.

Finally, I make the observation to Hon Phil Edman, which was picked up by Hon Kate Doust, that many of the shops he mentioned in that list can open now but that the shopping centre is not open. It is not a case of only telling the shopping centre to open, because even if the doors of the shopping centre are open we might find that those small businesses do not open, and they will not open because the big anchors are not there to drag in all the passing trade that they rely on. I suggest that for now we need to give the system a bit longer to work, but I look forward to discussing it with interested members on other occasions.

HON PHIL EDMAN (South Metropolitan) [12.13 pm] — in reply: I thank the very few members who have made contributions to this motion. Hon Kate Doust had a small input and it is good that she supports some of the initiatives that are brought in.

Hon Kate Doust interjected.

Hon PHIL EDMAN: I am paying her a compliment, so she should calm down. I have to say I have learnt more on this matter from reading *The Sunday Times* than I have in here today, apart from the Minister for Commerce and Hon Simon O'Brien. I guess the reason there has been only one speaker from the ALP and nobody from the Greens or the National Party is that they must all agree with the move and that is probably why they have been silent in the chamber today. There could be no other explanation for not having an input into something that has an impact on all Western Australians and is all about our economic sustainability. I will leave it at that.

When Hon Kate Doust talks about public transport, let me bring her attention back to what her guys did in the city centre of Rockingham. There was supposed to be a \$70 million train station right next to the shopping centre but they took it away from Rockingham. Why did that happen? I remember the City of Rockingham even having to employ Brian Burke as a lobbyist to try to get it back into the city centre because the Labor government took it away from us. Hon Kate Doust should not dare talk about public transport when it was her party that took away something that was vital to the City of Rockingham.

Hon Sue Ellery: What are you on about?

Hon PHIL EDMAN: I will happily print it all out and send it to Hon Sue Ellery. I have no problem with that whatsoever.

When I spoke to local people about casual, part-time and full-time employment I spoke to not only people who were part of the general public, but also managers, staff and business owners. A lot of people who we spoke to even on a Sunday were people like mothers whose husbands were babysitting so that they could go out and make a contribution and get back into the workforce. What is wrong with that? We forget about that sort of thing. We forget about the students who are able to work on a Sunday because they are studying at uni; they all support it

as well. It is all right to talk to unions—that is fair enough—but I ask Hon Kate Doust and other members for South Metropolitan Region to come to Rockingham, their electorate, and talk to the people. They should visit the shopping centres, including Kwinana Marketplace and Garden City, which we have not been to yet, and talk to the people about what they think, and not just talk to some interest groups or the unions. Hon Simon O'Brien makes a very good point: why are shopping centres not opening at 11 o'clock? I reckon he is right on the money. Maybe without the anchor shops, there is insufficient foot traffic to warrant it. That is probably what it is all about.

I should also let the Minister for Commerce know that the City of Rockingham is currently working on a report that is going to council. Apparently it is about to do a survey and an advertisement is going into the paper, and I believe that it will be going to a full council meeting next month. Also the Rockingham Kwinana Chamber of Commerce will be putting forward a case that these shops should be able to open a few hours earlier.

I just want to add that opposition members should be very careful when they talk about public transport in my area. It is a very sensitive issue and the council and the people will never forget that that was taken away from them. One need only to look at how the Cockburn Gateway Shopping Centre is expanding because there is a train station smack bang in the area. For Rockingham, the train station is a couple of kilometres down the road. That is something that Mayor Barry Sammels and Gary Holland, the poor dear who is in the grave, will never forgive the Labor Party for, and neither will I.

Motion lapsed, pursuant to standing orders.