Tuesday, 29 October 1996

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.32 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

22 October 1996
- Appropriation (1996/97, No. 1) Act
- Appropriation Parliament (1996/97, No. 1) Act
- Forestry Rights Act
- Geelong Lands (Steampacket Place) Act
- Transport (Rail Safety) Act

29 October 1996
- Bank of South Australia and Advance Bank Act
- Local Government (Amendment) Act

CORRECTIONS (AMENDMENT) BILL

Introduction and first reading

Read first time on motion of Hon. G. R. CRAIGE (Minister for Roads and Ports).

QUESTIONS WITHOUT NOTICE

Industrial relations: reform

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Industry, Science and Technology to the proposed new provisions in the federal workplace relations bill and in particular to amended clause 152, which now specifies that state agreements can override federal awards only if the state industrial system includes an award-based no-disadvantage test. I further refer the minister to press speculation that state employee agreements could be void, given that they do not pass the award-based no-disadvantage test. Will the minister now ensure that a no-disadvantage test is included in state awards, as has been promised by his Western Australian counterpart, Graham Kierath?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — A majority of members of this chamber would say that one of the most important things that could occur this year to secure economic progress in the medium term is the passage of major industrial relations legislation at the federal level. I am delighted that, despite the obstructive and negative behaviour of the federal opposition, and even though a deal had to be struck with the Democrats, there looks like being substantial progress on the matter.

The one person we all commend is the Honourable Peter Reith. We welcome what he has done and we also welcome the fact that there appears to be a good step forward. I say ‘there appears to be’ because, as the honourable member would know, there are literally several hundreds of pages of amendments the Democrats propose to move. We are combing through those this week to see the implications and, being fairly worldly about Parliamentary processes, I guess, we will actually be able to reach a conclusion not after we have read them but after they have been passed in the form suggested.

I am more than happy to look at the individual clause but not to rely, as the honourable member did, on press speculation for guidance and the developing of an opinion.

Victorian Government Purchasing Board

Hon. R. H. BOWDEN (South Eastern) — Will the Minister for Finance inform the house of recent initiatives of the Victorian Government Purchasing Board?

Hon. R. M. HALLAM (Minister for Finance) — I am pleased to report on the latest reforms in government purchasing. The traditional view has been that good purchasing is all about gaining the best prices for paperclips and computer disks, but of course it is much more than that. It goes to the links between that policy and the commercial reforms proposed by the government, and it should be about outcomes. It should be about the function that triggered the requisition for the paperclip in the first
place and whether we need that function; and if we do, how we should deliver it.

It is a matter of fact that when the coalition was elected to government we inherited a centralised purchasing agency which was, to put it kindly, not known for its policies, systems or, indeed, skills. Even more discouragingly, it lacked what we would regard as an appropriate reputation with the private sector. It was clear that we had to do some work in that respect.

We quickly commissioned a review of the entirety of government purchasing arrangements and as a result of that the Victorian Government Purchasing Board was created in 1994 to drive the purchasing reforms in the state. I put it to the house that it has come a long way in the time since its inception.

Last Wednesday I was delighted to participate in a conference hosted by the Victorian Government Purchasing Board, entitled ‘Professional Development in Purchasing’. More than 75 delegates attended the conference. They came from as far afield as Purchasing Australia, the Victorian universities, the TAFE colleges, government agencies, local government and industry associations. It clearly brought all the key players to the table.

One of the core areas covered by the conference was training, which is an obvious need, given the substantial sums involved. We are talking about purchases of about $4 billion a year, of which about $1 billion is in the budget sector alone. So it is clear that the best possible training needs to be provided. Both public sector employees and private sector providers, keen to maximise their sales to government, could benefit from professionally run and fully accredited courses.

In response, I report that the conference decided to develop a coordinated approach to private-sector driven training and formal education through competency-based courses and that the commonwealth and state governments work together in updating their purchasing competency standards. That review will recognise recent reforms like the strategic outsourcing and the increase in competition.

As I said, it was a very well-attended conference. I launched a new publication entitled Selling Goods and Services to the Victorian Government, which I commend to all members of this chamber. It is a handy publication, which explains and, we hope, demystifies government purchasing and tender processes. In particular it is aimed at small business. I have already congratulated the board on the everyday language that is used in the publication, which is very readable.

This is very good news indeed, particularly for suppliers. The Victorian Government Purchasing Board is leading the way in purchasing policy throughout Australia. In a very real sense I suggest that Victoria is recognised as the centre for excellence. I put it to the house that this is another example of Victoria on the move.

**Industrial relations: reform**

**Hon. T. C. THEOPHANOUS (Jika Jika) —** My question for the Minister for Industry, Science and Technology follows the previous question I asked him, in the answer to which he showed how far behind the Western Australian minister he is on this issue.

**Honourable members interjecting.**

**Hon. T. C. THEOPHANOUS —** I refer the minister again to the proposed amended federal workplace relations bill. Given the minister’s praise for Mr Reith, and the substantially greater minimum standards in the proposed federal award system compared with the state system, will the minister indicate whether the government intends to pursue the Premier’s commitment to totally hand over the state industrial system to the commonwealth?

**Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) —** The outcome of any decisions the state government would make on legislation, either in relation to the first question or to this subsequent one, is that we want to see, as we have said publicly time and again, what actually comes of the commonwealth Parliament debate. We want to see what is passed by the Senate. Indeed, if you look at the previous question, asked in the last session, you will see a similar reply.

We want to know what is passed by the commonwealth Parliament. We are wary enough of the Senate to know that we want to actually see what is passed, not what is proposed.
Grand prix: economic benefit

Hon. I. J. COVER (Geelong) — Will the Minister for Tourism advise the house on the latest Auditor-General’s report on the Australian Grand Prix Corporation and on the National Institute of Economic and Industry Research report on the economic impact of the grand prix?

Hon. LOUISE ASHER (Minister for Tourism) — I thank the honourable member for his ongoing interest in the grand prix and the Auditor-General’s report and the National Institute of Economic and Industry Research (NIEIR) report. As everyone in the chamber would know, on 9 October the Australian Grand Prix Corporation’s annual report was tabled, signed off by the Auditor-General. As everyone in the chamber would know also, the Auditor-General subsequently released a further report, which was the subject of significant media comment and comment by Mr Theophanous.

I make the point again that the Auditor-General did sign off the annual report and also made a number of accounting observations on depreciation, set-up costs, and so on, in his subsequent report.

Everybody in this chamber, including members on the other side of the house, was also aware that on 9 October I released the NIEIR report, which was the economic impact statement indicating $95.6 million economic benefit to Victoria. Indeed I twice mentioned the release of this document in this chamber on 9 October.

The report on the economic impact of the grand prix was widely written up. It was written up in the Age, the Herald Sun and the Australian Financial Review. It was the subject of much discussion on radio and I think all four major television channels that night covered the release of the NIEIR report.

So it came as a great surprise to me when the shadow Minister for Tourism in the other place, Mr Peter Loney, issued a press release. That renowned front bencher of silence issued a press release, which was surprising for two reasons. It was surprising because it was only the second press release he has issued in six months. His first one was the very memorable press release on the subject of Peter Pan; his second was this one.

It was also a very surprising press release because of its content. He called on me eight days after I had released the NIEIR report — that is, eight days after every single ALP member in this chamber and every news media outlet had covered this particular issue — to release the NIEIR report. I find this particularly disturbing!

Hon. T. C. Theophanous — What did the Auditor-General call on you to do?

Hon. LOUISE ASHER — I do not release the Auditor-General’s report; it was tabled. It is very disturbing for me to find out that Mr Loney doesn’t read the Age, the Herald Sun or the Australian Financial Review; he doesn’t listen to radio; and he doesn’t watch television.

Hon. B. N. Atkinson interjected.

Hon. LOUISE ASHER — As Mr Atkinson has just interjected most appositely, I am disturbed that Mr Loney’s colleagues do not talk to him.

Honourable members interjecting.

Hon. LOUISE ASHER — Mr Theophanous was well aware of the release of the NIEIR report and clearly had not indicated to his factional colleague that the report had actually been released. All his upper house colleagues knew about the release of the NIEIR report and not one of them conveyed it to Mr Loney. Even Mr John Thwaites, the honourable member for Albert Park in the other place, who put out a press release that was reported in an article that appeared in the Port Phillip Leader of 14 October, knew that the NIEIR report was released. Not one of Mr Loney’s shadow ministerial colleagues or colleagues in the upper house or factional colleagues was prepared to tell him that the document had actually been released.

Honourable members interjecting.

Hon. LOUISE ASHER — More disturbingly, Mr Loney actually claimed in his press release of Wednesday, 16 October the following:

Amazingly the Auditor-General was denied access to the NIEIR report — that is, he made a claim that the Auditor-General was denied access to the NIEIR report.
That is blatantly false. Not only did the Auditor-General have access to this study but I am also advised by the Australian Grand Prix Corporation that it voluntarily handed over the document to the Auditor-General without being asked. It said, 'Here is the NIEIR report', yet Mr Loney claimed that the Auditor-General had been denied access to the study. That is a blatant falsehood. Mr Loney is far more effective when he is silent than when he opens his mouth! The Auditor-General made the observation that the NIEIR report was not scrutinised by his office, but the document had been handed over.

The figures have been completely and utterly transparent. I thank Mr Cover for his ongoing interest in the grand prix and, indeed, for his complete knowledge of which documents have been released and which have not. I look forward to the next year's great grand prix, and to hearing Mr Loney's comments on the eighth day after the event.

**Cyclists: deaths**

Hon. PAT POWER (Jika Jika) — Is the Minister for Roads and Ports able to confirm that the number of deaths of bicycle riders on Victorian roads has more than doubled the number of deaths to this time in 1995? Will the minister advise the house of the action he has taken to establish why this large increase in deaths of bicycle riders has occurred, and does the minister agree — —

Honourable members interjecting.

Hon. M. A. Birrell — You can celebrate death as much as you want! Put some positive suggestions forward!

Hon. T. C. Theophanous — What about deaths in the workplace, Birrell?

The PRESIDENT — Order! I ask both leaders to desist.

Hon. PAT POWER — Will the minister advise the house whether he has taken steps to establish the reason for this large increase in the number of deaths of bicycle riders, and does the minister agree that an expansion of bicycle lanes would significantly assist in reducing those deaths?

Hon. G. R. CRAIGE (Minister for Roads and Ports) — I thank Mr Power for his concern about this most important issue. However, he has failed to see one obvious factor. Yes, there are more deaths of bicycle riders now than in the past, but a lot more people are riding bicycles. Doesn't it make sense that the more people — —

Hon. T. C. Theophanous — Deaths have doubled!

Hon. G. R. CRAIGE — Do you want to listen to what we are doing? Mr Power, the government is doing many things for bicycle riders. Through the State Bicycle Committee and Bicycle Victoria an integrated strategy has been developed for bicycle paths and tracks throughout the state. In reality, the strategy has been developed by people who actually ride bicycles. I ask Mr Power whether he has ever sat on a bicycle.

Hon. Pat Power — Regularly!

Hon. G. R. CRAIGE — Mr Power is trying to make a glorious attack on road safety issues, but he has not once come to me about road safety issues. My door is always open to him and to other members of the Labor Party to talk about positive outcomes but not about trying to get involved — —

Hon. Pat Power — What about bicycle lanes?

Hon. G. R. CRAIGE — Mr Power gets on his little bandwagon but he does not have an overall policy about road safety issues. During the last session he consistently raised questions about what the government was doing about road safety when the figures clearly indicated that more people were dying on roads when the Labor Party was in government. What did the then government do? It did nothing! At least this government is serious about addressing road safety for all road users whether they be bicycle riders, motorcycle riders, motorists or drivers of heavy vehicles. The government has an integrated strategy on road safety called Safety First and it is really working!

**Vicroads: multimedia technology**

Hon. ROSEMARY VARTY (Silvan) — Will the Minister for Roads and Ports inform the house of the multimedia technology being used as part of the road safety strategy for Vicroads?
Hon. G. R. CRAIGE (Minister for Roads and Ports) — I thank Mrs Varty for her ongoing interest in multimedia technology in this state. Victoria is leading the way in multimedia technology throughout Australia. In partnership with the Transport Accident Commission and the Victoria Police Force, Vicroads has received an Engineering Excellence Award from the Institution of Engineers Australia, Victoria Division. The award is for the development and implementation of the Victorian road safety strategy, Safety First. Features of the strategy include two world-class CD-ROM packages — which were showcased at the most successful Interact ‘96 multimedia expo — called Motorvation 2 and Crashstats. Their development signals the government’s determination to use the most advanced technology available to get important road safety information across to the public.

Motorvation 2 is a resource for use in the community and in particular in schools to assist young people who are about to drive for the first time. It combines classroom activities and an interactive multimedia CD-ROM to attract students and promote effective learning. Students enter a fully interactive world in which they are challenged to test themselves against real-life driving problems. It will help students to better understand how to be safe drivers when they first take to the road.

The second CD-ROM package, Crashstats, is an important new tool for tackling road safety problems in local areas. It contains details of some 80 000 road crashes in Victoria based on police data for the years 1991-95. It enables road authorities, local government, police research organisations and schools to obtain accurate information about where road crashes actually occur and the incidents relating to those road crashes. This is cutting-edge technology. It introduces technology to young people who one day will be driving on our roads. This is another initiative the government has taken to address road safety issues.

Hospitals: readmissions

Hon. M. M. GOULD (Doutta Galla) — I refer the Minister for Health to the fact that the number of people returning to hospital unexpectedly after discharge has increased by 3400 a quarter — more than 11 per cent — in the past three years and I ask: what is the cause of the increase and what action will the government take to halt this alarming trend?

Hon. R. I. KNOWLES (Minister for Health) — It is true that over the past three years the number of unplanned readmissions has increased by 1 per cent, which is a relatively small amount given that the system treats 850 000 patients. We know there has been an increase over the past three years because, for the first time, the government began measuring unplanned readmissions.

The previous government never mentioned it, so we had nothing to compare it with on an historical basis. We introduced the measurement as a way of ensuring that we could monitor unplanned readmissions to try to address their causes. The department and hospitals constantly focus on the issues, particularly clinical practice, to see whether there are reasons why the figure might be higher. As best we are able to understand, unplanned readmissions are not unusually high in the Victorian context, relative to other places.

The average length of stay in hospitals in this state is comparable with other states, including states that do not have case-mix funding. But this government has been up front — right from the start when it introduced case mix and recognised that it had to address a number of issues in operating the hospital system. We introduced concepts like measuring unplanned readmissions; and we looked at putting in place quality assurance measures. I have previously advised the house that we have established a committee under Professor Duckett to specifically look at additional issues. We have established — and so far as I can ascertain we are the first, and only, state to have introduced this — a task force to look specifically at infection rates in public hospitals and a systematic approach to reducing infection rates in our public hospitals or keeping them to a minimum.

The opposition seeks to raise general community concern by taking issues out of context, but the fact that there has been a 1 per cent variation in readmission rates over a three-year period is in itself not a matter for great alarm, having regard to the experience in other jurisdictions.

The government will continue to monitor that issue, and if it is necessary to take action, it will do so to ensure that our public hospital system continues to operate at a high standard by international standards and is as relatively available as it can be to members of this community who need to access it.
Carers: strategy

Hon. S. de C. WILDING (Chelsea) — Will the Minister for Health advise the house of the details of the government's carer initiative strategy, as announced by the Premier last Sunday?

Hon. R. I. KNOWLES (Minister for Health) — This is an important government initiative. Over the past decade or so we have seen a significant change in the focus of the service system, which is trying to maximise opportunities for people to live independently and be supported in a community setting rather than an institutional setting.

That, combined with changing clinical practices and advances in medical science and the pharmaceutical system, has meant that people are generally enjoying increased longevity, even people who suffer from chronic illnesses or who have severe disabilities.

As this has occurred, it has increased the burden on those who undertake a caring role in our community. What is not recognised, understood or acknowledged is that something like 350 000 Victorians undertake very high levels of caring for members of their families or loved ones. They do so voluntarily, often experiencing an enormous burden in carrying out that role. For many it is a seven-day-a-week, 24-hour-a-day service. In the lead up to the last state election the government determined to develop in this term a comprehensive strategy to address their needs.

The strategy the Premier released on Sunday represents a culmination of a lot of work by a lot of people. I publicly acknowledge the role of my department, the Department of Human Services, the peak bodies, particularly the peak carer bodies, as well as the many service providers who have cooperated with my parliamentary secretary, Robert Doyle, the member for Malvern, to develop — —

An honourable member interjected.

Hon. R. I. KNOWLES — He is a very good man and he has done a first-class job in developing a comprehensive strategy that recognises that the carers of people who are chronically ill, people with serious mental illnesses, and elderly people who are frail or disabled and who require a significant level of support, and parents of children with high dependency needs, need access to a range of services. The government has committed $25 million in new funds each year to build up the service system. It is looking at respite; the establishment of offices in each region of Victoria to enable carers to have a point of contact and to avoid what has been the experience of many carers — getting on the merry-go-round of the service system trying to access support or care for the people they are caring for; increasing the range of both out-of-home as well as in-home respite; extending the respite to evenings and weekends; and there is even a proposal to trial 24-hour emergency respite.

There is the issue of recognising those who care for people who have HIV-AIDS. There are proposals to fund the co-location of the AIDS council and people living with AIDS, to boost services for people with HIV-AIDS in rural Victoria, and to look at the needs of their carers. It is a comprehensive strategy, and I commend it to honourable members. The strategy is not just about extending the service system, albeit that is a very important objective; it is also a way for the government, on behalf of the broader community, to acknowledge the valuable and critically important role that carers play in our community. There is no way this community could afford to fund the care provided by carers, nor would it be as good as what, in terms of outcome, that care is.

Finally, it is important to recognise that the carer strategy also makes a statement about the service system generally — that is, that the role of carers must be recognised as an integral part of the response of the service system. Many carers believe they are excluded from the consideration of the service system, and feel that it focuses on the needs of the person being cared for. Whether that is in a professional capacity, or in just the way the service operates, many carers believe that they are excluded from that focus. Through the carer strategy, the government is saying that it sees the role of primary care that the carers play as being a central part of the service system and that we need to adjust the response of the service system to recognise that role.

I commend the carers strategy to the house. It fulfils an important election commitment of the government. We will monitor and evaluate the strategy, and adjust it as it proves necessary. We think it will fill a gap in what has been a comprehensive social policy that this government has been pursuing. So far as we are able to ascertain, we are the first state that has developed a
comprehensive focus on the needs of carers and developed a comprehensive response to those needs.

**Hospitals: funding**

**Hon. B. T. PULLEN** (Melbourne) — The Minister for Health has previously indicated to the house that he asked for an investigation into claims that hospital statistics have been distorted or misused. Will the minister inform the house what progress has been made with that investigation of the process being used and whether he will make a public report at the end of the investigation?

**Hon. R. I. KNOWLES** (Minister for Health) — When the claims were made that some hospitals were operating phantom wards or were distorting figures I asked the Department of Human Services to provide me with a detailed report of the claims. The department has been operating under a great deal of difficulty because, although the claims have been made, they have not been substantiated nor has anyone been prepared to provide information about which hospitals might be running phantom wards.

**Hon. B. T. Pullen** — Is it asking people to come forward and providing a mechanism for people to do that?

**Hon. R. I. KNOWLES** — Yes, absolutely. The department is very keen, as I am, to get any information about explicit claims about specific hospitals. The government has a vested interest in ensuring there is no distortion of the figures and that the funds provided go to service provision. That is why the government has placed a myriad of mechanisms rather than adopting the process of its predecessors — that is, where funds were given to hospitals which they spent as they saw fit.

This government is concerned about outcomes and funds being used for the treatment of patients. That is what Parliament has allocated the funds for, and Parliament and the government have a vested interest in ensuring the service outcomes from the funds provided are maximised. In the absence of anything other than wild, generalised claims, the department is investigating whether there is any distortion of figures. At this stage it has not been able to find any evidence suggesting that hospitals are running phantom wards.

**Hon. T. C. Theophanous** — No wonder, because you fine public servants $2000 for speaking out.

**Hon. R. I. KNOWLES** — If Mr Theophanous gives me the name of a hospital with some evidence to suggest that this is occurring the government will investigate it.

As to the claims about distorted waiting lists to avoid financial penalties that are built into the system, the department is currently auditing the three-monthly returns and expects that audit to be completed within the next couple of weeks. Following the completion of that audit I will be in a position to release publicly the figures for the operation of both emergency departments and waiting lists over that period.

I have previously ascertained that waiting times in most emergency departments for people requiring hospital admission waiting longer than 12 hours have declined from what was experienced in the May-June figures, but I shall be in a position to respond when the figures are clarified.

The government is continuing to ensure that anyone waiting for elective surgery who is in a life-threatening situation receives access to a hospital within the time specified. That is a remarkable turnaround over the past four years. Approximately 900 people with life-threatening problems were on the waiting list when the government came to power.

**Hon. T. C. Theophanous** — Don't worry about those dodgy figures you put out!

**Hon. R. I. KNOWLES** — The interjection highlights the absolute irrelevance of the opposition. It asks for an investigation, and when the department has an investigation it says the figures are dodgy because they do not suit its argument. It is no wonder the general public believes the opposition is totally irrelevant. It has not had one suggestion about policy. Prior to the last election it put out a policy with two planks: keep case-mix funding with the exception of two hospitals; and an additional $40 million of expenditure on health. The government has spent $55 million and has maintained case-mix funding. It has also recognised that case mix is not appropriate for some small health services, so it has introduced a new concept of health stream.

The government is constantly changing its approach and adjusting its policies to ensure it provides a comprehensive health cover. The opposition runs a commentary, chases ambulances and monitors...
procedure crises, but when it asks the question supported only by some wild claims and no real information about an investigation and I say, 'Yes, I have conducted an investigation', it says the figures are dodgy!

It is no wonder the general public believe the Labor Party is totally irrelevant in the health area. It has no future, no concept, no vision. It opposes the government for moving the health services to the suburbs. It says, 'No, don’t do that, keep the resources in the inner city'. Why does it say that? Because it is run by the Fitzroy group. Their own leader said that, but they are going to get rid of him.

An Honourable Member — Who?

Hon. R. I. KNOWLES — You know who. You are happy talking behind the scenes and saying that he can stay a bit longer, but then he will go. Mr Theophanous is going himself. Last week he said he was looking forward to not working in this place any more. He said he would rather be on the back bench.

Hon. B. T. Pullen — What about the answer?

Hon. R. I. KNOWLES — When I receive the audited figures from hospitals I will be able to clearly put to rest this claim of phantom wards, but if they can be substantiated the system will be changed.

Hon. B. T. Pullen — Will you let the public know the result?

Hon. R. I. KNOWLES — I have no doubt that if I do not raise the issue Mr Pullen will.

Hon. B. T. Pullen — It is your responsibility.

Hon. R. I. KNOWLES — As soon as I receive the audited figures I will be in a position to provide advice not just to Mr Pullen but to everybody else about the performance of the public hospital system over the last three months. The advice will include the initiatives the government took in the last budget to ensure that emergency departments and public hospitals continue to operate in a way that best serves the public of Victoria.

Import substitution

Hon. R. A. BEST (North Western) — Will the Minister for Industry, Science and Technology advise the house of the steps being taken by the Victorian government to replace imports with locally produced goods and services?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I am pleased to advise the house of the government’s program to ensure it will reduce the number of imports coming into Australia and replace them with locally made manufactured goods.

At a cost of $1 million the government is supporting a program run through the Victorian Industrial Supplies Office to ensure it reduces the number of companies in Victoria who feel the need to import products and to get them to use products that are equally as good but happen to be made in Australia.

In light of Australia’s concerns about the balance of payments in recent years there has been a legitimate focus on improving its export base. There is no doubt that Victoria has led the field in achieving increased exports and, equally importantly, we must cut the reliance on imports. Every product and every service dollar that stays in Victoria helps build local companies and local employment.

Over the past decade half a billion dollars has been spent on Victorian products that would otherwise have been spent on products produced offshore, which has provided a substantial stimulus to the Victorian economy. That has been achieved through the work of bodies such as the Victorian Industrial Supplies Office.

The government wants to take that to the next level by making more people aware of import replacement and the work of the ISO so that more people will purchase Australian-made goods rather than imports.

The ISO is uniquely positioned to spearhead the government’s import-replacement campaign and expand the state’s industry base. Through its experience the ISO knows that if local industry is given the opportunity to compete for import replacement it will actually win the business about 65 per cent of the time. Therefore, the program will include a number of import-replacement expos at which manufacturers can display their imported...
components and local companies can bid to supply those components.

Last week I had the pleasure of launching the government's import-replacement initiative at an import-replacement expo held in Preston. The enthusiasm of local suppliers for fresh opportunities was quite clear.

The government looks forward over the next five years to import replacement being regarded as a success story for Victoria. We look forward to it being as great a success over that period as the success the government has already had in creating a greater volume of exports.

QUESTIONS ON NOTICE
Suspension of standing orders

Hon. R. I. KNOWLES (Minister for Health) — By leave, I move:

That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

I shall read out the numbers of the questions that have been answered in various portfolios:

56, 71, 74, 90, 170, 171, 190, 280, 330, 348, 355 and 372.

Motion agreed to.

SCRUTINY OF LEGISLATION COMMITTEES

Hon. P. A. KATSAMBANIS (Monash) presented position paper of working party on national schemes of legislation.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Hon. P. A. KATSAMBANIS (Monash) presented Alert Digest No. 7 of 1996, together with an appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Austin Hospital - Report, year ended 31 March 1995.
Bairnsdale Regional Health Service — Report, 1995-96.
Benalla and District Memorial Hospital — Report, 1995-96.
Birregurra and District Community Hospital — Report, 1995-96.
Bright District Hospital and Health Services — Report, 1995-96.
Casterton Memorial Hospital — Report, 1995-96.
City of Melbourne Superannuation Fund — Report, 1 July 1995 to 31 October 1995 and as at 1 November 1995.
City West Water Limited — Report, 1995-96 (two papers).
Cobram District Hospital — Report, 1995-96.
Cohuna District Hospital — Report, 1995-96.
Corangamite Regional Hospital Services — Report, 1995-96.

Crown Land (Reserves) Act 1978 — Minister's Orders of 9, 10 and 21 October 1996 giving approval to granting of various leases at Albert Park, Ballarat East, Colac, Elsternwick and Geelong.


Hesse Rural Health Service — Report, 1995-96.

Heywood and District Memorial Hospital — Report, 1995-96.

Hospitals Superannuation Board — Report, 1995-96.


Kerang District Hospital — Report, 1995-96.


Kilmore and District Hospital — Report, 1995-96.

Legal Aid Act 1978 — Attorney-General's direction of 5 August 1996 to the Board of Victoria Legal Aid pursuant to section 12M of the Act.

Lorne Community Hospital — Report, 1995-96.


Manangatang and District Hospital — Report, 1995-96.

Mansfield District Hospital — Report, 1995-96.

Maryborough District Health Service — Report, 1995-96.


Melbourne City Link Act 1995 — Order in Council of 15 October 1996 varying the Project area of land, pursuant to section 8(4) of the Act.


Mildura Base Hospital — Report, 1995-96 (two papers).

Mt Alexander Hospital — Report, 1995-96.


Myrtleford District War Memorial Hospital — Report, 1995-96.


Numurkah and District War Memorial Hospital — Report, 1995-96.

Omeo District Hospital — Minister for Health’s report of receipt of 1995-96 Annual Report.


Ouyen and District Hospital — Report, 1995-96.


Penshurst and District Memorial Hospital — Report, 1995-96.


Planning and Environment Act 1987 — Approved Amendment No. 96 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Altona Planning Scheme — Amendment L106.
- Bacchus Marsh Planning Scheme — Amendment L54.
- Banyule Planning Scheme — Amendments L3 and RL175.
- Berwick Planning Scheme — Amendment L114.
- Boroondara Planning Scheme — Amendment RL175.
- Brighton Planning Scheme — Amendment RL175.
- Brimbank Planning Scheme — Amendment L27.
- Campaspe Planning Scheme — Amendment L15.
- Dandenong — Greater Dandenong Planning Scheme — Amendments L2 and RL175.
- Darebin Planning Scheme — Amendment L37.
- Doncaster and Templestowe Planning Scheme — Amendment RL175.
- Glen Eira Planning Scheme — Amendment RL175.
- Hastings Planning Scheme — Amendment L109.
- Hume Planning Scheme — Amendments L6 and RL175.
- Knox Planning Scheme — Amendment L115.
- Macedon Ranges Planning Scheme — Amendment L12.
- Maribyrnong Planning Scheme — Amendment L17.
- Maroondah Planning Scheme — Amendments L3 and RL175.
- Melbourne Planning Scheme — Amendments L213, L232 and RL175.
- Milawa Planning Scheme — Amendments L12 and L14.
- Mitchell Planning Scheme — Amendment L11.
- Moreland Planning Scheme — Amendment L10.
- Sandringham Planning Scheme — Amendment L17.
- Shepparton (Shire) Planning Scheme — Amendment L79.
- Stonnington Planning Scheme — Amendment RL175.
- Surf Coast Planning Scheme — Amendment R39.
- Traralgon (Shire) Planning Scheme — Amendment L56.
Warmambool Planning Scheme — Amendment L21.
Whitehorse Planning Scheme — Amendments L5, L6, L11 and RL175.
Yea Planning Scheme — Amendment L11.
Port Fairy Hospital — Report, 1995-96.
Portland and District Hospital — Report, 1995-96 (two papers).
Queen Elizabeth Centre, Ballarat — Report, 1995-96.
Queen Elizabeth Centre, Carlton — Report, 1995-96.
Seymour District Memorial Hospital — Report, 1995-96.
South Gippsland Hospital — Minister for Health’s report of receipt of 1995-96 Annual Report.
St Arnaud District Hospital — Report, 1995-96.
Statutory Rules under the following Acts of Parliament:
  Road Safety Act 1986 — No. 104.
  Tallangatta Hospital — Report, 1995-96.
  Terang and Mortlake Health Service — Report, 1995-96.
  Timboon and District Hospital — Report, 1995-96.
  Warmambool and District Base Hospital — Report, 1995-96.
  Westernport Region Water Authority — Report, 1995-96 (two papers).
  Western Region Water Authority — Report, 1995-96.
  Wodonga District Hospital — Report, 1995-96.
  Wycheproof and District Health Service — Report, 1995-96.
  Yarrawonga District Hospital — Report, 1995-96.
  Yea and District Memorial Hospital — Report, 1995-96.

A proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

SHOP TRADING REFORM BILL

Second reading

Debate resumed from 16 October; motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

Hon. T. C. THEOPHANOUS (Jika Jika) - The opposition opposes the bill and will move a reasoned amendment during the course of the debate as well as a series of amendments during the committee stage.

The shop trading issue always tests the capacity of governments to reach a balance between different interests and concerns expressed by various parts of the community. It is interesting that the minister who brought the bill to Parliament and sought to ram it through the lower house and then push it through the upper house in a time frame that he alone determined is not present in the chamber for the debate. It is disgraceful and shows how arrogant the government is.

Hon. K. M. Smith — On a point of order, Mr President, it is unfortunate that the minister was called away; an important issue needed his attention. He is away for only a short period and will be back, and I think it is most unfair of Mr Theophanous to take advantage of the minister's absence. He would be here if he had not been called away in an emergency situation.

The PRESIDENT — Order! There is no point of order.

Hon. R. M. Hallam — I hope you're not having a shot at me!

Mr THEOPHANOUS — I will have a shot at you later. I will be happy to quote your attitude to shop trading and what you have said before in this place. I will be happy to refer to your total hypocrisy and to quote you so your constituents can read what you have said in the past!

The government controls business in this place. The bill is being debated now; the opposition will put forward significant arguments and a number of government speakers will make contributions. Despite that, the minister is so disinterested in the issue that he was not present for the beginning of the debate. He had to drag up Ken Smith to defend him.

Hon. M. A. Birrell — I am as interested as your backbench!

Mr THEOPHANOUS — Are you saying you are not interested?

Hon. M. A. Birrell — What are you saying about your backbench? I am saying I'm as interested in your speech as your backbench is, and they are not here!

Hon. T. C. THEOPHANOUS — The minister has shown that he is interested in no-one but himself and that he listens to no-one.

The bill is indicative of the Kennett government's style and administration over the past four years. It is divisive and it caters for sectional interests. The bill has been introduced by an arrogant minister who has not consulted with the community and who has divided people into those he cares to talk to and the great bulk of Victorian business people whom he does not want to talk to. He does not want to listen to a point of view which is anything other than, 'Yes, Mr Birrell. We agree with you, Mr Birrell. You are absolutely correct, Mr Birrell'. Anybody with a contrary point of view will not get a look-in with this minister.

The bill is another example of a broken election promise, as the business community well knows. The government's policy on this issue at the election was as follows:

The next coalition government will conduct a review of the Shop Trading Act 1987 in consultation with all relevant groups, with a view to simplifying the act's application and clarifying its position.

The government went to the election saying it would consult with all relevant groups on the bill, but instead there is a litany of non-consultation. Unless you believe the confectionery and mixed-business organisation, the grocers, the unions, and the churches are all non-relevant groups, you have to say that no consultation has occurred. As a consequence the central promise by the government has been broken.

The government's small business policy was released just before the election, but six months prior to the election, in June 1995, the coalition's policy was that the regime of 10 trading days would be abolished and instead the coalition would put in its
place a set of arrangements, including permitting trading for all shops on the first Sunday in each month and each Sunday in December preceding Christmas Day; expanding the scope for each local government to apply for seven-day trading or trading on nominated Sundays on a statewide or defined basis; requiring each application to be accompanied by evidence of consultation with and support of relevant local community trader interest groups; and strengthening provisions pertaining to inspections and prosecutions of those traders deemed to be in breach of the act.

In 1995 the coalition had a policy of enacting as shop trading days the first Sunday of each month and the Sundays in December preceding Christmas Day and giving local councils the power to extend hours beyond that base requirement. Shortly before the election the coalition released its small business policy, which did not include details about shop trading on the first Sunday of each month. Instead, it included the clause about a review.

Of course it may well be that the coalition did change its policy between the time of the June 1995 small business policy and the release just before the election, but for some strange reason no-one told the Premier that the policy had been changed. So on 28 March, two days before the election, under the title 'Kennett woos business' the Age sets out coalition policy:

Extend Sunday trading to the first weekend of every month.

Two days before the election the coalition apparently says that extending Sunday trading to the first weekend of every month is its policy.

Hon. M. A. Birrell — Who says that?

Hon. T. C. THEOPHANOUS — It was in the Age of 28 March.

Hon. M. A. Birrell — You are not quoting us, you are quoting the Age.

Hon. T. C. THEOPHANOUS — I am quoting a thing called ‘coalition policy’. To my knowledge nobody rebutted that policy reported by the Age.

Hon. M. A. Birrell — That completely contradicts the written policy announced a few weeks before the election campaign. The Age got it wrong, again.

Hon. T. C. THEOPHANOUS — I presume the minister also contests the statement in the article:

Mr Kennett said the government would look at extending Sunday trading for retailers outside the city to the first weekend of every month rather than the mishmash of 10 Sundays a year.

Does the minister contest that the Premier also said that?

Hon. M. A. Birrell — I have no idea whether he said that, but even if he did, it does not confirm your point.

Hon. T. C. THEOPHANOUS — The minister has a policy that was distributed to small businesses around Victoria stating that Sunday trading would be on the first Sunday of the month.

Hon. M. A. Birrell — During the election campaign?


Hon. M. A. Birrell — That was the year before. What about during the election campaign?

Hon. T. C. THEOPHANOUS — The coalition then put out another policy saying it would have a review, but it forgot to tell the Premier the policy had been changed and obviously forgot to tell other people, too, because the Age reported something different.

Hon. M. A. Birrell — Surprise, surprise! That is a daily event for us. The ‘We were wrong’ column gets longer and longer.

Hon. T. C. THEOPHANOUS — The Premier thought it was still the policy as late as 14 May, two months after the election, because the Ringwood Mail reports, under the heading ‘Premier offers more Sunday trading days’:

Mr Kennett, speaking at a Ringwood Chamber of Commerce and Industry luncheon last week, said trading hours could be increased to 11 Sundays a year between January and November and the 3 Sundays leading to Christmas.

Hon. M. A. Birrell — He is right; they are.
Hon. T. C. THEOPHANOUS — Obviously the minister forgot to tell the Premier he had changed the policy. Two days before the election the Premier said it was the first Sunday in the month, and he said so again two months after the election. The minister comes in here and says he does not care what the Premier said because the coalition makes the policy, not the Premier. The minister does not care what the Premier might have said to the Victorian people two days before the election. He does not care what the Premier said to people attending the Ringwood Chamber of Commerce and Industry luncheon on 14 May. The minister tries to hide behind the fact that the coalition put out an ambiguous policy during the election campaign in which it said it would consult with interested parties and would conduct a review. The truth is that no review of shop trading hours has occurred, except in the mind of the minister.

I contrast the actions of this government with those of the previous government when handling this sensitive and difficult issue. When the previous government extended Sunday trading to 10 days a year it established an independent review conducted by Professor Alan Fels, who recommended the extension of shop trading hours, the number of days and the particular days that should be designated. Unlike the current government, we conducted an open, independent review, called for submissions and had an independent person examine those submissions before making a decision. This minister has had a review in secret. He told nobody the review was taking place. The key players, including the union movement, the confectionery, mixed business and grocers organisations and other small businesses around the state were not consulted.

We contend that the bill in its current form will have disastrous results for employers in the retail industry and their families because small businesses in rural towns, suburban strip shopping centres and the Melbourne central business district will be unable to meet the challenge from regional centres.

In the context of what will occur in all those areas, the government should have conducted a proper cost-benefit analysis and a proper review with independent input from economists and a range of interested groups. The government’s lack of consultation virtually right up until the day of the announcement simply illustrates that it is desperately searching for something to divert community and media attention from vital issues affecting this state, such as the crises in the health and education systems and the budget’s failure to deliver anything of significance for the people of Victoria. The government decided to pull this rabbit out of the hat to divert attention from other important issues.

So unexpected was the reversal that the minister’s own staff did not know it would occur. An article in the Bendigo Advertiser of 8 August states:

Spokesman for industry minister ... Todd Trimble — —

Hon. K. M. Smith — Is he still with the minister?

Hon. T. C. THEOPHANOUS — I wouldn’t be surprised if he had been sacked after this article.

Hon. W. A. N. Hartigan — You have probably made it certain, now that you have mentioned the poor devil’s name.

Hon. T. C. THEOPHANOUS — The article states:

Spokesman for industry minister ... Todd Trimble, yesterday said although the government would review the trading hours, it would take at least six months before it announced a date.

Hon. K. M. Smith — He might have been on long service leave.

Hon. T. C. THEOPHANOUS — He may well have been. You can make light of the issue, Mr Smith, but we will be interested to hear what small retailers in your electorate think about it.

Hon. K. M. Smith interjected.

Hon. T. C. THEOPHANOUS — The article goes on to quote Mr Trimble as saying:

‘We are working on the terms of reference of the planned review, but we are still no way near the announcement of the date’.

That is, the date for the review to commence. This is on 8 August. The article continues:

Asked the reason for the delay, Mr Trimble said the government did not want to rush into a decision because it wanted to study all sides of the issue.
Isn’t it amazing? Here we have the minister’s own staff person on 8 August saying, ‘It is at least six months away before we have the review; there are a lot of issues to be decided; this is a complex issue; and we have to look at all sides’. Then a mere month later, the minister says, ‘I’ve done the review’.

**Hon. M. M. Gould** — With whom?

**Hon. T. C. THEOPHANOUS** — He said he’s done the review. Although his staff person says it will take six months, he comes out in a month’s time and says, ‘I’ve done the review; I’ve finished all that, and I’m into it’. He forgot to talk to or consult with anyone.

Obviously the Premier or somebody else said to him, ‘Listen, Mark, this is a thing which will allow you to big-note yourself. You’ve done nothing for industry or for anyone in the state over the past four years; hardly anybody knows you exist as a minister. Here’s your big chance to big-note yourself as being tough and hard. And don’t worry about consulting anybody. You’ll be right; just come out and announce it’.

_Honourable members interjecting._

**Hon. T. C. THEOPHANOUS** — We had the minister coming out with announcements within that time frame.

Let’s look at what the opposition is saying about broken promises. If you look at the promises made in the original small business policy, which were reiterated by the Premier two days before the election and two months after the election, and if you look at the promise in the small business policy of the coalition that was launched just before the election, you see that all of those promises have been broken, any way you look at it.

No proper review took place, and people who are entitled to be consulted were not consulted. So the promises were broken. No proper review to examine the economic and social effects has been undertaken. The major stakeholders, the unions, the Retail Confectionery and Mixed Business Association, the grocers, the churches — none of them was consulted. The promise in the small business policy to consult and have a proper review was another promise that was broken.

If you take the other view, that maybe the Premier was putting up the promise, you see that even on that basis the promise has been broken because the deregulation has taken it well beyond the maximum promised by the Premier of the first Sunday of the month. So we have two broken promises.

Even the promise made to local government — that local government would be able to play a part in applications that go beyond those relating to the first Sunday of the month — was also broken. In its place we have the appalling notion of local referendum in which there is absolutely no choice except that which has been determined by the minister in another of these smart alecky things you would expect from the minister. He thinks, ‘I’ll be a real smart alec in this. What I’ll do is put up a proposal which says, we’ll allow you to have a local referendum and if you decide against it, you don’t have to have Sunday trading. But I’m going to be a real smart alec because I’m not going to give people the sort of choice they ought be given’. That choice is the choice of being open on some Sundays, or even implementing the policy the coalition had — that is, what the Premier promised. But the minister won’t even give them that choice. So if they decide it is appropriate for their area to open on the first Sunday of the month, which was the policy of the government, they can’t even make that choice. They can go for no Sundays or all Sundays.

**Hon. W. A. N. Hartigan** — A very simple choice.

**Hon. T. C. THEOPHANOUS** — A very simple non-choice, Mr Hartigan. We understand, as does everyone else, that the whole purpose of that non-choice is that the minister, who thinks he’s a smart alec, also thinks that if you give people that kind of choice they are unlikely to vote for no Sundays at all, because they will not want to give up their three Sundays before Christmas. He has put up a non-choice because he thinks people will not vote against it. Well, Minister, you may well find that people take you on.

**Hon. K. M. Smith** interjected.

**Hon. T. C. THEOPHANOUS** — Therefore the opposition will be moving an amendment to increase the level of choice that people have so that if there are people in municipalities who want to have what the government promised them, they will be able to have that choice through a referendum.
At this stage it is appropriate for me to move the reasoned amendment that I foreshadowed. I therefore move:

That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until the government abides by its pre-election promise to consult with all relevant groups and holds a proper independent review and further explains why it has abandoned commitments made by the Premier to extend Sunday trading to only the first Sunday of each month and the three Sundays before Christmas'.

On behalf of the opposition I have put the case for why people should support this reasoned amendment. It is quite clear that no proper review was conducted; it is quite clear on the evidence that the minister and the minister's own staff indicated that a review was to take place in six months' time, and in fact that did not occur; it is quite clear also that the government has abandoned the Premier's pre-election promise made two days before the election and reiterated by the Premier two months after the election.

It is not unreasonable for members of the public to ask the government to explain why it has changed its position so dramatically. Debates about shop trading have occurred in this place over a number of years, and I have been involved in some. The opposition has taken a fairly consistent position to seek the deregulation of shop trading hours and taking the community with it to ensure there is a balance between the interests of the consumers, small businesses, small retailers and family values, which cannot be said of the government.

In debate on the Shop Trading Bill on 16 April 1987 a member representing Western Province, the current Minister for Finance, put a view to the house that is the complete opposite of the view the National Party is now promoting. The National Party is selling out country and regional Victoria. It is important for the house to understand what the current minister said on behalf of the National Party. At page 1028 of the Hansard report for that session he says:

No-one would doubt that deregulation would favour the large centres and operators at the expense of the smaller centres and operators. It would see the demise of a whole section of the retail industry. Total deregulation would produce a dog’s life for those involved in the industry as many employers and employees and I speak from the heart having had approximately 23 years’ experience in retail and having lived through an extension of trading hours.

Where is the minister’s heart today? Like the government’s, it has been sold off to the highest bidder!

Hon. K. M. Smith — Rubbish! Wrong again!

Hon. T. C. THEOPHANOUS — We have a government that is prepared to be sold off to the highest bidder. That is not the only thing Mr Hallam had to say in 1987.

Hon. K. M. Smith — That’s nine years ago! Have you got something recent! Let’s talk about some recent material, such as your release in 1991!

Hon. T. C. THEOPHANOUS — I am happy to talk about what I have said in the past in this place. It is consistent with the position being put by the opposition today. We never said we did not support Sunday trading. Indeed, if Sunday trading is introduced in a planned and regulated way the opposition has no problem with its introduction. Indeed, its current policy is to call on the government to enact the policy it took to the people involving an extension of Sunday trading by four days.

Hon. M. A. Birrell interjected.

Hon. T. C. THEOPHANOUS — The Premier took it to the people. The Minister for Industry, Science and Technology is making a distinction between himself and the Premier.

Hon. M. A. Birrell — Once again you are misquoting!

Hon. T. C. THEOPHANOUS — Two days before the election the Premier said —

Hon. M. A. Birrell — No, he didn’t! The Age did! There is a difference.

Hon. T. C. THEOPHANOUS — I did not see any press release the day afterwards. This was in the middle of an election campaign.

Hon. M. A. Birrell — Are you withdrawing what you just said?
Hon. T. C. THEOPHANOUS — No, I am not. This is what the Premier said. If he had not said it, if the Age had misquoted the Premier, there would have been an immediate press release.

Hon. W. A. N. Hartigan — In that case there would be a press release every hour!

Hon. M. A. Birrell — You said the Premier said it. You didn’t say the Age said it.

Hon. T. C. THEOPHANOUS — I made it clear I was relying on the Age, which was quoting the Premier.

Hon. M. A. Birrell — Read the quote.

Hon. T. C. THEOPHANOUS — I have quoted it once and I am happy to read it again. The Age reports:

Mr Kennett said the government would look at extending Sunday trading for retailers outside the city to the first weekend of each month, rather than the present mishmash of 10 Sundays a year.

I have read it out before and I am happy to keep reading it out.

Hon. M. A. Birrell — Good, but that is not what you are relying on, is it?

Hon. T. C. THEOPHANOUS — Mr Birrell says that it is not correct. If it was not correct why didn’t you tell the people that two days before the election?

Hon. M. A. Birrell — We did. We put out our written policy.

Hon. T. C. THEOPHANOUS — Why didn’t the Premier put out a press release the next day saying that the Age had misquoted him? Why wasn’t a press release issued? There are only two options: either the quote was correct or the government, in its normal way, was trying to be deceitful. The government was pretending a change in policy was not occurring. The government was deceiving the people by allowing the Age article to go through to the keeper because it did not want to put out a press release saying that the quotation was not correct.

Even if we accept what the minister is saying — that the Premier was incorrectly quoted — what about two months after the election when the Premier was still talking about the same thing? The Premier was still saying there would be Sunday trading on 11 Sundays a year between January and November and on the three Sundays in December preceding Christmas. I suppose the Ringwood Mail was misinterpreting the Premier as well! Obviously the Age and the Ringwood Mail got it wrong.

It is clear the Premier had a view that he expressed two days before the election, and it is clear that small business organisations were entitled to believe the coalition’s policy was as appeared in press articles at the time. One of the articles was headed, ‘Coalition policy’. What does the government expect people to believe when a headline such as that appears in major newspapers and is not rebutted? People would have believed or been tempted to believe the government because of the attitude that has been taken in the past.

I will read what Mr Hallam had to say to the house in 1987, when the then opposition opposed the extension of shop trading, which the previous government wanted to introduce. Members would be interested to hear some of his comments. Mr Hallam is reported on page 1029 of Hansard of 16 April 1987 as saying:

... one must consider the situation confronting the consumer who wants to be able to purchase his or her needs exactly when those needs arise. If that is taken to its logical conclusion, we would have open-ended trading hours, that is, 24 hours a day, seven days a week.

Hon. W. A. N. Hartigan — He was prophetic, wasn’t he?

Hon. T. C. THEOPHANOUS — Yes, he obviously was. Maybe he knew something about Mark Birrell’s views. He goes on:

That is also not in the real world because the relative costs involved with the periods of low sales activity put the trade into the uneconomic basket.

... members of the public will always favour an extension of trading hours. However, they do so simply because they do not understand the real situation.

If members of the public were asked whether they wanted additional trading hours and it was pointed out to them that additional costs would be involved, I suspect that the results of the opinion polls would be
dramatically different. If members of the public knew that trading at 2 a.m. would involve additional costs during traditional trading times, their response would be different.

That was the view of Mr Hallam back in 1987, nine years ago.

Hon. K. M. Smith interjected.

Hon. T. C. THEOPHANOUS — He has never gone on the record to contradict that position. Mr Hallam is the Minister for Finance and knows something about the economy and the way it operates. Back in 1987 Mr Hallam told this house two things. The first was — this is important for people to understand — that if you have open-slather trading the larger centres will win and the small traders will lose. He made that point very strongly. The second was that if you have open-slather trading the costs for the consumer overall go up.

So one of the government’s economic gurus said two things back in 1987: one, that open-slather shop trading will result in small businesses going out of business; and, two, that there will be increased costs for consumers.

Has this government done an economic study since then in order to determine whether — —

Hon. W. A. N. Hartigan — Did you do one?

Hon. T. C. THEOPHANOUS — Yes, in fact we did, Mr Hartigan.

Hon. W. A. N. Hartigan — What did you find?

Hon. T. C. THEOPHANOUS — We got an independent person of high repute, somebody whom you would even respect — Professor Alan Fels, to do a review. He looked at all of the issues and indicated that at certain times, when there was enough activity, it was warranted to have Sunday trading.

Hon. M. A. Birrell — What do you think his view is of this bill?

Hon. T. C. THEOPHANOUS — We appointed an independent person to do a review — you didn’t. The minister sent his adviser out to mislead the Victorian public by telling people in the papers that the review was six months away. I don’t know whether he has been sacked or not; some of the backbenchers seem to think he has been.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — He is still there.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Yes, you would not want to get rid of him, because he did your dirty work for that period.

The minister sent out his ministerial adviser because he did not want to do it himself, and his adviser went around saying in country Victoria and elsewhere that the review was six months away. Then a month later the minister come out and said, ‘Oh, I have already done it; don’t you worry about that. I did not have to talk to anyone, and don’t you worry about what the Premier said two days before the election, because the Premier got it wrong; it is what is in the policy that counts, not what he said — or the Age got it wrong, one or the other’.

We have reached the position where this government has absolutely no credibility in the way it has handled this issue. This minister, in particular, has no credibility because he did not go through the process he promised before the election of a review to talk to and consult the people who would be affected. Instead, he failed to talk to the union; he failed to — —

Government members interjecting.

Hon. T. C. THEOPHANOUS — Let’s go through it: he failed to talk to the union; he failed to talk to representatives of small business, including the Retail Confectionery and Mixed Business Association; he failed to talk to the grocers; and he failed to talk to the churches. So who in hell did the minister consult? We would like to know.

On a number of occasions in this place we have asked him the question of whether he can provide a list of the people he consulted. It is not a very difficult question. I can tell you, Minister, that we will go through this in a laborious way during the committee stage of the bill, because we want to know who you consulted.
The minister has sanctioned the outrageous letter dated 2 October sent by Ken Smith to the union, in which Mr Smith indicates to the union:

The relevant word in that statement is we will consult with relevant groups. Your union obviously does not fit within that grouping.

That is the kind of arrogance typical of this government. Now we can sit here and laugh at Mr Smith, because everyone here knows that Mr Smith is a clown. But what does it say about a government that is not prepared even to recognise that 50,000 people who work in those businesses have a right to representation and to their own views, through their unions, being listened to. It is an absolute outrage that this minister did not even have the courtesy to talk to the relevant union on what he is proposing. We will be asking the minister — —

Hon. R. I. Knowles interjected.

Hon. T. C. THEOPHANOUS — If you had been here at the beginning, Minister, instead of coming in late, you would have heard me say that we are opposing the legislation. But since you were not here — —

Hon. M. A. Birrell — You have spoken for almost an hour and have not explained why you are against Sunday trading.

Hon. T. C. THEOPHANOUS — The legislation is not just Sunday trading legislation, but open-slather Sunday trading legislation. I challenge the Minister for Industry, Science and Technology to say where Labor Party policy says that it supports open-slather Sunday trading. The Labor Party supports the extension of Sunday trading on a graduated basis. It would support the government if it put in place the policy the Premier announced prior to the last election, but the government will not do that because it has been told to put in place what is contained in the bill.

I am happy to state the opposition's policy. We believe the present system is flexible; that it has allowed considerable access for consumers. No-one in this place does not think there has not been an expansion of shop trading — and it occurred under the former Labor government. It included 10 Sundays a year and allowed for tourist development in various areas. The government then added the central business district.

The opposition recognises that shop trading hours legislation has evolved with different lifestyles and acknowledges the argument for maintaining some levels of Sunday shop trading.

The opposition does not believe the government proposals warrant support. Firstly, they have not been through a proper review, and secondly, the opposition does not know what will be the economic impact.

The government should honour what the Premier said two days before the last election and two months after the election: that there should be Sunday trading on the first Sunday of the month and three Sundays before Christmas. That is a sensible approach. It would offer consumers the choice the government is seeking without putting the viability of small businesses and retail organisations at risk.

Local government should apply to extend shop trading beyond the 14 or 15-day formula only by conducting referendums. The opposition is happy to have referendums in local government, but the onus ought to be reversed: it should be a referendum to extend shop trading hours, not to limit shop trading hours, which is what the government is putting in place.

The opposition supports campaigns to attract tourists to Melbourne and to increase Sunday shop trading outside the central business district. Further, tourism areas outside the metropolitan area should continue to be promoted as shopping tourist precincts. This cannot occur under the government's proposals because there will be no distinction between tourism and non-tourism areas.

The opposition opposes the legislation because of a number of things that it does not do. The opposition believes the legislation ought to be balanced in the sense that if the government is providing protection to shop owners who have leases in large shopping centres, it ought to extend the same level of coverage to shop assistants who may be forced to work on Sundays. It is a reasonable human request. People ought not be punished if they do not want to work on Sundays. The opposition is not saying that large organisations such as Coles Myer would force their employees to work on Sundays. Indeed I have received assurances from Coles Myer about that and
I accept those assurances, but there are literally thousands of small retail businesses and the minister cannot give an undertaking that pressure will not be applied to some individuals who do not want to work on Sundays.

The management of Coles Myer believes that some organisations may try to force their employees to work on Sundays. A range of people believe that on the basis of equity, shop assistants should not be forced to work on Sundays. They may well have religious views as a reason for not working on Sundays. Why should they not be protected by the provisions of the bill simply because they do not want to work on Sundays?

The opposition wants choice in local referenda and an increase in non-trading public holidays to include not just Christmas Day, Good Friday and half of Anzac Day, but Boxing Day, New Year's Day, Easter, Australia Day and Melbourne Cup Day.

Hon. W. A. N. Hartigan interjected.

Hon. T. C. THEOPHANOUS — Mr Hartigan, for your information, we even want Geelong Cup Day included, but I am sure you would not support that. I am happy to have you go on the record not supporting 10 000 shop assistants working in Geelong having the capacity to attend the Geelong Cup.

Hon. W. A. N. Hartigan — Am I obligated to force them to go to the cup?

Hon. T. C. THEOPHANOUS — Get it right; you will force them not to go to the cup because they will have to work on that day. The opposition believes the government’s changes will mean considerable stress being placed on many Victorian families and a reduction in the profitability of many small businesses. The impact of the changes come on top of increased Workcover premiums for many small businesses. Notwithstanding what the government says, 30 per cent of small businesses have had increases in their Workcover premiums. Small businesses are struggling from the impact of gaming machines and the Crown Casino; the lack of protection under the Retail Tenancies Act, which the government has done nothing to alleviate; the removal of labour market programs that are important to small business because they allow low-cost training of personnel; and the abandonment of advisory functions of Small Business Victoria.

After the sustained attack on small business by this government it is no wonder it is asking the question: ‘What has the government done for us?’. The answer is that the government has done nothing for small business and continues to put in place measures that undermine the profitability of small business.

Females comprise 70 per cent of employees in the retail industry, and they have a right to say to their employers that they do not want to work on Sundays.

Hon. Bill Forwood — They can.

Hon. T. C. THEOPHANOUS — The opposition looks forward to Mr Forwood and Ms Smith supporting the reasoned amendment to ensure women will not have to work on Sundays if they do not wish to. We look forward to that support because we know just how much of a pro-women’s rights individual Mr Forwood is. Most retail employees are female, and there is no doubt the bill will have a negative impact on their lives. Shop assistants who have families will have even less time to spend with their children and partners.

Hon. W. A. N. Hartigan — But they will be able to go shopping on Sundays.

Hon. T. C. THEOPHANOUS — Although Mr Hartigan may be able to go shopping on Sundays, shop assistants will not because they will be serving him. Mr Hartigan is the type of person who wants other people to serve him. It is important to place on the record that a meeting of 400 union stewards, representing more than 50 000 retail employees, condemned this approach by the government and complained that unions were one of the groups not consulted by the minister on behalf of the government.

It is also important for people to understand that if this bill is passed Victoria will have the most deregulated system in Australia. Shop assistants in New South Wales get the benefit of seven public holidays, not the miserable two and a half granted in Victoria. The New South Wales government actually considers Easter Sunday and other holidays to be important days. Another feature of the system in New South Wales is that in one sense at least the onus is reversed and it is not an open-slasher system,
because in Sydney shops must be granted individual applications to trade on Sundays, usually between 8.00 a.m. and 4.00 p.m.

If the bill is not amended Victoria will have the most deregulated system in Australia, despite the fact that in other states thousands of small businesses have gone under as a result of changes to shop trading hours. It has been estimated that as many as 3000 small businesses have gone to the wall in New South Wales.

Hon. K. M. Smith interjected.

Hon. T. C. THEOPHANOUS — Mr Smith may not care if 3000 small businesses in Victoria go under, but it might worry some of the operators of those businesses. Small business people have written to the opposition expressing their concerns — and they were entitled to be heard. If the government intended to make a change of this dimension it should have conducted a proper public review. The government should have said publicly that it was thinking about making the change and asked for submissions. Various church leaders have voiced their concerns.

Hon. K. M. Smith — The Bronwyn Pikes of the world tell us how good they are.

Hon. T. C. THEOPHANOUS — The opposition is happy to have Mr Smith abuse the churches on the record, and the minister can back him up. He can abuse the Anglican Archbishop of Melbourne, Dr Keith Rayner, if he wishes.

Hon. K. M. Smith — I know him well.

Hon. T. C. THEOPHANOUS — What do you think of him, Mr Smith? What about his concerns? Do government members think the Anglican Archbishop of Melbourne is entitled to be consulted and asked for a point of view? The archbishop is concerned that this change could destroy family life and small businesses. The minister might want to reject that view, but at least he should hear it. If the government promises consultation but talks to no-one, it cannot then say it has done a review.

Dr George Pell, the Catholic Archbishop of Melbourne, has also spoken on the issue. In an article published in the Age of 14 September, Dr Pell is quoted as stating: 

Workers have every right to resist the inroads being made by government and by business on this day of rest and of family life. The sad reality is that to retain employment many will be forced to work those hours normally spent with their children at weekends.

Hon. W. A. N. Hartigan — He was talking about the religious impact.

Hon. T. C. THEOPHANOUS — Honourable members may not agree with that point of view in all circumstances, but I say to Mr Hartigan that it is a point of view that deserves to be listened to.

Hon. W. A. N. Hartigan — Did you listen to it?

Hon. T. C. THEOPHANOUS — Certainly; and because we took all those issues into account, when we changed the Shop Trading Act we limited the extent to which the changes had an effect on Sundays.

I will read onto the public record what Right Reverend Keith Allen of the Presbyterian Church of Victoria said on these issues in a letter addressed to members of Parliament at Parliament House. I am sure most honourable members would have received a copy of the Reverend Allen’s letter of 9 October, which states:

Dear Members,

We wish to convey to you resolutions passed at our state assembly. This is not just the view of one individual but of the state assembly of the Presbyterian church. He says: 

The Presbyterian Church of Victoria formally opposes Sunday trading and the extension of Sunday trading as proposed in the Shop Trading Reform Bill on the basis of the Lord’s day being a creation ordinance and the 4th commandment ... The Presbyterian Church of Victoria calls on the state government to recognise that its mandate does not include the right of changing social culture such as the proposed Shop Trading Reform Bill will do.

The Presbyterian Church makes clear its views on the bill. Apparently neither the Anglican, the Catholic nor the Presbyterian churches are worthy of being consulted by the minister. Their views are irrelevant. That has been seen time and again. Whenever the churches say something about
government policy they are abused, treated with contempt, and told by the Premier and other members of the government to mind their own business and stay out of the government’s way. That is the attitude the government has to those organisations.

The Master Grocers Association of Victoria commissioned a survey showing that 59.9 per cent of Victorians opposed deregulation of shop trading hours. Of those opposed to open-slather trading the strongest opposition came from country residents, with a figure of 65 per cent. The government’s response was to attack the independent organisation which had been commissioned to conduct the survey. That is another indication of the contempt and arrogance the government shows towards organisations seeking to put across their points of view.

A survey conducted by the Shepparton Chamber of Commerce and Industry showed that 80 per cent of the 394 businesses surveyed opposed Sunday trading. These people have bothered to ask the businesses — —

Hon. M. A. Birrell — But you are not saying whether you agree with that. Do you agree with that view? Because they are against the Sunday trading you introduced!

Hon. T. C. THEOPHANOUS — I will keep telling you until you understand it, Minister: the opposition supports the government putting in place its policy regarding shop trading on the first Sunday of the month and the Sundays in December preceding Christmas.

Hon. M. A. Birrell — But all the people you are quoting are against that.

Hon. T. C. THEOPHANOUS — No, they are not.

Hon. M. A. Birrell — Yes, they are. They do not want Sunday trading.

Hon. T. C. THEOPHANOUS — They oppose the extension. This is what the churches are saying.

Hon. M. A. Birrell — No, the poll. Go back to your poll.

Hon. T. C. THEOPHANOUS — The polls are about whether people support open-slather Sunday trading; they are not about whether people support trading on the first Sunday in the month. Shop trading on the first Sunday of each month was the policy the Premier went to the election with, although it was not the policy of the Minister for Industry, Science and Technology. The polls did not ask whether people supported trading on the first Sunday of each month; they asked, ‘Do you support open slather?’

The Lord Mayor of the City of Melbourne, Cr Ivan Deveson, believes approximately $230 million worth of trade will leave the central business district under the government’s policy. It may well be that the CBD can sustain that level of loss, I do not know. I have spoken to other organisations including Melbourne Central, which has projections and estimates that its business will decrease by 3.5 per cent. That is a significant reduction.

When the government introduced Sunday trading for the CBD it was on the basis that it wanted to reinvigorate the CBD. But now, any business person who made investments on the basis of the government’s promises — and that would include Daimaru, or Melbourne Central — would have to be thinking, ‘We were told there would be a certain set of arrangements in place and suddenly the ground rules have been changed, and it is a completely different situation’.

When this proposal was announced the opposition commissioned a survey of 150 retailers in the Melbourne area, and it showed strong opposition to extending shop trading among small businesses, particularly those in the large shopping centres and strip centres who believe their profitability will be directly affected and who believe the Kennett government has lied to them. The survey showed that retailers believe deregulation will decrease profitability, benefit large rather than small businesses and not increase employment opportunities.

Hon. M. A. Birrell — Did you survey consumers?

Hon. T. C. THEOPHANOUS — We have surveyed consumers through very reputable organisations, as you are aware.

Hon. M. A. Birrell — And you think most consumers are against this?
Hon. T. C. THEOPHANOUS — You have a responsibility to look after the interests of everyone in the community.

Hon. M. A. Birrell — Yes, the public interest. You are controlled by the unions, we are not. That is the difference. You had to strike a deal with the unions, we did not.

Hon. T. C. THEOPHANOUS — If we were controlled by the unions we would not have introduced the 10 shopping Sundays in the first place. It just shows you how stupid you are by putting forward that proposition.

Hon. M. A. Birrell — They consented to it. You couldn't get the first Sunday in the month through. That is what you wanted, the first Sunday in the month, but you couldn't get it through under your government.

Hon. T. C. THEOPHANOUS — That is absolute nonsense. Obviously you could not get first Sunday through either because you haven't been able to do it.

Hon. M. A. Birrell — I didn't want to!

Hon. T. C. THEOPHANOUS — Then why didn't you tell people before the election that you wouldn't? Why did you lie before the election?

Hon. M. A. Birrell — On a point of order, Mr Acting President, I know he is tired and out of control after speaking for 1 hour and 21 minutes — I do not care for how long he speaks — but defamation and untrue statements such as those Mr Theophanous just made about me are unacceptable and I ask that they be withdrawn.

Hon. T. C. THEOPHANOUS — In relation to what?

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Mr Theophanous said that the minister lied in his comments after the election. I ask him to withdraw that comment.

Hon. T. C. THEOPHANOUS — If the minister is so concerned about my comment, I am happy to withdraw it. His sensitivity on this matter shows that when the Premier said publicly that the coalition would go to shop trading on the first Sunday of the month the minister did not put the record straight. The minister allowed a lie to continue into the election; he allowed a lie that was reported in the Age to be perpetuated. I know there is a fine line between telling a lie and allowing a lie to go uncontested. Maybe it is useful at times for the government to just allow lies to go through on the public record. The minister can make any distinction he likes, but people understand what was put on the record by the Premier and the failure of the minister to contest it.

The opposition's survey showed that 91 per cent of respondents believed changes in shop trading would favour big business, 66 per cent did not support the proposed changes and only 9 per cent believed the move would increase employment opportunities. People talk about the public interest, but I would have thought that increased employment opportunities would be a major component of that public interest. No study has been done to show whether the government's proposal will increase employment.

No cost-benefit analysis has been done to show that the comments made by the Minister for Finance some time ago were untrue and that the National Party's view that open slather would be devastating to small business in country areas was not true. There has been no examination of whether employment opportunities will be created by this approach. Of course, following the Master Grocers Association survey it was reported in the Age that Mr Billington, the secretary of the association, said:

... deregulation meant higher prices, fewer stores and fewer jobs, jeopardising the job security of 30 000 workers in small independent or family-owned supermarkets.

He said smaller stores struggling with 24-hour trading during the week would not be able to compete and many would not survive.

The association represents 600 independently owned small businesses, and it is entitled to be heard by the minister.

Hon. W. A. N. Hartigan — He knew their views; their views were widely known.

Hon. T. C. THEOPHANOUS — That is not the point. The coalition went to the election saying it would consult with all relevant groups.
Hon. W. A. N. Hartigan — No, we did not say that, we said we would have a review.

Hon. T. C. THEOPHANOUS — I am sorry to contradict Mr Hartigan, but it was coalition policy that the coalition would consult with all relevant groups. Aren’t the grocers a relevant group?

Hon. W. A. N. Hartigan — No, their views were well known.

Hon. T. C. THEOPHANOUS — The association represents 30 000 people who work in the industry. The change may affect up to 30 000 jobs, but Mr Hartigan does not believe the association’s views are relevant. I presume the minister has the same view — the unions are not relevant; the grocers are not relevant. What about the confectionery and mixed business associations?

Hon. W. A. N. Hartigan — Their views are well known.

Hon. T. C. THEOPHANOUS — They are not relevant, either. What about the churches?

Hon. W. A. N. Hartigan — Their views are well known.

Hon. T. C. THEOPHANOUS — Does anyone here want to say that the Anglican, Presbyterian and Catholic churches are not relevant groups?

Hon. W. A. N. Hartigan — Their views are well known.

Hon. T. C. THEOPHANOUS — What an appalling argument. It just beggars belief that people like Mr Hartigan can come into this place and say they are not relevant groups because their views are already known; there is no point in consulting them because their views are known. What arrogance and what an appalling way to treat human beings. It is utterly disgusting that not only are those organisations being relegated to irrelevance but also the coalition’s opinion is that because it knows their views they do not warrant being talked to.

The opposition has received many letters from small businesses and individuals right across Victoria who are concerned about their future. The opposition has responded to those letters, and included in those I have brought to the house is one from a couple in Warrnambool who beg us to oppose the bill because 18 months ago they mortgaged their house to buy a small business and get out of the dole queue. They say the bill will lead to their going broke. I have letters from people who say that they have worked in their businesses from 6.00 a.m. to 11.00 p.m. and do not want to have to work on Sundays, but because of the bill they will have no choice.

In another letter, people from Pascoe Vale say:

We go through enough stress as it is without the worry of the government killing off our small business completely. If small business were closed, what would our elderly citizens do without us ...

The business is near elderly citizens' residences. These are the sorts of heart-wrenching letters the opposition has received on the proposed legislation.

I will not read all the letters I have because if I did we would be here until tomorrow, particularly if I read all the letters that have been received by not just the Leader of the Opposition in another place, Mr Brumby, and me, but all opposition members of Parliament. It would take a considerable time to read all the letters.

Suffice to make a central point: had the government decided to take the community with it, had it decided to talk to the opposition about this —

Hon. Bill Forwood — Excuse me, you’re irrelevant.

Hon. T. C. THEOPHANOUS — You think the churches are irrelevant, too.

Hon. Bill Forwood — No, don’t put words into my mouth. I said you’re irrelevant.

Hon. T. C. THEOPHANOUS — You treat them with contempt. You think that not only churches but the small business organisations and workers are
irrelevant. That’s the view you’ve got, so don’t come in here and talk about relevance to us.

The central point is that had the government been reasonable or sensible to at least some extent, we may have been in a position where we could have worked through the issue in a way that might have resulted in the government’s aims being accommodated.

I make it clear that the opposition does not believe that even large businesses will necessarily be better off as a result of the proposed legislation. Indeed many of the large businesses, particularly those situated in the CBD, will be worse off. When you look at the overall proposal, the notion of the first Sunday of the month has considerable merit associated with it because you can actually concentrate costs and effort into that first Sunday of the month, which then allows that first Sunday to become a highly profitable trading day for those businesses. Instead the government has decided to take an approach which will not work in the community, which will not lead to increased profitability and which, in the end, will not provide the service that the government and the minister are seeking to provide.

Many companies will simply not open on Sundays because the ongoing costs will be too great for them. As a result you will not get the effect you would have got if you had a clearly understood first Sunday of the month, which the smaller businesses as well as the largest businesses found profitable.

The whole proposal has been poorly thought out and warrants the contempt of the house. Beyond that, I put on the record that the opposition believes there is another issue relevant to this matter. The opposition will be calling on a number of members not to vote on the bill on the basis of a conflict of interest.

Mr Acting President, they include Mr Barry Bishop, who has shares in Woolworths; Mr Neil Lucas, who has shares in Coles Myer; Mr Bruce Chamberlain, who is the President and normally would not vote if he were in the chair; Mrs Sue Wilding, who has shares in Woolworths; Dr John Ross, who — —

Hon. Andrew Brideson — How up to date is your list? They might have sold them this morning.

Hon. T. C. THEOPHANOUS — If they sold them this morning, we are happy for them to make statements saying they have sold them. Dr John Ross has shares in Coles Myer and Woolworths, and he is capable of speaking for himself if he sold them this morning.

Hon. J. W. G. Ross — Mr Acting President, on a point of order, I direct the honourable member’s attention to the current list of pecuniary interests in regard to this matter.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! That is not a point of order, but the member can make a contribution through the debate and comment on the contribution that Mr Theophanous has made.

Hon. M. A. Birrell — I think you’ve actually made your point.

Hon. T. C. THEOPHANOUS — Again, I indicate that these lists are based on currently available information. If Dr John Ross has in fact divested himself of shares in Coles Myer or Woolworths — —

Hon. W. A. N. Hartigan — You should be more careful in making those accusations!

Hon. T. C. THEOPHANOUS — Mr Richard de Fegely also has shares in Coles.

Hon. N. B. Lucas interjected.

Hon. T. C. THEOPHANOUS — Mr Lucas, you have shares in Coles Myer, so you should be one of those who absents himself from the vote.
Honourable members interjecting.

Hon. T. C. THEOPHANOUS — We believe the companies I have indicated will benefit financially from the bill. The minister knows that they will benefit from the bill.

Hon. M. A. Birrell — Rubbish!

Hon. T. C. THEOPHANOUS — The Minister for Finance said it in debate in this place in 1987. He said the big businesses will benefit and the small ones will not. He put that view on behalf of the National Party in 1987 and he has never modified that view in this house. The hypocrisy of these people! If Coles Myer was undertaking a major development in the former City of Berwick and a person who had shares in Coles Myer was making a decision about the development, Mr Lucas, in his previous role as Chief Executive Officer of the former City of Berwick would have advised the person not to take part in the decision-making process. I look forward to hearing Mr Lucas saying that is not what he would have advised, and I also look forward to him having the courage of his convictions by saying that he would have told the person to take part in the decision-making process.

Mr Lucas knows that under local government legislation when one has declared an interest one must absent oneself from the vote. I look forward to hearing Mr Lucas saying that is not what he would have advised, and I also look forward to him having the courage of his convictions by saying that he would have told the person to take part in the decision-making process.

Hon. Louise Asher — You didn’t declare your directorship!

Hon. T. C. THEOPHANOUS — If you happen to be in local government or a judge — —

Honourable members interjecting.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! The level of interjection is making it extremely difficult for Hansard to hear. I ask honourable members to allow Mr Theophanous to speak with minimal interjection.

Hon. T. C. THEOPHANOUS — If you happen to be in local government you are required to stand down from the decision-making process when you have a personal interest. The opposition calls on the members I have named — Mr Bishop, Mr Lucas, Mrs Luckins, Mrs Wilding, Dr Ross and Mr de Fegely — not to take part in the vote on the legislation because I believe there is the potential for them to benefit from the passage of the legislation. A number of members have family trusts, including Mr Ashman, Mr Atkinson, Mr Baxter, Mr Best, Mr Phillip Davis and Mr Smith, and as a consequence of those family trusts the opposition is unable to ascertain whether they have interests in those retail organisations. I put their names on the record and leave it to their consciences as to whether they vote.

Hon. Louise Asher — Is the minister allowed to vote according to your regime?

Hon. T. C. THEOPHANOUS — So far as I know he is not a shareholder. I do not know whether other members have shares in family trusts which have shares in retail organisations and stand to benefit from the passage of the legislation, but if they do I suggest they should indicate that when making their contributions.

The minister and the government have sought to deceive Victorians by the way they presented the policy before the election and as a result of the comments made by the Premier. The minister is not prepared to clarify anything that he says, and even when he makes mistakes he is not prepared to put the facts on the record. On 3 October the minister wrote to the *Herald Sun* and accused the union of all sorts of things including negotiating enterprise agreements with major retail stores, including Myer, David Jones and Daimaru. I asked the minister to produce the agreement between the union and David Jones, but he did not bother to get back to me because he found that no such agreement existed.

When comments made by the minister prove to be untrue the minister does not clarify the circumstances after he was asked — —

Hon. Louise Asher — You’re very brave when he is out of the chamber aren’t you?

Hon. T. C. THEOPHANOUS — He doesn’t worry me when he is here! The opposition will vigorously oppose the legislation, and it has moved
a reasoned amendment that should be supported by all members of the house.

Hon. Louise Asher - How can you ask members to support your amendment when you have said that half the members should not vote?

Hon. T. C. THEOPHANOUS - I have read out the names of members who have shares, and they should absent themselves from the vote.

Hon. K. M. Smith - On a point of order, Mr Acting President, I refer to standing order 155 which deals with the question of whether a member shall be allowed to vote. It states:

... upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.

If a bill provides that if a member who has a direct pecuniary interest will beneficially gain from a vote of the house the member is not be able to vote. Mr Theophanous is not correct, and his comments are irrelevant to the debate. He may have identified the shareholdings of members of Parliament, but each of those have been declared in a document containing the declarations of members that is available publicly. It does not matter what the shareholding is in that regard.

In fact it does not matter what the shareholding is in regard to that. I quote from page 354 of the 21st edition of Erskine May:

... in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811 the rule was explained thus by Mr Speaker Abbot: 'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of state policy.' 'State policy' may be equated with 'public policy' and is not confined to public bills introduced by the government, but is also the subject matter of private members' bills.

And this ain't no private member's bill. That is my point of order; the issues Mr Theophanous is raising are irrelevant.

The ACTING PRESIDENT (Hon. G. B. Ashman) - Order! There is no point of order. The matter that Mr Smith has raised is a debating point and is subject to debate, but at this time it is not a point of order. There is no point of order.

Hon. T. C. THEOPHANOUS - Mr Acting President, first of all I congratulate you on your ruling. But on behalf of the opposition, in response to the issues raised by Mr Smith, in which he quoted standing orders and Erskine May, I point out that standing order no. 155 refers to where a member has a direct pecuniary interest. We on this side of the house contend that owning shares in a company is a direct pecuniary interest. I look forward to Mr Smith explaining how owning shares in a company is not a direct pecuniary interest.

Hon. K. M. Smith - You got the ruling from May, so what are you on about?

Hon. T. C. THEOPHANOUS - He has also quoted from Erskine May that the interest needs to be immediate and personal.

Personally owning shares in a company is immediate, is personal, and is a pecuniary interest — it is an interest. The only issue that remains is not the question of whether it is a pecuniary interest; it is whether Coles Myer will benefit from this decision.

There may be some members who hold a direct, immediate and personal pecuniary interest in these companies, who believe in all conscience that Coles Myer will not benefit from the legislation. But I hasten to say, notwithstanding what Mr Smith has said, that I doubt there would be a single member here who would argue that if it was believed that Coles Myer would benefit from this, and consequently its shares may increase in value, that somehow there is no pecuniary interest.

We look forward to the rest of the debate and to the division. In conclusion, I again outline the basic point the opposition is making about the legislation. I know the government would seek to misrepresent our position, so I think it is important from the community point of view that we put it on the record.

Our position is not total opposition to all Sunday trading. We have never had that position; we do not have it now. Our position is that the present system is flexible and that the government ought to enact what it went to the election with, which was that there would be trading on the first Sunday of the month. You can seek to misrepresent it as much as
you like, but that is our position. I put that clearly on the record.

My second point is that we believe there has not been consultation, and we have strongly argued that there has not been consultation of the sort promised by this government.

My third point is that we believe, like Mr Hallam believed, that benefits will accrue to big retailers, not to small retailers. Like Mr Hallam, we are also of the view that it will add to costs overall for the industry. No argument has been established and no cost-benefit study has been done to disprove that view held by the National Party at that time.

This government should put in place its election promise and live up to what it said to people before the election. Irrespective of whether you take the Mark Birrell position about a review followed by consultation with all relevant groups, which did not occur, or whether you take the Premier’s view, that it was the first Sunday of the month, which he reiterated two days before the election and again after the election, I indicate that this government has failed Victorians, and it has failed Victorian businesses. When this government went to the election it lied to Victorian businesses and sought to get its vote on the basis of a lie — and it has been caught out. We strongly oppose this legislation on those grounds. I urge members to support the reasoned amendment.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Before calling the next speaker I remind members that this second-reading debate is on the Shop Trading Reform Bill and the reasoned amendment moved by Mr Theophanous.

Hon. P. A. KATSAMANIS (Monash) — It is my pleasure to speak in favour of the Shop Trading Reform Bill, and it goes without saying that I speak against the amendment moved by Mr Theophanous. That is what I intend to do.

The bill is indeed a landmark bill. It is my great pleasure to speak in favour of it, but in order to consider the breadth of the reform, we need to consider the current mishmash of trading laws that we have in this state. At the moment most stores can open from 9.00 a.m. until 5.30 p.m. on weekdays, and can open on a Saturday, but come Sunday, we have absolutely no idea who can open when. We know that some stores can open all the time, although we are not quite sure which ones they are, and we know that all stores can open on the four Sundays leading to Christmas. Then there are six other Sundays that the Leader of the Opposition — —

Honourable members interjecting.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! The level of background noise in the chamber is increasing and is making it increasingly difficult for us to hear Mr Katsambanis. I ask members who wish to have a conversation to either leave the chamber or lower the tones of their voices.

Hon. P. A. KATSAMANIS — Thank you, Mr Acting President. Victorians are not sure what shops will be open on Sundays, and when, how or what they can go and buy. At the moment there are plenty of exceptions to the existing legislation that was introduced by the discredited Cain and Kirner Labor governments. I believe a big hand in that was played by the current Leader of the Opposition in his then role in the failed Guilty Party as the Minister for Consumer Affairs.

Currently all stores are free to open on a Sunday in the four weeks leading up to Christmas Day and then there are the six magical Sundays, but no-one is sure when they will be — will they be before or after Anzac Day or before or after Melbourne Cup Day — when the traditional objections to Sunday trading magically evaporate. Despite the level of uncertainty it is clear from visiting shopping strips, whether they be major centres or suburban shopping strips, that on those Sundays when trading is allowed Victorian consumers vote with their feet, their cars, their wallets and their credit cards in favour of stores being open on Sundays.

Despite the fact that Mr Theophanous took more than 2 hours to attempt to put his opposition to this reformist legislation, it is clear he failed to outline any consumer opposition to the bill. Consumers are clearly saying that times have changed. We are not living in the 1950s when dad went off to work from Monday to Friday and mum went to do the shopping. We are living in the 1990s when people are working more flexible hours, when women can rightly choose to participate in the work force and when recreation patterns are changing. Shopping is
no longer a trip down to the local grocery store but an entertainment experience.

The legislation encourages all Victorians to exercise their freedom of choice — a fundamental crux of our democracy — freedom of choice for retailers as to when they will open their stores; freedom of choice for consumers as to when they will choose to shop; and freedom of choice for employees as to when they will choose to work. It is a fundamental freedom that has been denied Victorians for so long.

All the Labor Party managed to do in the 10 years of its failed administration was strike a sweetheart deal with the union operatives who control the Labor Party to have 10 special Sundays to which all those objections Mr Theophanous raised do not apply — they magically vanish on those days yet continue to apply for the remaining 42 Sundays of the year.

The government does not pretend to tell the people of Victoria when to shop, when to work and what to do in their recreation time. This government is about freedom of choice — the freedom for consumers to choose when they shop while allowing retailers to open their stores when they wish. The current mishmash of shop trading hours does not affect all Victorians equally. It provides unique problems for consumers and, more importantly, traders in my province, which includes the tourism precincts of Southbank, Acland Street and Chapel Street, which was recently proclaimed. They are fine shopping centres, and the majority of traders exercise their right to open every Sunday.

The shopping centres I have mentioned are only some of the fine shopping centres in my electorate. The others include High Street, Armadale; Glenferrie Road, Malvern; Elsternwick; Glenhuntly; and Clarendon Street, South Melbourne. The stores in those areas are not allowed to open on Sundays, which limits the opportunities for the traders. They often approach me and the other honourable members who so ably represent the area to express their concern that although consumers can buy socks, shirts and shoes in Chapel Street they cannot do so in Glenferrie Road or High Street, Armadale. That discriminatory situation does not help anyone, certainly not the small business men and women who are trying to make an honest living but who are prevented by archaic and arcane laws from opening their stores when they want to. That does not allow consumers the choice to shop on the days they choose.

A number of families welcome the opportunity to visit their local shopping strip on a Sunday or any other day to shop at their leisure without the pressure of working out whether the Sunday they choose to go shopping is one of those magical days when Mr Theophanous in his previous failed guise as Minister for Consumer Affairs deemed they were allowed to shop. It is incredible that the opposition believes providing the opportunity for small business people to open their stores whenever they choose will limit employment opportunities in some way.

Mr Theophanous claims that before the government enacts the bill it should undertake a review of the effects it will have on employment. I remind honourable members that when Mr Theophanous was Minister for Consumer Affairs in 1991 he issued a press release entitled ‘Consumer Affairs Minister welcomes Sunday trading’, in which he states:

The extra retail activity will create part-time opportunities for young people during the Christmas period.

He does not say that he determined this as a result of some review that he undertook, as he called today for the government to do.

Hon. W. A. N. Hartigan — A cost-benefit analysis?

Hon. P. A. KATSAMBA NIS — I am sure in his own mind he worked out a cost-benefit analysis. I agree with Mr Theophanous that Sunday trading will open up opportunities for part-time and full-time employment not just for young people but for all Victorians. Mr Theophanous queried whether increased trading will lead to increased employment, but he had no such query in 1991. He also said in his press release that Sunday trading will not only boost the Victorian retail industry and the manufacturing sector but also the balance of payments. I believe the press release was issued upon the announcement of three Sunday trading days before extending Sunday trading to 10 magical days. Imagine the employment benefits to the Victorian retail and manufacturing sectors and to the balance of payments when Sunday trading is extended to 52 days of the year.

The Leader of the Opposition is condemned once again by his own words, as are the other members of the Guilty Party, for their duplicity in this debate.
The Leader of the Opposition is also soon to be condemned by his own party, a view he has already expressed to many in this chamber.

The government’s reforms will enable all Victorians to exercise freedom of choice about when to shop and when to consume. In its editorial of 11 September 1996, the Age stated that the Minister for Industry, Science and Technology was to be congratulated on bringing Victoria into the 20th century on shop trading reform. Even the newspaper the opposition quotes in this chamber so freely when it suits — it has not quoted it in the current debate — recognises and welcomes the benefits of the deregulation of shop trading for all Victorians.

The opposition told us how horrible deregulation of shop trading will be for rural Victoria, but what does rural Victoria have to say about the matter? In its editorial of 26 September, the Ballarat Courier states:

Ballarat, the tourism gateway to the ‘golden west’, is like a ghost town on Sundays with most shops closed and the city lacking the vibrancy which must be injected throughout the weekend to play a major part in an escalating tourism boom.

The Ballarat Courier is just one of the many rural newspapers that have praised the government for its reformist attitude to shop trading. I do not intend to quote all the articles I have supporting the government’s action because I am aware of the very long government batting order of members who wish to speak in support of the legislation. The government has enough members who want to speak in this debate to form a cricket team, unlike the opposition!

To highlight how irrelevant and out of touch the opposition is with Victorian society today, I refer to what the shadow Treasurer in the other place, Mr Stephen Bracks, is quoted as claiming in an article published in the Age of 14 October 1996: the current bill is an attack on our way of life, on our recreation, on our sporting pursuits and on our fundamental beliefs as Victorians about what we want to do on weekends. I would like Mr Bracks to pick any of those 10 magical and mysterious Sundays on which his party chose to introduce Sunday trading when it was in government and to drive around any shopping strip in Victoria to see the large numbers of Victorians who are out in droves taking advantage of the opportunity to exercise their right to shop on weekends. People go shopping on those 10 Sundays, which proves how out of touch and irrelevant the opposition is. The fact that the opposition is irrelevant was fundamentally confirmed on 30 March this year, when it was returned in decreased numbers to this house and the other place.

A small grab bag of groups is opposed to the bill. The opposition strenuously highlighted the opposition of the Shop Distributive and Allied Employees Association, which is also known as the SDA. The association claims to represent — I stress the word ‘claims’ — employees in the retail sector. There are more than 400 000 retail employees in Victoria, and although the SDA is secretive about the number of people it represents, the Leader of the Opposition today quoted a figure of 50 000. If it is true that the SDA represents only 50 000 of the 400 000 retail employees in the state, it is highly unrepresentative, and is therefore irrelevant to the majority of employees in the retail sector in Victoria.

However, the fact that the SDA is unrepresentative and irrelevant does not stop it from voicing its concerns. I am the last person who would attempt to stop the association from doing that, but it should provide some proof of the level of its representation rather than making wild and untrue claims.

The unrepresentative nature of the SDA was proved when it recently called a meeting in support of its opposition to the bill. The union did not call for a mass walkout of retail sector employees because it knew what would happen. If it had, its call would have been met by the same lack of response that meets its membership drives in the retail sector. Instead of calling a strike of employees to voice its concerns, the union called a meeting of shop stewards. The union got 400 shop stewards together to talk among themselves because they did not have anyone to represent, yet the union is supposed to be representative of the 400 000 Victorians employed in the industry.

The SDA is so unrepresentative that it tries to cling to every last member and to prevent people from resigning. Prior to the introduction of the Kennett government’s Employee Relations Act many retail sector employees were forced to join the SDA in the many different guises it operated under before the union amalgamations. Following the introduction of the act many retail sector employees exercised their democratic right to not be in a union and chose to...
resign. The union did not willingly accept resignations or offer members the opportunity of leaving; in its wisdom it invoked a clause that allowed it to charge union dues for an additional three months of membership after the date of resignation. In many cases those union dues were taken from employees without their consent through salary deductions after they had resigned from the union. Most union dues deducted in that way go to the mob sitting opposite, who claim to be Her Majesty’s Loyal Opposition — they go to the Labor Party!

Therefore, even when people actually decide to leave the SDA it still extracts the last three months of blood out of those employees whom it does not represent, and that is a shameful situation. That same organisation claims that the bill will harm its members. I should have thought that if the SDA had been doing its job it would have welcomed the legislation as providing the opportunity for more members to enter the union. However, because it is so totally unrepresentative new employees will obviously exercise their right not to join the union.

The bill is welcomed by government members, as it is by all Victorian consumers and retailers. It contains a number of important safeguards which provide freedom of choice for all Victorians. One of the major safeguards is the outlawing of the provision in leases forcing shops to open on particular days at particular times. Currently landlords can force shopkeepers to open their doors against their will, but in future retailers will open when and how they want.

There is also an inbuilt protection for communities that may not want Sunday trading or other extended trading in the form of a municipal poll that can be conducted at the request of 10 per cent of the citizens of a municipality. That is also to be welcomed because if the residents in that area do not want Sunday trading they have the opportunity, rightly, of voting that the stores in that area remain closed on particular days. Of course, I would not particularly want to be a retailer and be forced to close against my will, but these safeguards are built into the bill and they are welcomed.

The bill is a culmination of shop trading reform over 20 years which started with the battle for Friday night trading. Those people in the chamber old enough to remember that battle would recall that opponents of Friday evening trading were claiming that the end of the world was nigh. However, the extension of 3½ hours to a closing time of 9.00 p.m. did not bring the end of the world nor the destruction of small business, as the Leader of the Opposition claims this bill will do. At that time the change increased the level of choice for consumers. No-one was forced to work longer hours or open their stores for longer, and that will be the case with this reform also.

How will it operate in practice? Experience in my own electorate suggests that shopkeepers are exercising freedom of choice already and have done so since Chapel Street was declared a tourist precinct. Not all stores open on Sundays — some close on weekdays and open on Sundays while others do not open Sundays or may open seven days a week. Some open at 9.00 in the morning and others choose to start at noon and go through until later in the evening. It depends on the retailers and consumer demand.

The bill will remove all of those crazy anomalies that resulted in, for example, two supermarkets next to each other operating under different rules — one being open on a Sunday while the other was closed — with all Victorian consumers scratching their heads and asking, ‘Why is this supermarket allowed to open on a Sunday and not the other one?’ Of course, competitive pressure on prices with added competition on a Sunday can only benefit all Victorians.

It would be remiss of me not to mention the efforts of a number of leading Victorians who in the past have fought very strongly for the freedom to trade whenever they wish to trade. One of the leading protagonists who was actually gaoled for expressing his intent to open his store on a Sunday was Mr Frank Penhalluriack, and the bill is a testament to the strength, courage and conviction of Frank. He was gaoled by the Labor Party when it was in government and was almost bankrupted. Despite all the obstacles in his way he has managed to rebuild a thriving and successful business and has continued to champion the cause of freedom of choice in shop trading. Another group which fought hard for extended trading hours was the Bourke Street traders group, which should be commended for leading the reform for Friday night trading in the 1970s.

This bill has been a long time coming. I congratulate the Minister for Industry, Science and Technology
for introducing a bill which is welcomed by the majority of Victorians. At the same time I condemn the opposition for moving its reasoned amendment, which is nothing more than obstructionist, completely ill-informed and unrepresentative of the views of the vast majority of Victorians. I thank the house for the opportunity of speaking on the bill.

**Hon. M. M. GOULD (Doutta Galla)** — I oppose the bill and support the reasoned amendment of the Leader of the Opposition. In his second-reading speech the minister talks about freedom to trade and freedom to shop. What about the freedom of the workers? What about the freedom not to be required to work on Sunday? The bill allows employers to coerce workers to work on Sundays. Seventy per cent of retail workers are women and they wish to spend Sundays with their partners and children. The bill takes away their freedom to do that by providing for open slather trading and allowing shops to be opened every Sunday of the year except if Christmas Day happens to fall on a Sunday.

We know how employers abuse young workers by requiring them to work odd hours. Parents have raised with me concerns that their children have been rung up at 2 o’clock on a Sunday afternoon and told, ‘There is work for you this afternoon; we want you to start at 3 o’clock’. If that young person is not available to work, the chances of that person being called at a future date are restricted considerably.

**Hon. K. M. Smith** — Who are these people? Name names and businesses.

**Hon. M. M. GOULD** — Toys ‘R’ Us, for one. The other toy store is called World 4 Kids — my daughter knows the names of these stores better than I do. Parents have told me that their son has had phone calls at 2.00 p.m. telling him to be at work by 3.00 p.m. but then at 4.00, 4.30 or 5.00 p.m. he has been told his shift is finished and he can go home. Young people under the age of 18 who do not have licences find it hard to get to work on a Sunday afternoon. Their parents have to drive them. The only alternative is to catch public transport, and we all know the difficulties of catching public transport, especially to large retail outlets, on a Sunday afternoon.

The opposition is concerned about the safety of workers who need to travel by public transport, especially after 5.00 p.m. on a Saturday and all day Sunday. I live next door to a supermarket that currently opens from 7.00 a.m. to 10.00 p.m. Monday to Friday and from 7.00 a.m. to 5.00 p.m. on a Saturday. When the store closes at 10.00 p.m. parents or older brothers are often waiting out the front of the store to escort or drive the young workers home. Staff with cars are told to park their cars at the back of the supermarket because the manager wants the front car park to be available for customers.

My home is on a reasonably large main street and groups of young people roam around and congregate in the supermarket car park. At least two syringes have been thrown over my fence. The safety of workers is a major concern because of the lack of adequate lighting and the need for them to get to bus, train or tram stops. They need to get to whatever mode of public transport is available to them after they finish work at 10.00 p.m., midnight or even 4.00 a.m. Basically it is like doing shiftwork.

Because of the ebb and flow of business, in large companies these days staff are brought in to work for short periods or, if business is slack, their shifts may be cancelled and they are sent on their way. Finishing at odd hours is a major concern to shop assistants in large retail outlets and in small shopping strips.

Because I live next door to a supermarket, I am often woken up by hoons dropping wheelies outside my house.

**Hon. Jean McLean** — They are called burn-outs these days.

**Hon. M. M. GOULD** — These hoons do bum-outs through the supermarket car park. They do not wait until the supermarket closes, they tear around even before 10.00 p.m. while customers are parked there or later when the staff are leaving the premises. Staff safety is a major concern to the opposition. Nothing in the bill will protect those workers. Employers will be responsible for the wellbeing of their workers, but this bill will allow employers to open their stores 24 hours a day, seven days a week without ensuring their protection or allowing them to reject working on a Sunday — that is because of the repeal of the act, which gave workers the opportunity to refuse to work on a Sunday.

In its pre-election promise the government said it would undertake a review of shop trading hours
and consult with all relevant groups. It said that after that review it would go to shop trading on the first Sunday of the month with a maximum of 15 Sundays a year, including up to 3 Sundays in December. We have heard about the breaking of promises to ensure it looks after the big end of town. The government did not consult with the retail confectioners and mixed business associations or the shop assistants union that represents 50,000 retail workers. More than 6000 members of that union work in fast food outlets. The fast food companies have said that when supermarkets and shopping centres are open on a Sunday their trade diminishes. They are concerned that they will lose more business because of the bill but the government has not consulted with them to get their views. The government does not consult with anybody unless they are from the big end of town.

The government did not honour its pre-election commitment to local government that councils would be able to apply to extend Sunday trading hours. It is doing exactly the opposite. Councils that wish to extend or change their Sunday trading hours will have the opportunity to consult with their communities only at three-yearly intervals. They will have to go through the process of having referendums every three years if they wish to change their Sunday trading hours. That will impose onerous costs on them.

In the last sitting week the government passed a bill reducing the capacity of councils to maintain their rates at the consumer price index level, and this bill will impose even more costs on them because they will have to hold referendums every three years if they wish to extend their trading hours. Rather than being able to say, 'Here is an option of trading on the first Sunday of the month or the three Sundays immediately prior to Christmas', that option has been taken away from councils and they have an added impost of having to conduct the referendum every three years.

The current trading hours for retail outlets allow them to be open 24 hours a day Monday to Friday; they have to close at 5.00 p.m. on Saturdays and remain closed all day on Sundays, except for 10 Sundays. The exception is for businesses trading in the regional areas.

**Hon. W. A. N. Hartigan** — Except for those with less than 20 employees.

**Hon. M. M. Gould** — Yes, on Saturdays they have to close at lunchtime. The debate is about the fact that the bill will allow shops to be open on every Sunday and every public holiday of the year. The government is taking away the rights of people in the retail industry. They will not have the ability to enjoy paid public holidays like the rest of the community because the government is saying that the shops will be open. The government is taking away the rights of people to enjoy Boxing Day, New Year’s Day, half of Anzac Day, Australia Day, Labour Day, Easter Monday, the Queen’s Birthday holiday and the holiday for Melbourne Cup that is coming up next week.

**Hon. W. A. N. Hartigan** — The Geelong Cup?

**Hon. M. M. Gould** — The Geelong Cup has already been run this year. I am sure that from time to time a number of honourable members in the house have attended an Anzac Day dawn ceremony and they might have taken part in a march after that to the local shrine of remembrance. Do honourable members think that returned servicemen and women would be in a condition to work after they have marched and then had a jar or two with their colleagues?

**Hon. G. R. Craig** — We don’t all do those sorts of things!

**Hon. K. M. Smith** — What are you suggesting? You’re making nasty suggestions! We must send your speech to Bruce Ruxton; you’re saying they’re drunks!

**Hon. M. M. Gould** — I am not saying that.

**Hon. K. M. Smith** — Yes, you were!

**Hon. M. M. Gould** — I’m saying that they should be able to enjoy a drink or two with their mates, which is a longstanding tradition. They will not be able to do that because they will be required to go to work in the afternoon of Anzac Day. If they want to have the odd game of two-up on Anzac Day, which is now within their rights, how will they do that if they have to go to work? Many returned service people who served in the Vietnam War are in the retail industry. Their ability to enjoy themselves and catch up with the mates they don’t see from one year to the next is being taken away. The ability of other people who work in the retail industry to participate in those activities is restricted because
they have to return to work at 1 o’clock in the afternoon.

The bill will take away the ability of people to enjoy Boxing Day and Anzac Day after 1 o’clock, and a number of other public holidays have been taken away.

The bill gives some protection to traders. It cannot be a prerequisite of a lease and so they cannot be forced to be open after 5.00 p.m. on a Saturday or on a Sunday. But the bill does not set out that protection for workers.

We know that people in some big shopping complexes coerce traders to abide by their requirements to be open during the hours that the shopping complex is open and to run sales at certain times of the year, whether that specialty shop trader wants to do so or not. We know that owners of complexes put such provisions in leases.

Hon. K. M. Smith interjected.

Hon. M. M. Gould — We know unscrupulous people working for some organisations have insisted on exorbitant fees to ensure people get a particular shop location, so it is not beyond belief to imagine those people ensuring that traders are forced to open their shops on Sunday afternoons.

Hon. B. N. Atkinson — Name one, just one! Name the shopping centres that coerce people!

Hon. W. A. N. Hartigan — How do they do it? Is it by kneecapping?

Hon. K. M. Smith — Do they drag them out of bed on a Sunday morning and get them to open their shops? Name them! You can’t; it’s a figment of your imagination! You’re making it up as you go along!

Hon. M. M. Gould — I’ll find one. There are individuals in companies — one of them is now working at the Crown Casino complex — who have been reported as insisting on traders paying exorbitant fees to ensure that they get a particular shop place. After they have given guarantees that there will be no similar specialty shop within the precinct they have put in a similar business next door. That deprives the original shop trader of the turnover that was promised as part of the lease and conditions. If a shop trader is not happy with the requirements to be open on certain days or at certain hours, and to have sales and do a certain amount of advertising, all of a sudden there is competition put right next door to the shop and the original shop trader is transferred to another place in the complex, around the corner and out of the way.

I doubt very much that the bill will provide the protection it is supposed to provide for retail traders because the issue of tenancies has been raised in a number of cases. As I said, the bill puts unnecessary burdens on local government, given that councils have to conduct referendums that will not give them an option on a variety of proposals for Sunday trading.

I have received a number of pieces of correspondence at my electorate office from people who are concerned about the bill. One is from Sue Ollyak, a local trader. In a letter dated 3 October she says:

I write to you in disgust at the government proposal of extended traded hours. As the owner of a small retail craft and flower store, I firmly object to 24-hour, seven-day-a-week business hours.

Large corporations like Ikea have everything to gain by opening seven days a week, whilst everything else must suffer or cease to exist. Small business, the backbone of our economy, will be forced to shut down under the pressure of these corporations ... It is a cut-throat way of distributing wealth, as they say, allowing the rich to get richer and the poor to get poorer, as there will be a lack of opportunity to accumulate wealth by operating a small business.

I am not opposed to change, I welcome it. However, this is definitely not a change for the better. One of the underlying assumptions of the market mechanism is that there are many buyers and sellers — that is, no monopolies.

Isn’t that what this trading hours proposal is eventually going to achieve — monopolies?

I received another letter on 21 October from a shop assistant and mother:

I am one of the many women (70 per cent) — who work in the retail industry. She continues:
I will be expected to work Sundays and public holidays with no penalty payment. Not only will that mean I'll become slave labour but also the precious time spent with family and relaxing on well-earned days off will be a thing of the past.

Company overheads will surely increase (as people won't shop all the time) the environment will be further burdened by more electricity being used, cars, public transport on the roads, machinery in the shops running and eventually becoming overstressed and unsafe.

She goes on to express her concerns about health and safety and the fact that recently a fatality occurred in a Coburg store because health and safety standards had not been monitored appropriately. Those are two examples of letters I have received from small traders and retail employees.

More than 40 strip shopping retailers were surveyed in East Ivanhoe, Rosanna and West Heidelberg areas.

**Hon. Bill Forwood** — Who by?

**Hon. M. M. Gould** — The honourable member for Ivanhoe in another place.

**Hon. Bill Forwood** — How many responses did he get?

**Hon. M. M. Gould** — Forty. In the survey the small businesses were asked about the impact of deregulation on their businesses and 70 per cent indicated they believed deregulation would have a negative impact. The survey also asked about whether the impact of deregulation would be positive or negative and 97 per cent said it would be negative. The owners of small strip shops were asked whether the change would make their businesses more or less profitable? Of the survey 65 per cent said their businesses would be less profitable. They were then asked whether deregulation would increase or decrease the value of their businesses and 65 per cent said that it would decrease the value of their businesses.

Many owners of small businesses have invested their life savings in their businesses, but under deregulation their value will be reduced and that their life savings are at risk. They were then asked whether the change would be favourable to big business or small business and 100 per cent answered that it would favour big business. Looking after big business is what this government is about! More than 90 per cent of small businesses in strip shopping centres are opposed to extended trading hours because they know it will impact on them.

The view expressed by the opposition during the debate is not restricted to the view of the union; it is the view of strip shopping proprietors within various parts of Melbourne. On 5 August 1991 Mr Hall wrote a letter to Mrs Gracia Baylor, the then President of the National Council of Women of Victoria about Sunday trading:

I must say that I can see no real cause for Sunday trading. I too believe that it is an encroachment on family life. With the pressures on the young people in the world today, any further moves to take away family time would be only detrimental to their future developments.

As well, the small businesses would suffer badly. As it is, trading hours in Victoria are already amongst the most liberal in Australia. Without restriction businesses are able to already open for 137 hours out of a total of 168 hours.

Another letter of 6 August 1991 was written by Mr Best to Mrs Baylor about Sunday trading:

Having been a retail trader myself, I am personally opposed to the introduction of Sunday trading, as I believe it will not serve any real purpose, other than to impose further disadvantages on small specialised traders who are trying to compete against the large retail chains.

I oppose the bill and support the reasoned amendment.

Sitting suspended 6.30 p.m. until 8.02 p.m.

**Hon. W. A. N. Hartigan** (Geelong) — I support the Shop Trading Reform legislation and to oppose the reasoned amendment. I think every honourable member here understands that the issue of shop trading reform has been almost constantly on the agenda for parliamentary debates. Whether the reforms have been good or bad, you can rest
assured we have not been able to stop ourselves fiddling with them over a long period.

In some respects the reforms that have taken place over the years reflect the changes in society. I like this one: apparently in 1907 a wise politician decided that small shops should be allowed to open later, and widows were specified particularly as having the right to operate them. That was not abolished until 1946, when changes were made after the war.

So the thrust of the legislation relating to shop trading has attempted to move with the times; I am not quite sure whether it moved behind the times or ahead of the times. I am reminded that over my own short life, if I go back — —

Honourable members interjecting.

Hon. W. A. N. HARTIGAN — There you go. My own members are being offensive.

Hon. Pat Power — You are too modest.

Hon. W. A. N. HARTIGAN — It is not something I try to achieve, Mr Power. Nevertheless, it is nice to know that I have natural grace that goes remarked.

For example, I recollect that immediately after the Second World War I used to deliver telegrams from the post office on Saturday mornings. I remember the banks being open. I also remember a whole range of other activities.

When I got married my wife was required to retire from the commonwealth public service because she got married. There was no argument about it; that was the law.

So there have been one or two changes over the past few years; none of them have been more frequent than the laws relating to shop trading hours. I have a faint, sneaking suspicion that every time they were reformed and liberalised there were exactly the same sorts of complaints that we are hearing today.

It would have been nice if there had been some variety, it would have been nice had there been a difference in the attitude of people, and it would have been nice if people had not predicted the end of the world as a consequence of these changes — because in the last hundred years that has been the prediction for every change that has been introduced.

This piece of legislation is a deregulatory activity. We are removing the control of people's lives. We are deregulating shopping hours and saying to shopkeepers and consumers, 'You make up your minds when you want to open your shops and when you want to buy goods'. We believe the shopkeepers and consumers will come to an arrangement that will suit both parties.

More importantly, the legislation reflects the fact that the economy has been deregulated in many respects in the past 20 years, including the introduction of enterprise agreements that have led to the 24-hour-a-day, seven-day-a-week operation of factories so that a small country like Australia is able to fully utilise expensive capital equipment. It is obvious to everybody, if they think about it, that hospitals, the police force, the fire brigade and the ambulance services, just to name a few, are open seven days a week, 24 hours a day — and have been that way forever and a day. It is obvious to everybody that for a very long time a whole range of retail activities have been exempted from any regulatory control whatsoever. They have been able to operate on Saturdays and Sundays — and under this legislation they will be able to operate not only on all the days everybody else can but will still be able to operate on some of the holidays from which other businesses are excluded.

So there is nothing new about seven-day-a-week activity. People who attempt to draw a distinction between retail activity and other activity tend to argue that the people who work in retail activity are different sorts of people from those who work in any other enterprise.

I heard Miss Gould, the Deputy Leader of the Opposition, talk about the difficulties that the legislation will pose for women. I observe that until now we have had the ability to shop literally six and a half days a week, and for 24 hours a day for five days of the week. I observe that 51 per cent of the people who work in the retail trade are women; I observe that the participation rate of women in the work force has risen for the best part of 50 per cent in the past 20 years; and I observe that we have gone out of our way — quite properly — to give the most equal access as we possibly can to women to obtain employment of a profession of their choice. Yet the Deputy Leader of the Opposition suggests that there is a need to vary the hours and conditions of work for women; in other words, to exclude women from
a wide range of activities by making some arbitrary judgement about their capacity to work after dark.

That is complete nonsense. You know it is complete nonsense, and women at large will not stand for the theory that one of the reasons we should not move for deregulation is that it would affect women who would have to work in the evenings. It is absolute nonsense. I cannot imagine why it is argued by Labor as something it is seeking to achieve. It would do no more than, once again, single out women and deny women work opportunities that they are fully capable of making choices about. I dismiss that as an argument that has any bearing on this issue.

I said during one of my infrequent interjections — because I felt I had to be necessarily restrained this evening —

Hon. W. A. N. HARTIGAN — I did not say they weren't. And in fact, you may well have the opportunity to defend —

Hon. Pat Power — You think Bartels is a grub too?

Hon. W. A. N. HARTIGAN — I did not say that. I am perfectly happy to agree with you. If you measure their performance on the basis of what their results are, they have not been at all well managed. Indeed, Mr Power should read the annual report of Coles Myer which admits that World 4 Kids has not worked.

Hon. Pat Power — While putting up executive salaries.

Hon. W. A. N. HARTIGAN — The shareholders might have something to say about that. If I were a shareholder in Coles Myer I would be worried about it, but I am not. I want to make a point about this completely specious and unrelated suggestion by Mr Theophanous that those who hold shares in Coles Myer should declare their interest because the legislation would by some miracle result in a benefit to Coles Myer or David Jones. I am not sure which of them will get the advantage. Will both of them be advantaged or will one knock the other off? Who is to say that the five large retailers competing for business will be advantaged? Who is to say that the small operators who will now be allowed to trade on weekends will not do a better job? The legislation has no relationship to any particular size of retail business.

If the opposition were concerned about small shopkeepers it would have done something 20 years ago when the large shopping malls were developed, because they were airconditioned and were offering far more than the opportunity to buy a sack with 20 pounds of flour during the short hours limited product ranges were offered to consumers. People go to these places to do a great deal more than shop, as Mr Katsambanis explained. The real problem has not been with the small shopkeepers, but shops competing more advantageously in malls than they have in strip shopping centres because they offer better service.

The legislation will have no direct influence on that process because people will shop where it is most convenient for them to shop on the day when it is most convenient for them to shop.
The government has been accused of changing its mind. I hope it has changed its mind because the circumstances have changed. One of the circumstances that has changed is the introduction of seven-days-a-week shopping in the central business district.

Hon. Pat Power — When are you going to introduce PR to the upper house?

Hon. W. A. N. Hartigan — If you are suggesting that the government would be unhappy having 17 out of 22 provinces, I say I do not think it is. It is a satisfactory arrangement for me and expresses the will of the people and the capacity of the players. I thought Mr Power was going to introduce me to a shopkeeper! There is not any direct impact on any class of retailer or indeed on any people who work in retail establishments. I know from my own experience that the Geelong Chamber of Commerce supports the program. Even the Geelong Advertiser, which from time to time lost its way in commenting adversely on the proper advances made by the government, supports the policy and made the observation that it supported the first move for open trading in 1946. Certainly local government reform was also mooted in 1946 and was finally achieved.

The legislation is designed to benefit the public, not to benefit business people. It is a deregulatory activity. The government is saying to people that they should make their own choices. The opposition says in its usual way, 'We are perfectly capable of making decisions that will be in the best interests of the community', notwithstanding the fact that the 10 years of Labor government indicate that the Labor Party makes no decision that benefits the community.

Hon. D. A. Nardella — What about the 86 months of full-time employment?

Hon. W. A. N. Hartigan — I have got to admit that Mr Nardella is doing some homework. He may also like to comment on the $30 billion of debt left by the former Labor government and the large number of civil servants it employed to give the impression that anything in employment can be done, but unfortunately, one day it must pay the piper. The government is doing the job and in the remote likelihood that the Labor Party gets a chance to govern it will at least govern a state that is capable of operating. Fortunately for the Liberal Party and unfortunately for the Labor Party that possibility is remote.

The former Labor government did not comment on this issue during its administration. I am reminded by Mr Katsambanis that when the Labor Party, in consultation with a raft of people, not the least of whom was the Shop Distributive and Allied Employees Association, introduced trading on 10 random Sundays, no-one ever knew which Sundays shops were opening, which had some logic in it because the Labor government did not want people to turn up on those Sundays. I fail to believe the Labor administration did not want to ensure Sunday trading was a failure. Once Sunday trading was introduced the arguments in support of churches, families and other groups evaporated. I have not heard any new arguments or opinions from any group involved in the issue that is different from the opinions or arguments expressed during the past 40 years. Exactly the same views are being expressed now as were expressed previously.

Hon. P. A. Katsambanis — The sky would fall in.

Hon. W. A. N. Hartigan — That is so. People have been making the same dire predictions for the past 50 years, but nothing has happened. The government is trying to bring retail activity into line with the general economic activity that is fundamental to improving our present position. Surely the Labor Party does not oppose the fact that more women will be introduced into the workplace. The government is providing better access, better choice and better retail shopping.

It told the people of Victoria that it would review shopping hours. I deduce that people did not believe the government would cut back on trading hours or stop Sunday trading in the central business district. I presume most people thought the government would review trading hours with the prospect of extending the hours. The Minister for Industry, Science and Technology consulted a large number of people and he found that the views expressed were exactly the same as before. The government went ahead and implemented the changes. Personally I do not support the reforms entirely although I do understand why we have not moved to lift the final restrictions. I understand it is an evolutionary process and we will have to wait until the changes have settled in, because while Good Friday, Christmas Day and up to 1 o'clock on Anzac Day are closed for trading, a whole raft of shops are open. If
there were any concerns about the views of the Master Grocers Association of Victoria, the house would be pleased to know that notwithstanding its own survey, which concluded that people did not want to shop on Sundays, grocers will still be open for trade on Sundays, but they will have some competition. I do not see anything wrong with that, and I believe it is beneficial for consumers. The government is prepared to move with the times and as circumstances change it will change its approach.

Notwithstanding Mr Theophanous’s concern that we are not constant in our views, I notice he is capable of changing his mind significantly. The Victorian Labor Party’s job and industry plan issued prior to the last election said of a Brumby Labor government — you can’t win them all; in fact Labor can’t win any of them — that underpinning the review was Labor’s ironclad commitment not to extend shop trading hours beyond the current arrangement, that is 10 Sundays.

That was March. It was ironclad then, but there has been a bit of rain over winter and that commitment has eroded away and disappeared. The policy now refers to a maximum of 15 days, which Mr Theophanous says offers consumers certainty in retail. I am sure it is offering the same certainty as the ironclad commitment Labor made not six months earlier. It is a little hypocritical of the Labor Party and the Leader of the Opposition to accuse the coalition of a lack of constancy.

The government is happy to take the view that the reform of shop trading hours is an evolutionary process, and that as circumstances have changed so has the view of the government. No-one is more characteristic of the government’s willingness to change than my good friends from the National Party. It is true that they had a slightly different view 10 years ago, but they have been converted on the road to Damascus. They have seen the changed circumstances and have changed their minds. They have been convinced by the facts and the changed circumstances, and they will go along with this change because it will be as beneficial for people in the areas they represent as it will be for everyone else.

I hear opposition members complaining that the government has introduced a provision that deals with the ways in which particular local councils may change these regulations. I start from the premise that we have deregulated shop trading hours. If anyone in a particular shire wants to regulate them again, in my view it is a perfectly reasonable proposition that that person should seek a plebiscite. It is entirely unreasonable, having had regulated shopping hours, to require a plebiscite for them to be deregulated.

The government has said, ‘Here it is as you wish to see it. If you want to change it, you should come along with specific programs. You have three choices: to declare that you want shops open on Sundays; to declare that you do not want shops open on Sundays and to determine what hours you want shops to open on Sundays; and, more importantly, every three years you have to give the public an opportunity to go back.’ That is a perfectly fair and reasonable basis for determining whether or not we regulate people’s rights. The government is about giving people the maximum rights possible consistent with the public good.

I am not too worried about the trade union movement. It is not the downtrodden, oppressed and ignorant body the opposition would have us believe it is. It is well able to look after its own interests, as it has shown by the way it has dealt with retailers in the CBD. I am sure the unions will negotiate whatever is needed for their members. What the government is doing is not new to Victoria or very much different from what already exists.

The Labor Party would have been wise to go along with the change and realise, as it did during its own time in government, that it is an evolutionary process, and that coming to the point we have reached was unavoidable, is advantageous and is necessary to bring this aspect of trade and commerce into line with the general level of activity in the state. It is a perfectly fair and reasonable thing to do.

At the next election no-one from the Labor Party will get up and say, ‘Let me tell you what we will do for you if you vote us back in: we will get rid of Sunday shopping and, depending on how ironclad we feel, may give you an ironclad commitment to have only 10 shopping Sundays a year; then again, we might give you a less ironclad commitment to have perhaps 15 shopping Sundays a year’. Does any opposition member seriously suggest he or she will do to the people 3½ years from now and say, ‘We know you have these deregulated shopping hours but we also know you really do not want trading on Sundays, and in fact we have had a chat to our mates in the unions and we think it would be good if
you went back to having shopping on 10 Sundays a year. Let's be radical! Why not go back to 5 days a week? In fact, why not just open on Tuesday afternoons? You can bring down your billy cart and burlap bag and we will throw on a few of the basic necessities of life and away we'll go? That is nonsense. The Labor Party would never suggest it and the people would never wear it.

The point is that when we come to the next election shop trading will not be an issue. The Labor Party will run a thousand miles to avoid discussing it, the changes will be seen as a great success, the world will not have collapsed, Western civilisation will not have disappeared, consumers will be a lot better off, there will be more competition, and prices will not have risen.

I keep hearing this stupid nonsense that costs will go up and prices will rise. Costs will not go up because competition will not permit it. If traders think there will be insufficient business on Sundays, they will not open. A group of shopkeepers who wrote to me typified the attitude I am talking about. They said they would not open on Saturdays if the changes went ahead. They said that when they go broke next June because everyone else is opening it will be my fault. I said it will be their fault. They said they will not open and I said I will not force them to. They again said they will be broke by next June, that this is a disaster waiting to happen.

Hon. P. A. Katsambanis — With that attitude are you sure they were not members of a trade union?

Hon. W. A. N. Hartigan — No, the unions know exactly what is happening, and they will negotiate the best deal they can get, as they have done in the CBD. We will not hear anything from the trade union movement, and many SDA members will be perfectly happy to work on Sundays.

The idea that we should introduce social working conditions disappeared a long time ago. I suspect Mr Nardella would not think so. I do not know what era he is trying to go back to, but May Day 1917 may strike a chord! Perhaps he would like to visit North Korea. I regularly read the Pyongyang Times, courtesy of Mrs McLean. They have nothing to sell in North Korea, so they need to open their shops on only one day a week. Mr Nardella could also go to Cuba, where the shops open on two days a week because they have almost nothing to sell.

Hon. D. A. Nardella — You have no understanding of working-class people or the history of the 8-hour day.

Hon. W. A. N. Hartigan — I have not always been a member of the nobility. I have had to work for a living and earn a quid like many other people. I do not need Mr Nardella to tell me about the working class. If he cared about the working class he would not have allowed the Labor Party to destroy jobs and put people out of work. Labor governments had 10 years in this state and 13 years in the federal arena, and no-one has done more damage to the working class.

The coalition won the last federal election because the working class decided, just as I have decided, that the Labor Party is a hopeless lot and is largely responsible for the difficulties Victorians find themselves in, including unemployment and the decline in their standard of living.

Mr Nardella, as a past organiser for the Labor Party, should look back on the damage he has wrought on this country rather than giving me some pathetic argument about his interest in the working class. Mr Nardella has no interest in the working class, in students or in patients; he is interested only in those vested interests that pay the revenue and subscriptions to support the Labor Party.

I look forward to Mr Nardella’s contribution and to hearing his idea of an ideal standard working week for retail trade. When the next election comes around — and we will both be here when that happens — I look forward to hearing what Mr Nardella has to say then, because if he and his leader have any sense it will be very little. The issue, if it is raised then, will be a vote-loser for the opposition, not a vote-winner.

The proposed legislation is leading the rest of Australia. I am unconcerned that New South Wales does not compete with Victoria in this area; it will be another edge this state has over that state, another edge to attract tourists and business and another edge to make the whole level of business activity more viable and vital in this state.

It is good legislation and it will be seen as such. A real measure of its success will be that this will not be an issue at the next election.
Hon. PAT POWER (Jika Jika) — I oppose the bill and support the reasoned amendment. When Mr Hartigan spoke about the legislation being a deregulation measure he really nailed the reason why the opposition is so concerned about its consequences. I noted with interest that he acknowledged that the SDA is a competent trade union which, regardless of the circumstances created by the coalition government, will continue to participate in the industry and work on behalf of its members who work in the shopping industry. It is to be applauded for that. The SDA is in no sense whatever spitting the dummy as a consequence of the going getting tough.

Over the years one of the great attributes of shopping in this state has been the diversity of experiences. In my electorate of Jika Jika there is everything from strip shopping centres to the increasingly influential and well patronised Northland shopping centre. Nobody in this chamber would dispute that that is an appropriate mix of shopping experiences and structures. It needs to be understood that shopping at Northland is a different experience to shopping in the more local environs of the strip shopping centres in Northcote, Preston or Reservoir, and there is no doubt that the ways shoppers spend their time in those environments is quite different.

When people visit Northland it is very much a day’s outing. I suspect that if you were to do some measure of the amount of shopping that is actually done when people visit Northland as distinct from socialising and window shopping you would find that the time spent shopping would be quite minimal, and the same is the case when people shop at strip shopping centres. The fact that those activities are very much part of our society and social life is quite clear, regardless of whether it is done in a strip shopping centre or a major centre.

I am concerned that the deregulation Mr Hartigan described should not significantly upset that quite diverse and sensible balance between small, family-run businesses and the larger department stores that are able to successfully operate as a consequence of the critical mass of population that is attracted to a place like Northland.

It is important that the baby is not thrown out with bathwater when the government seeks to achieve what the opposition recognises as its commitment to deregulation. Without being offensive, I will provide some examples of the way the government might consider supporting existing small businesses while at the same time achieving its goal of deregulating shop trading completely.

From my experience of talking to people not just in Jika Jika but right across the state, including rural Victoria, I am aware that if this legislation flows on as a matter of course and no attention is paid to the obvious impact on small businesses many of those small businesses will be unable to continue. If that is the case it will simply mean that the larger towns, especially in provincial and rural Victoria, will become stronger and the smaller towns will become more and more vulnerable. I don’t think any of us would want that to be the case.

Recently I travelled to the Wimmera and the Mallee, and during that trip I had the opportunity of calling at Jeparit, the birthplace of Sir Robert Menzies. There are two hotels in Jeparit and quite clearly there is not enough trade on a Sunday to support those two hotels. Very sensibly, the two operators of those hotels have come to an agreement that they will open on alternate Sundays.

Hon. M. A. Birrell — I think that is probably a breach of the law which you have just alerted us to!

Hon. PAT POWER — No, it is not. Check it out, but if you want to make cooperation an offence, you can. I am providing that as an example of something the government could well do as an educative initiative in a way which would not challenge its wish to deregulate but which might well add to the likelihood or probability of a number of vulnerable small businesses being able to continue.

We all know when we travel through suburban Melbourne and country Victoria of a weekend, especially after Saturday lunchtime, that we will drive through a local area or a town and see shops that are struggling to keep open.

Hon. R. A. Best — Don’t you ever pack up and go to the footie or play tennis? It’s a bit of a different culture.

Hon. PAT POWER — I am happy to hear what Mr Best has to say, and I accept that there are people who play sport and people in the farming community for whom the weekend is no different from week days.
Hon. R. A. Best — Exactly. It is a relevant point.

Hon. PAT POWER — It is relevant, but the point I make is that in metropolitan Melbourne and regional Victoria there are families who run small businesses such as hardware stores, milk bars or hotels. The fact is that they are small beer. They are making a living as small business people and possibly are not bringing home much more than they might if they were PAYE employees — I suspect in many cases they are bringing home less. Nonetheless they and their retail outlets are part of the social fibre of the region in which they live and operate.

I ask the government to pay attention to whether it is possible through a government department to provide encouragement — and in many cases it may well need to be strong leadership and education — for small businesses not to continue to operate in a way that will send them to the wall. In my view the deregulation of shop trading will mean less turnover will be available for those small businesses and in small communities in metropolitan and country Victoria it might be necessary for people to come to some agreement about opening on alternate weekends, some on Saturday and others on Sunday. That is really an important point. I cannot emphasise how much I agree with what Mr Hartigan said: we are talking about deregulation.

Bert Evans retired recently, and people right across the political spectrum expressed their appreciation of his commitment to the metal industries. One of his greatest qualities was his acknowledgment that with restructuring it is necessary to put in place a mechanism that ensures that when it is bedded down the restructure is capable of enduring and being sustained.

I make that point in relation to shop trading. I accept that the government is committed to the deregulation of shop trading, but I urge it to apply this regime in a way that ensures that the restructure is positive and sustainable and does not simply lead to the big getting bigger and the weaker and smaller becoming so vulnerable that they are unsustainable. I offer that in good faith; I think it is achievable. I think many small businesses would be prepared to listen and respond to that sort of advice and encouragement. I acknowledge that it would involve a substantial educative undertaking and I do not for a minute suggest that it could be achieved simply.

Another point I want to emphasise is the importance of the diversity of our shopping experiences. Families especially can take advantage of the multiplicity of attractions and the convenience of a shopping complex like Northland, which has a very seductive atmosphere. There is something for everybody. If the oldies want to sit down and have a cup of coffee and a cake, they are able to do so, and if the young ones want to go off to play in an entertainment parlour, they are able to. It is possible to do one's shopping in the morning, have lunch and then go to a movie without leaving the complex. Nobody would dispute that that is an important aspect of a multi-discipline shop trading structure.

I also argue that for all members of this chamber there are other shopping precincts that are just as valuable in the contributions they make not just to local culture but in many ways to the local economy. In Melbourne we have the Queen Victoria Market and the market on the Esplanade at St Kilda, which are significant cultural and economic activities. Before the shop trading issue appeared on the horizon I had conversations with a number of stallholders at the Preston and Queen Victoria markets who were concerned about their continuing viability. They believed, for a range of reasons they did not have the expertise to put their fingers on, that their turnover was down and that sales were not what they used to be. I hope that without pouring money into people's pockets the government would be anxious to sustain facilities such as the Preston, Prahran and Queen Victoria markets as part of Victoria's diverse social and shopping experience.

I am concerned that the consequences of deregulation being imposed without some supportive mechanism for those who may be vulnerable could be to substantially cut back our current range of shopping experience.

I want also to comment on the involvement of local government in shop trading issues. I listened with interest to Mr Hartigan's comments. He always makes clear what he is talking about, and no-one is left in doubt by the time he sits down. I accept that the coalition believes it has a mandate to implement the deregulation of shop trading hours, although I am concerned that it sees local government as the appropriate tier of government to pick up the downside of shop trading hour reform, which because the government has the numbers will become law in the near future. Mr Hartigan made
the point that local government is well placed to conduct a local poll on the popularity of shop trading reform, and I agree with him. The capacity of local government to provide advice about issues such as this is profound and will grow and become stronger as time goes by.

I register my concern on behalf of many people I have spoken to in local government about the section of the proposed legislation which leaves local government with no choice but to undertake the task of conducting the referendum, subject to a petition of 10 per cent of ratepayers, and which requires local government to totally fund the task. Members of the Municipal Association of Victoria have spoken to me about the matter and I know they have had at least correspondence, if not conversations, with the minister about it. They have estimated that the cost to a municipality would be in the vicinity of $40 000, which is a significant amount of money. Given that a sunset provision applies to any decision of local government that alters the government’s preferred position on shop trading and that requires that a poll be conducted every three years, it is reasonable for the Municipal Association of Victoria, many municipalities and many ratepayers to express concern that they are being asked to pay for what might be seen as the downside of the government’s reform of shop trading.

I support the government’s view that local government is the best tier of administration to have responsibility for the measure but it is not reasonable for the state government to ask local government to do so essentially on the state government’s behalf and for local government to be required to fund it totally.

It is a concern also when we examine the climate that exists in local government at the moment. We need to understand that for the past three years local government rates have been frozen; this year the government legislated requiring local government municipalities to deliver rate cuts in the range of 20 per cent; and quite recently in this chamber we debated yet another amendment to the Local Government Act, which allows the minister to freeze the rates of any or all municipalities in any or all years.

I argue in support of the MAV position and the concern expressed by many municipalities and many ratepayers that it is a bit rough for the state government to ask local government to completely fund the activity when they are under significant financial duress. I have no difficulty and I do not believe the MAV or any municipality would have any difficulty if the revenue flow were adjusted as a consequence of being required to undertake the additional task.

We need to understand that the shop trading issue is not the only additional responsibility that the state government has asked local government to take on at this time when its revenue is frozen. And it is not just a matter of municipalities having their rates frozen. As a consequence of being unable to adjust rates even in accordance with CPI increases, municipalities are in fact experiencing a reduction in revenue in real terms. Not so long ago we debated in this chamber legislation that outlawed wheel clamping. I do not think anybody in this chamber did not agree that that was a sensible idea. But one of the consequences of that was that additional work was required of local government to set in place arrangements and policing in relation to people parking unlawfully on private land.

This is a pattern at a time when local government is under enormous duress in respect to commissioner management and being required to satisfy the government’s political agenda by delivering rate cuts when the rate cuts have been funded by the use of financial reserves and by funds flowing from forced asset sales. At the same time they are being buffeted by the requirement to manage what I describe as the downside of shop trading deregulation.

I conclude by urging the government to pay some attention to the suggestion I put forward about providing advice and support to those many small businesses that may be pushed close to the point of unsustainability as a consequence of the advantage that large shopping centres will have arising from 24-hour, seven-day-a-week shop trading.

I particularly want to record my concern that it is unfair to ask local government to be responsible for managing the measurement of any downside, to fully fund that measurement and to do that in a climate when local government is under significant duress and its capacity to raise revenue is frozen and therefore severely limited.

Hon. K. M. SMITH (South Eastern) — I feel wonderful about the Shop Trading Reform Bill. I was a member of the Australian Small Business
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Association (ASBA) for a long time. One of the main things we pushed — and I am going back to before I was a member of Parliament, so it is about 10 years ago — was that restrictions on shop trading hours should be removed and people should have the freedom to trade when they wished to do so without fear of prosecution from the then Labor government.

They were great days when we used to talk about those things, hoping that one day they would be achieved as they have been. Tonight’s debate will be the culmination of the two houses debating the bill and making sure that we are getting the very best for everybody. I remember from my association with ASBA having discussions with Frank Penhalluriack. I note that he was mentioned earlier in the debate by Mr Katsambanis. He was a hero; he was willing to put himself up for sacrifice. And sacrifice it almost was, with the then Premier John Cain being prepared to send the man to gaol and to put a huge monetary cost on his preparedness to stand up and be counted. It almost cost the man his life. We probably all remember the front pages of the then Herald with the photograph of Frank Penhalluriack not long after he had his heart attack in gaol and nearly died. I used to feel strongly for the man. I admired him greatly for his strength in being able to stand up and say, ‘I am entitled to be open to trade when my customers want me to be open’, particularly when he was trading six days a week and people around the corner had moved into a tourist precinct a few metres up the road and were able to operate and take away customers on a Sunday. Frank Penhalluriack has my greatest admiration. I do not know whether you can dedicate a bill to someone but this bill should be dedicated to Frank Penhalluriack. God bless him for what he has done.

We are talking about a great change, but some members of the Labor Party are talking about the ceiling falling in, the world collapsing and small businesses disappearing because trade will be opened up for everyone. Small businesses are now trading against big companies six days a week and for 10 Sundays a year and some of them have survived! It is amazing! Why will the ceiling fall in when shops can open for 42 more Sundays a year?

The SDA has spread lies around the stores and scared its members. Everybody will not have to work seven days a week because someone has to work Monday, Tuesday, Wednesday and Thursday. Some people will be rostered on Sundays but new jobs will be created and new opportunities will be available, particularly for young people, mothers and for fathers who want second jobs. The Labor Party is not able to comprehend that this change will create jobs.

When trading on the three Sundays before Christmas was put in place Mr Theophanous was good enough to come out and say that it was fantastic, the balance of trade would be turned around and that it would get Victoria on the move, but today he stood for 2 hours and talked the greatest load of rubbish I have heard in my life. His speeches are going from worse to even worse! It is the same old drivel; he says the world is going to fall apart because we are going to do something different.

Change is about to hit Victoria! I cannot understand what the fuss is about. I live on the Mornington Peninsula and for 30 years I have been able to get meat from the supermarket or the butchers, drinks, a can of baked beans or a loaf of bread on Sunday. I have been able to get almost anything I wanted, and small businesses are still operating down there! They have not faded away; the big shopping centres have not taken over.

Small business is thriving. If you want to see a prime example of that you should go to Mornington on a Sunday to see the people who have been trading for 25 or 30 years and see the number of new shops that are operating. Thirty years ago Safeway was not there but now there are 2 kilometres of shopfronts from one end of Mornington shopping centre to the other. They are thriving because people want to be successful. They are prepared to trade because they want to be there for their customers. They work on Sundays and they love it. The people travel from everywhere to do their shopping.

During the past 30 years things have changed. We have accepted the change. We don’t just go to the races on Saturdays, we can go to the races seven days a week. You can go to the football four days a week if you want during the football season and the ceiling does not fall in, which a lot of people predicted it would. You can’t get the Sporting Globe any more; that is a change. You can’t get the Herald any more and you can’t get the Sun! We have adapted. Some people thought it would be the end of the world because they could not get the newspaper they used to get, but that is what change is about.
I remember when we used to put 20-pence coins in the slot and then we would have to pump our own petrol at the self-service. If 30 years ago we were told that we would have self-service stations open seven days a week trading 24 hours a day we would not have believed it, but we have learned to adapt to the change.

You cannot get threepence worth of broken biscuits any more because biscuits are not packed in tins. They come in little plastic containers and we have adapted to that. We used to have the 6 o’clock swill. Remember that?

Hon. R. I. Knowles — Most of us are too young!

Hon. K. M. Smith — Well, I can remember my dad!

Hon. Pat Power — Because he was the one that came to pick you up!

Hon. K. M. Smith — I remember the 6 o’clock swill because we always knew when dad would be home after they tipped him out at about a quarter past seven. He would have a couple of bottles under his arm. We adapted to the change. Change will come about in Victoria with seven-day-a-week trading. Remember when we used to be able to bank and go to the post office on a Saturday morning? Some banks are again opening on Saturdays and post offices have been franchised out and now open on Saturdays.

I worry about Mr Theophanous. We all worry about him! He said that in New South Wales 3000 small businesses had closed since they changed to seven-day-a-week trading. Of course, not every business will be able to survive or adapt to the new style of retailing or service industry. There will always be people who fall through the net and do not survive. It is no great surprise to hear Mr Theophanous say that. I could attribute the failure of those businesses to the Carr government, and I will! Their demise was brought about by the Carr government, as well as the fact that some people were not able to operate their small businesses under changed circumstances.

One excellent initiative of the government is the blue book, *Shop Trading Reform*, which sets out a lot of information about the retail trade in Victoria. Members of Parliament need to get that book to the people. I am sure members on the opposite side who have the book have provided the public with the facts contained in it.

The Master Grocers Association wrote to every member of Parliament. The mail-out must have cost a fortune. A letter dated 6 October addressed to the Honourable Kenneth Maurice Smith — I must get that taken out of the newspaper — and sent to my home address, which is fine, refers to the Roy Morgan research poll. The letter does not say anything about the questions that were asked; it just says that almost 70 per cent of Victorians oppose unrestricted shop trading and that only 35 per cent of Victorians favour it.

When we made a few inquiries, we started to get into the sorts of questions they needed to ask to give them the percentages they needed. Anybody can set up those questions. At page 12 the *Herald Sun* of 7 October states:

The Morgan phone poll of 1000 people, conducted on the weekend of September 28-29, revealed:

69.9 per cent oppose unrestricted trading if it means that small businesses cannot compete with large businesses.

Now that would even make me say, ‘Well, maybe we shouldn’t have it.’

69.6 per cent are opposed if it means local grocers close.

That would have been one that would cause me to have some concerns.

71 per cent are opposed if it means businesses close and unemployment rises.

These are all motherhood things that most people would respond to in a negative way. You can get figures and you can get figures. The figures that I trust are the figures that have been produced by Mr Birrell in *Shop Trading Reform*, which show that 69 per cent of people favour shops opening on a Sunday and 63 per cent favour shops opening at any time they wish. They do not support — —

Hon. R. I. Knowles interjected.

Hon. K. M. Smith — It has been a very interesting 15 minutes to date, Mr Knowles. I am very aware of Mr Knowles being in the chamber and that he supports — —
Hon. R. I. Knowles interjected.

Hon. K. M. SMITH — We may even get out of the chamber before 2.00 or 3.00 a.m. But, Mr Knowles, this is an important issue. I told you before, I have been waiting for this bill to come through for 10 years. Ten years ago I was advocating this, so I am pretty excited about it. I cannot understand Mr Theophanous’s saying he does not support it.

An Honourable Member — What does it all mean?

Hon. K. M. SMITH — I cannot believe Mr Theophanous did not read the *Labor Star* — otherwise known as the *Age* — because its editorial supported the bill. I cannot believe Mr Theophanous did not get a copy of it. The editorial of Wednesday, 11 September, says:

Mr Birrell’s announcement that the government proposes to let all shops open whenever they want, apart from a minimum number of public holidays, signals a long-overdue triumph for the common good over special self-interest. Victoria has come of age.

... Mr Birrell is to be congratulated on bringing Victoria into the 20th century ... just in time.

An Honourable Member — What paper was that in?

Hon. K. M. SMITH — That is from the *Age* — the *Labor Star* — which Mr Theophanous constantly quotes, or he did until just recently. He has started to quote the *Herald Sun*. Maybe he has shifted camps! Nevertheless, the editorial in the *Herald Sun* of Wednesday, 11 September, says:

But the unrestricted hours will create more jobs in an industry that already employs nearly 400,000 and in June alone had a turnover of $2.2 billion.

Victorians have voted. This is what they want. They supported the proposition. I have a quote from the *Bendigo Advertiser* for Mr Best.

Hon. R. A. Best — What a very good paper.

Hon. K. M. SMITH — It is a wonderful paper. It has the most glowing of editorials supporting the position we have taken. It admits there will be some changes and that most people will probably find they will be affected in some way by the changes, but it gives a very good commentary.

What is not a good commentary piece is a letter dated 1 October sent to Mr Birrell, which I received a copy of, signed by Harold and Kath Phillips of Just Groceries Rite-way at Belgrave South. God bless them for filling me in on the basis that they hate competition! In their letter they say:

Our company is a small family business, employing 16 full and part-time employees, operating as a licensed supermarket catering for the needs of the local community in Belgrave South. We trade seven days per week between the hours of 6.00 a.m. till 9.00 p.m. Monday to Friday and 7.00 a.m. till 6.00 p.m. Saturday and Sunday.

They do not believe we should bring in Sunday trading for everybody else because it will create competition.

Let’s get fair dinkum about this: the customer is the important person. These people are in business and they have unrestricted trading already, and they do not want competition from other people. It is a disgrace that they would write a letter like that. They are obviously caring small business people — they care about their business, and they do not want to open themselves up to competition! They have survived now against competition.

They talk about big supermarkets around the corner — and that is fine. But they are competing against them now on the basis of seven days a week — and they are surviving. Why in God’s name will the whole thing change because we say other people will be able to trade like they are able to do?

Customers are looking for people to deliver service to them. That is the whole trick of being in small business. I traded as a plumbing contractor for probably 25 years. My door was open to my customers seven days a week, 24 hours a day, and I did not charge huge penalty rates. I employed a lot of people over a long period of time — and I delivered. My customers were still coming back to me four years after I was a member of Parliament, wanting me to do their plumbing work. I certainly was not advertising.

An Honourable Member — Because you did not do it properly in the first place!
Hon. K. M. SMITH — That is the stupid sort of thing I would expect from a typical electrician, and one who has been a member of the electricians union. They wanted me to come back and work because I had given them service.

The people in Belgrave can keep their custom, the same as the people in Mount Martha have. They have had seven-day-a-week trading for such a long time, and you cannot get in the front door of a butcher shop there on a Sunday. Why? Because he delivers to people the best meat they can get at the best price they can get. He gives people what they want, he is open on a Sunday and he delivers the goods. He is giving them what is called old-fashioned service. Anybody who is to survive in business has to give that to their customers. That bloke does.

A supermarket four doors up the road sells meat that is probably cheaper than what the butcher sells it for, but the butcher delivers the best meat they can get at the best price they can get. The people in Belgrave can keep their custom, the same as the people in Mount Martha have. They have had seven-day-a-week trading for such a long time, and you cannot get in the front door of a butcher shop there on a Sunday. Why? Because he delivers to people the best meat they can get at the best price they can get. He gives people what they want, he is open on a Sunday and he delivers the goods. He is giving them what is called old-fashioned service. Anybody who is to survive in business has to give that to their customers. That bloke does.

Finally, to give the old unions a bit of a kick around — I have been pretty easy on the unions tonight, but I am really going to give it to them about this — I refer to the Herald Sun of 15 October 1996. The Shop Distributive and Allied Employees Association used its members' money to put rubbish in the paper — a notice headed, A Message to the Premier from the SDA:

Mr Kennett,

You want to force our members to work on Sundays — but what about your members?

A poll conducted by the SDA on Sunday 13 October 1996 found that 96.74 per cent of the offices of Liberal and National Party members who support open slather were closed.

An honourable member interjected.

Hon. K. M. SMITH — That is funny, because I pulled out the old diary and thought, 'Struth, where was I at the time?', and where was I? I was out in my electorate. I had had a week in here in Parliament, and we all know that the paperwork mounts up. But where was I? I was at an opening of the Manchester Unity Order of Oddfellows at the Rosebud memorial hall. Little did I know that the odd fellows from the trade union movement were ringing my office at the same time that I was opening that conference. Where did I go after that? I went back to my office.

I do not sit around at home on a Saturday or a Sunday and I will bet that everybody in here, including even some of you Labor Party members, work of a weekend. Your union mates, Mr Power, seem to forget that we put in a lot more hours than they do.

Hon. Pat Power interjected.

Hon. K. M. SMITH — Hello, I am a bit worried; Mr Power will say he is sticking up for his union mates.

Hon. Pat Power — Absolutely.

Hon. K. M. SMITH — If you don’t move three seats along you might be back at the trade union movement defending the opposition.

The trade union movement may believe that Sunday trading will cost jobs and that small business will close down; but it will not cost jobs, it will create jobs. Victoria is on the move, as Mr Theophanous said, because of retail trading on Sundays. I admire the Leader of the Opposition in this place for saying what he did in 1991 even though he will not say it now.

I strongly support the bill and reject the reasoned amendment, which is typical of the Labor Party — that is, put it off, leave it for some time down the track. One thing I learned from my experience with the former Shire of Hastings was that the Labor councillors would always put things off and not address anything. I ask members to put their weight behind the government and pass the bill so that the people will see what a great improvement it is for Victoria.

Hon. C. J. HOGG (Melbourne North) — I oppose the legislation. My contribution will be short because a great deal has been said on both sides expanding and elaborating on the positions held. I do not think there is much that can be added to the excellent contribution of Mr Power because he set out the way small retail businesses and large businesses operate
and the kind of balance that has been struck over several years, which has been good for customers, shopkeepers, tourists and workers. The balance is probably about right.

Most people who come into my office, indeed most of the people I talk to, do not want the changes to shop trading hours. They think their way of life will be affected generally. Many people have family members who work in the retail industry; many people own small businesses and are anxious that their businesses will be swamped by the large shopping centres. Many fear, with some justification, that they will go broke; and many fear, with good reason, that their time with their families will be further reduced.

I checked the feeling of traders in the little North Street shopping strip close to my electorate office in Glenroy, and different traders had different concerns. The husband and wife who run a milk bar which is open seven days a week lose $300 to $400 in trade on each of the seven Sundays when there is retail trading. As soon as 5 o’clock arrives and the supermarkets close people head back to the milk bar. This couple feels the impact directly. They believe 24-hour trading will be the nail in the coffin so far as they are concerned.

Other comments from the small group of traders in North Street indicate they are frightened of the impact on their businesses. If the large shopping centres such as the Broadmeadows Town Centre is open people may be more likely to go there for food, which affects several of the shops in the strip I mentioned. Only the hot bread shop, which does a very robust trade on Sundays, believes it might not be seriously affected. All the other shops are concerned about it.

In a survey conducted by my colleague the honourable member for Thomastown in another place, shop owners in his electorate have said no to 24-hour shopping. In general they believe there will be real financial costs to small businesses with the resultant stress leading to family breakdowns and a subsequent impact on health and community services from some of the strains they will experience. They believe it will create not more jobs — heaven knows we need more jobs in the northern suburbs — but additional unemployment as staff will be retrenched because of extra overheads. They believe family life will be constrained and spoiled by the amount of work people will end up having to do to keep their businesses open, to be competitive and to retain the custom and the trade to which they now feel they owe additional obligations.

Many of the small traders are owner-operators. They cannot afford to employ people so they can spend time with their families. If owner-operators wish to keep their stores open they must work the hours their stores are open. One shop trader told of having only 4 hours a week free time to spend with his family, and he believes if the situation gets worse he will have to sell his business, if he can. Similar comments were made by traders in Fawkner.

I refer to a statement from Danny’s Hardware of Bonwick Street, Fawkner:

On Sundays when shops are allowed to trade I found it was not worth opening and Monday trading dropped by about 20 per cent. There is also a drop in Tuesday and Wednesday takings. This happens every time there is Sunday trading. I am against Sunday trading. The only reason I open is because all the other hardwares are open and I do not want my customers going somewhere else.

I can see a lot of shops closing if 24-hour shopping comes in. They cannot be open the same hours as the larger shops. We are finding it hard competing with larger shops as it is.

It will also be difficult selling a business as most people do not want to work such long hours. We cannot afford to put on extra staff so we can open longer hours.

Sparno and Roberts, an electrical and furniture business in High Street, Thomastown, probably summed up the feelings of most traders when they replied to a question about the impact on their business:

Less sales as people will go to major centres. Prices will go down in smaller stores to compete and they will go up in centres. Family life will suffer even more leading to separations and social upheaval.

In a final comment the owner writes:

I am a staunch Liberal voter and this is the first time that I disagree strongly with Jeff Kennett.

I wonder if he was not summing up the view of tens of thousands of people who agree with that line.
Hon. M. T. LUCKINS (Waverley) — I am pleased to support the bill, which finally removes the inconsistency and confusion from retail law in this state. Within Waverley Province, the City of Monash has no trading exemptions for Sundays, while the cities of Whitehorse, Greater Dandenong and Kingston allow markets to open. Not even one shop is open in some shopping strips that are eligible to open while around the corner every shop is open just as if it were a week day.

I congratulate the Minister for Industry, Science and Technology for his commitment to uniformity. The bill is a sensible, commonsense alternative to the hotchpotch of existing exemptions that have evolved since 1985. Previous amendments to the Shop Trading Act have responded to calls by traders wanting to enhance opportunities for their businesses. Bakeries, petrol stations, book shops, chemists and supermarkets with fewer than 20 employees have all lobbied different governments over the years for the right to open extra hours and on Sundays. For example, the Master Grocers Association of Victoria recently approached the minister to make representations on behalf of its larger members. Many affiliated supermarkets, for example, Tuckerbag, Festival and Payless, employ more than 20 people and, therefore, are ineligible to open on Sundays for trading and are no longer exempt.

Under the current laws shops with more than 20 employees are trading illegally, so the Master Grocers Association approached the minister and said, ‘We don’t want the big boys to open but we want you to extend the employment level from 20 to 40’. All that does is hinder competition. They said, ‘We don’t want Coles Myer or Woolworths to open, but we want some of our bigger organisations, those which have more than 20 employees, to be able to trade legally because at the moment they are trading illegally’. That is not fair and does not encourage competition.

All traders who enter a debate such as this are obviously motivated by self-interest, which is a healthy, normal motivation. Shopkeepers want to protect their investments of capital, blood, sweat and tears and fear that competition may adversely affect their businesses. I see competition as a great opportunity. I am sure many small business operators who feel vulnerable to changes in the economy, government regulations and other factors affecting their businesses will take advantage of the opportunities that Sunday and out-of-core-hours trading will present.

Traders are most vulnerable to changes in demand from fickle consumers. The bill provides traders with the opportunity of taking advantage of Sunday trading to provide goods and services to people who are precluded from shopping during normal opening times. The labour market is changing, and with non-traditional hours comes a new challenge for the retail industry: to provide quality merchandise at competitive prices with good service at times when consumers want to shop.

I remember prior to 1987, when there was no Saturday afternoon shopping in Victoria, rushing around with my parents on Friday nights. Thursday night shopping was out because that was a school night and on Saturday mornings various members of the family would be playing netball, football or soccer or engaging in other activities. Mum and Dad would pick us up at 3.00 or 4.00 p.m. on Friday afternoons and, after an early dinner, the six kids, who were all aged within a few years of each other, were bundled into the mobile and taken down to the shopping centre with the promise of chocky-dip ice cream at the end if our parents were allowed to shop in peace. My parents had no other option.

After the house adjourns tonight, I can stop at a shop and pick up what my family needs for breakfast tomorrow morning, nappies, or whatever I may need to cope with any emergency. My mother and father did not have that opportunity. More and more people, particularly women, who are working out-of-core hours have a right to shop when they want to.

The current Sunday trading laws are confusing. I never know which are the 10 trading days, apart form the more obvious times such as around Christmas and the weekend before the Melbourne Cup. I choose to shop with my family for non-grocery items on Sundays, not in my local area but in the city, because I know that every Sunday the city shops are open. As a result our local shops lose the money we spend on those days. Our Saturdays are often taken up with work — particularly in this occupation — sporting and other commitments.

When our local shops are able to open on Sundays our money will stay in our local economy and help local shopkeepers, who will face challenging times in the years to come.
Since the advent in 1992 of the Capital City (Shop Trading) Act the ability of shops in the CBD to trade for 24 hours a day and open on Sundays has revitalised Melbourne as a capital city. Tourists are able to wander around at night taking advantage of Melbourne’s fantastic facilities. Theatres are open and they have an opportunity to shop, look around and spend their money in the city, whereas previously Melbourne lost out. Thousands of families such as mine, with prams and with kids in tow, take the opportunity to go shopping in Melbourne every Sunday at their leisure, and they look particularly at white goods and similar items, the features of which require some degree of comparison and discussion.

The bill leaves the decision of whether to open on Sundays or at any other hours to traders. If there is an advantage to a business, the trader involved will be able to and will open. If there is no advantage, traders will regulate their own hours according to demand. Many shops now close on Monday mornings or all day on Tuesdays to compensate for opening at weekends. The government believes traders, not parliamentarians, are best placed to decide when to open and they should have the freedom to choose.

The bill contains a number of safeguards to ensure traders are not exploited. Part 3 provides that traders cannot be forced to open on any day on which they do not wish to open. It will be an offence for a retail tenancy agreement to require a tenant to open at certain times on certain days. If a landlord persists and tries to intimidate a tenant, a dispute can be notified in the tribunal set up under the Retail Tenancies Act, a much cheaper alternative to the current dispute-resolution options.

The majority of commercial leases for shops, particularly for the larger centres, are drawn up by landlords’ solicitors. A tenant would incur tremendous legal costs in taking action against a landlord, which may be prohibitive for small traders. The appropriate provision in the bill will be of particular benefit to smaller traders in large shopping centres where disputes are often David-and-Goliath affairs.

Some local communities may prefer not to have Sunday trading, and in that respect the bill recognises the democratic rights of residents. Schedule 2 allows a poll to be taken on trading within municipal boundaries. If a minimum of 10 per cent of residents in a municipality petition their council to change Sunday trading times, the council is required to give 60 days notice after the poll, and all residents who are enrolled on the Victorian Legislative Assembly electoral roll — not just ratepayers — may vote.

This bill is all about providing choice: the right of consumers to choose when and where to shop, the right of traders to choose the most appropriate times to open or close their businesses, and the right of local residents to choose a poll to restrict Sunday trading within their municipalities. The bill also reflects the commercial realities of the 1990s, a changing labour market and, most importantly, the changing needs of families. I commend the bill to the house.

**Hon. S. M. NGUYEN** (Melbourne West) — I oppose the Sunday Trading Reform Bill and support the reasoned amendment. If it is passed, the bill will adversely affect two groups of Victorians: retail workers and small retail traders. Retail workers will experience problems getting to work on Sundays, and the safety of casual workers, many of whom are only 16 or 17 years of age, is also an issue.

**Hon. Andrew Brideson** — I will bet members of your community want to trade on Sundays.

**Hon. S. M. NGUYEN** — Not for 24 hours. There is no guarantee that employees will either be paid overtime or not forced to work on Sundays. Small retail traders will also lose in a big way. Milk bars and small corner shops will no longer be considered to be viable businesses, and it has been estimated that the bill will result in the loss of more than 3000 jobs. For many big retail traders this legislation is about obtaining increased market share, and the big losers will be small business operators.

The bill represents a serious threat to people employed in the retail sector in the following ways. Firstly, in 1992 the coalition government removed the voluntary work provision which was inserted into the Shop Trading Act by the Labor government. It reads:

25B. Employees not required to work on Sundays.

Despite anything to the contrary in the Industrial Relations Act 1979 or any award within the meaning of that Act, a shop assistant employed in a shop is not required to work in a shop on a Sunday.
Under the bill employees can be forced to work on Sundays. This is a fairly hypocritical stance by the government, particularly in light of clause 7 which, according to the explanatory memorandum:

... makes void any provisions of shop leases or agreements which require metropolitan shops to open between 5.00 p.m. and midnight Saturday or any time on a Sunday, or non-metropolitan shops to open between 1.00 p.m. and midnight on Saturday or any time on a Sunday.

If shop owners are protected from being forced to open for part of Saturday and/or all of Sunday, why should not their employees? By not giving employees the same protection as their employers, the government is implicitly stating there is one rule for retailers and another for their staff. I urge the government to insert into the bill an amendment allowing employees not to work on Sundays if they do not wish to.

The second point is that because of the contradictions within the current state award system it is possible for a retail worker to be required to work overtime on Sunday and not be paid for it. Last year the Employee Relations Commission made a decision that, effectively, there were no minimum award rates for any hours worked beyond the first 38 hours in a week. Once again the retail worker is provided with no guarantees about how much he or she will be paid for working on a Sunday. In other words, not only can an employee be forced to work on a Sunday under the Victorian industrial relations system but he or she must also accept whatever the retailer decides to pay him or her. Those provisions hardly contribute towards a fair system.

The other major concern I have relates to the safety of retail workers travelling to and from work on a Sunday. Many of these employees are 16 and 17 years of age and will be reliant on public transport to get to and from work. It is a well-known fact that trains and trains run much less often and begin operating later in the morning and finish operating earlier in the evening on Sundays. That will make it harder and more dangerous for young employees to get to work. How many transit police are on public transport on Sundays? How many police patrols are around shopping centres and public transport sites? Those questions should be answered. Victoria’s 16 and 17-year-olds should be encouraged to obtain part-time jobs, but if that involves working on Sundays, as parliamentarians we have a responsibility to ensure all steps are taken to make travel to and from work as safe as possible. I urge the government to improve transport safety on Sundays not just for the people who currently use the public transport system on Sundays but for the 16 and 17-year-olds who may be forced to do so to travel to and from work.

Small businesses will lose if this bill is passed. The local milk bar or corner store will simply not be able to compete with the supermarket being open for 24 hours a day, seven days a week. The great advantage that milk bars used to enjoy was that they were open longer hours than supermarkets, which meant that if people needed bread, milk, newspapers or other supplies they would pick them up from their local store. Under the bill that will no longer happen. Given a choice between the supermarket and the milk bar, people will opt for the supermarket because it has a greater range of products. With many supermarkets now stocking newspapers as well, any competitive advantage that a corner store might have had will be lost.

Many of the milk bars and corner stores are family businesses. They will simply not be able to remain open 24 hours a day, seven days a week. To do that they will have to employ additional staff. The reason they have been profitable in the past is that they have been able to get mum, dad or the kids to look after the shop some of the time. Supermarkets or the larger stores can employ casual staff.

Many people who run corner stores or milk bars own the freeholds of the businesses and the shops. For many people that is their superannuation or their retirement nest egg. Those people planned to sell the freeholds of their businesses and then lease the shops. The bill will decrease the value of both the businesses and the shop sites because potential buyers and lessees will know that the corner stores or milk bars will be unable to compete with the supermarkets. When formerly profitable milk bars and corner stores close the vacant shop sites in residential areas, which in many instances are too small for any kind of large business to take over, will remain closed and the retirement and superannuation nest eggs of many successful small business people will disappear.

Why do so many of the large retailers, such as Safeway, Coles Myer and Ikea, support the changes to shop trading hours? Why are they so keen to get this legislation passed? It is all about market share.
The big retailers want a bigger share of the market at the expense of small business. Many of these large retailers have complained about how gambling has affected their revenue and believe the proposed changes to the shop trading hours will be one way to recoup this money.

I briefly make a number of other points about the bill. Firstly, the opposition does not support open-slather shop trading laws. According to a Herald Sun poll on 11 September, 83.5 per cent of people opposed the changes, and in a 3AW radio poll on 12 September up to 93 per cent were against open-slather trading hours. All major church leaders deplore the changes. They fear the effects both on family life and the ability of people to attend church if there is Sunday shopping.

The government and supporters of the bill often claim that the changes to shop trading hours will lead to more jobs. If that is true why does the Master Grocers Association of Victoria oppose the changes, claiming that up to 30,000 jobs could be lost — not created but lost? The bill will mean that Victoria will have the most deregulated shop trading hours of any state in Australia. Not even New South Wales has gone as far as the Victorian government is looking to go. Shops in Sydney must apply for and be granted a permit that limits their trading hours from 8.00 a.m. to 4.00 p.m. on Sundays. According to the small business association more than 3000 businesses in New South Wales closed when those hours were introduced.

On public holidays in most states shops must remain shut. Surely retailers and retail workers are entitled to retain their public holidays such as Boxing Day, Australia Day, Easter Sunday and New Year’s Day, and the contribution of those who fought and died for Australia in combat deserves to be recognised with Anzac Day remaining a full public holiday. Melbourne Cup Day and Geelong Cup Day are a very big part of Victoria’s sporting culture. Retail workers should be entitled to share those days with other Victorians.

The government should conduct the public review of shop trading hours that it promised in the lead-up to the last state election. The Liberal Party small business policy said that the next coalition government would conduct a review of the Shop Trading Act in consultation with all relevant groups with a view to simplifying the act’s application and clarifying its provisions. I call on the government to deliver on the promise it made to the people of Victoria and to have an inquiry. Both small business owners and retail workers should be able to have their say on the proposed changes.

In conclusion, the bill will dramatically affect two groups of Victorians: retail workers and small business people. Under the bill in its current form the rights of retail workers will not be protected. Firstly, they may be forced to work on Sundays. Secondly, under a ruling of the Employee Relations Commission last year there is no guarantee that they will be paid. Thirdly, there is the issue of 16 and 17-year-olds getting to work in safety.

Small business owners will also lose. Many will not be able to compete with big retailers, and as a result the value of both their businesses and the shop sites will dramatically decrease. I strongly urge the government to deliver on its promise to review the Shop Trading Act in consultation with all relevant groups. That is the only way for these concerns to be addressed and subsequently incorporated into any bill that is drafted.

Hon. R. A. BEST (North Western) — I support the bill, and I do so after much consideration and plenty of correspondence not only with my local community but also with local councils and traders right across north-western Victoria. In Bendigo the bill has become an emotional issue but, as I have said previously in this chamber, my electorate of North Western Province covers the area from Maryborough to Mildura and there is a diversity of exemptions right across the electorate.

In 1973 Swan Hill introduced seven-day-a-week trading, and that has worked exceedingly well for the traders in that community. However, they are not especially welcoming of the bill because it will provide more competition not only for the tourist dollar but also for the shopping dollar in the farming communities around Swan Hill.

A different situation exists in Mildura. Half of the town has been declared a tourist precinct and the other half, including Merbein and Red Cliffs, is unable to get exemptions under the tourist precinct definition. Therefore the traders are not able to compete with the traders in Mildura, and they are consequently disadvantaged by the limitations on when and how they trade and compete for the shopping dollar. In the shires of Loddon and Buloke the situation is different again.
As Mr Power said earlier, many of those small communities have a different social mix and a different shopping pattern, and their communities are also different. Farmers do not see the weekend as two days off at the end of the week, as many people in the metropolitan area and regional centres do. In a lot of cases the weekend is just another two days of the week, but usually it is a time when the community gets together and participates in sporting activities. Not much will change with the introduction of the bill, because the traders in those small towns will respond by exercising their right to choose whether they open. I believe they will respond the same way as traders in the CBD respond to their trading hours — that is, they will open their doors when the trade is there and the customer is prepared to walk through the door. In Gannawarra, in the Kerang area, much the same happens. Four types of exemptions exist within that community, from markets through to tourist precincts. Castlemaine, which is a tourist town in the Mount Alexander shire, also has an exemption.

A letter I wrote in 1991 opposing Sunday trading is on the record and has been quoted. My background was as a retailer. I owned a small sports store in Bendigo and was looking for Sundays off for a very personal reason. Prior to 1991, when I had the shop I resisted all opportunity to open on Sundays, but having read the bill and having looked at its provisions I am now convinced it is the only way we can rectify the current mishmash of regulations in not only my electorate but right across Victoria.

As I said, the proposed legislation provides balance, not only for retailers but also for consumers. Retailers are not forced to open; they have a choice. Not only do they have a choice, but protection is provided by the legislation to stop the bigger shopping centres and complexes from forcing individual retailers to open. The bill ensures that intimidatory pressures cannot be applied by large shopping complexes for individual shops to open. It gives the trader the choice of whether he should open. Shops cannot open on three days — that is, Christmas Day, Good Friday and up to 1.00 p.m. on Anzac Day. The proposed legislation provides protection for the little man through a better dispute resolution process. Previously big complexes had substantial cash reserves and capital assets behind them and if small retailers had a dispute with them, they would have access only to the Supreme Court, which was enormously costly to the small retailer. It did not provide them the opportunity of getting a fair hearing unless they were prepared to incur the enormous expense of accessing the Supreme Court.

The bill provides choice for the community. It provides the opportunity for locals to decide whether they want 24-hour, seven-day trading in their community. If 10 per cent of the population decides it is not in favour of the legislation, a poll can be conducted, in the same way as it can be done under the poll provisions of the Local Government Act. The bill gives the local community the opportunity of deciding what is best for that community. However, the decision is binding for three years and it is an all-or-nothing situation — that is, if the poll is in favour of banning Sunday trading, there would be no Sunday trading in that area.

Currently in my electorate Bendigo has trading on 10 Sundays as well as three community days; Swan Hill has 24-hour, seven-day trading, which has operated successfully. As I said, it was introduced way back in 1973, well before legislation of this type was considered. Trading in Mildura is much the same. It is a tourist precinct and the traders can trade on seven days a week.

However, the current legislation and the exemptions mean that two places in the area, Merbein and Red Cliffs, are currently disadvantaged. My colleague Mr Bishop and I have received numerous representations from the traders in those areas to seek a fairer deal for them.

I suppose one of the problems currently before us is that under the old legislation some traders were trading illegally. I know Mr Smith has a passionate view about what has happened to Mr Frank Penhalluriack, and that is an issue on which he has fought for a long time. Do we really want to see people gaoled for wanting to make a dollar? Do we really want to put traders into gaol and treat them as criminals because they are trading? I do not believe we do. That is not in keeping with the Australian ethic of giving everyone a fair go. The costs of any retail business do not stop at 12.30 on Saturday afternoon; the rates and a whole lot of other charges — all the overheads — are still there.

We have to accept that lifestyles have changed. We have to accept that modern families in Victoria particularly are having to seek work as dual-income families. Here we are creating an opportunity for
families to shop together. One of the major issues I have as far as Bendigo — —

Hon. T. C. Theophanous — Why don’t you tell us what you told us a few years ago?

Hon. R. A. BEST — Mr Theophanous wasn’t listening, so I will repeat what I said: since 1991 I have changed my mind.

Hon. T. C. Theophanous — You mean since they heavored you.

Hon. R. A. BEST — No, on shop trading legislation. I have also changed my mind as a Fitzroy supporter. In 1991, I didn’t want Fitzroy to merge at all, but last year I wanted it to merge because we were only the chopping block for everybody else.

Hon. T. C. Theophanous — Did you tell your constituents that you changed your mind before the election? You came in here under false pretences!

Hon. R. A. BEST — I only have to remind you, Mr Theophanous, that in 1991 you heralded Sunday trading as an opportunity for job creation, saying it would be a landmark for employment on a part-time basis.

Hon. T. C. Theophanous — Don’t be a hypocrite.

Hon. R. A. BEST — You are on the record as being the hypocrite because not only did you go to the last election with the policy, but you have changed since then.

Hon. T. C. Theophanous — No, we haven’t.

Hon. R. A. BEST — You have more moves than a chess board. Not only are you a dill, but you’re a dishonest dill.

As I said before, I have spoken as a former retailer and as a former retailer I have identified the opportunity that exists for small retailers to create a niche market — —

Hon. T. C. Theophanous — That’s not what you said a few years ago. You’re gutless!

Hon. R. A. BEST — And Theophanous, there’s one thing about you; you are boring and pathetic!

Hon. T. C. Theophanous — The truth hurts, doesn’t it? You were too gutless to stand up for your constituents!

Hon. R. A. BEST — It is my constituency that I am standing up for.

Hon. T. C. Theophanous — Would you like us to do a survey in your area and see?

Hon. R. A. BEST — I refer to a press article that appears in the Herald Sun of Tuesday, 17 September, quoting Cr Ivan Deveson, the Lord Mayor of Melbourne. Under the heading ‘City’s attacks on shopping hours’, the following appears:

Melbourne’s Lord Mayor attacked the state government yesterday over new ‘open all hours’ trading laws which will mean a $230 million loss to business in the city centre ... the government’s moves decreased the competitiveness of the CBD and clearly did not create greater competition.

What I say about that is that if shoppers and retailers in the Bendigo area are able to stop some of the leakage to the CBD, that will be a benefit to the Bendigo traders, because at the moment trading in Bendigo is very soft. The retail area and the activity in Bendigo is very soft.

Hon. T. C. Theophanous — Your position is soft!

Hon. R. A. BEST — One thing I must remind the city-based Labor members of Parliament of is that in Victoria, particularly country Victoria, we rely heavily on tourism. The recently released study by the Minister for Transport in the goldfields area showed that the first preference of tourists is shopping. That is where they spent most of their dollars.

Hon. T. C. Theophanous — Why didn’t you say this before the election? Why did you lie to your constituents?

Hon. R. A. BEST — I’m not lying to my constituents! You don’t live in Bendigo. You don’t know what I have been talking to the Bendigo papers about. For the past eight months I have been talking about leakage from Bendigo and the loss to Bendigo. I am concerned about it and want to do something about it.
Hon. T. C. Theophanous — You caved in, and you don’t like it!

Hon. R. A. BEST — You do not have one positive bone in your body. You stood here for 2 hours and bored the pants off everybody because you don’t have a positive bone in your body and you haven’t got one idea that would create a job in Victoria. You are a disgrace. And you are a temporary resident in that seat; it won’t be long before the benches on that side of the house will be shuffled because investigations are about to start on branch membership. You should be very careful about your own seat.

Hon. T. C. Theophanous — What about your branches?

Hon. R. A. BEST — I don’t have a worry about my branch, Mr Theophanous, but you have a concern you don’t know about yet!

As I said previously, I have changed my mind since 1991 for a whole range of reasons.

Hon. T. C. Theophanous — You have really terrified me now!

Hon. R. A. BEST — It is people on your side who are leaking!

I bring to the debate my experience not only as a retailer but also as a wholesaler during the 1980s. One thing I found about being a wholesaler was that I was up against the multinationals — the business was conducted throughout northern and central Victoria — and I had to work seven days a week. It was an opportunity to serve the customer by providing what was demanded and also to develop a niche business.

It is no longer affordable for one parent to work and the other parent to stay at home, and consequently there are more double-income families: 58 per cent of Australian couples with dependants and 57 per cent of Victorian couples with dependants are employed. So far as single parents are concerned, 51 per cent are employed and more are looking for work — they are mainly women.

Hon. D. A. Nardella — What, on weekends? What child-care services are you providing on weekends?

Hon. R. A. BEST — Does the Labor Party not embrace the opportunity of women seeking part-time work, or does it suggest they should stay at home? Is that what you are saying, Mr Nardella?

Hon. D. A. Nardella — No, I am not suggesting that at all.

Hon. R. A. BEST — You put yourself forward as the champion of the working classes but you are not prepared to give these people a chance to work to earn money to support their families.

Hon. D. A. Nardella — What child-care facilities will you provide for them?

Hon. R. A. BEST — Times and lifestyles are changing. The legislation will provide a balance; it will provide a choice not only for traders but also for consumers.

I do not embrace the view that bigger is better. Under no circumstances do I embrace that notion, because a small business has a great opportunity, if it services its clients, to create a market and develop a profile with which to attract customers. The legislation can provide opportunities for small business operators to establish niche markets for themselves and make their businesses grow.

One matter I am disappointed about is that I am supporting a view expressed in 1991 by Mr Theophanous. He said at that time that legislation allowing people to trade on Sundays would enable the creation of part-time employment. I agree with Mr Theophanous, and I have great pleasure supporting the legislation.

Hon. T. E. EREN (Doutta Galla) — I oppose the legislation and support the reasoned amendment. The legislation totally disregards the impact new trading hours will have on small, medium and family-run business. It will benefit only big business and large retail corporations. The bill tears at family values and the fabric of Victorian society. In effect the government is trading family values for big company profits.

Talk about broken promises! The government says one thing and then does something else. It knows there are a huge number of objections to its proposals but it will not accept the criticism or responsibility. The government’s legislation will force unnecessary costs and time on councils and
residents by making them hold referendums on whether new hours should apply in various municipalities. Voting in such referendums is not compulsory so the results may not necessarily reflect the attitudes of the communities involved. A referendum must be initiated by the citizens after the new laws are put in place. Before that they will have no freedom of choice. If they want things to stay the same they can do nothing. It is as simple as that.

Change can be forced on the people and only then can they fight to have things returned to the way they want them. They have to put up with the new hours while a referendum is organised and prepared. That will create uncertainty for citizens, traders and employees, and even if they are successful in amending the hours they may have to go through the process every three years. The list of exempted shops that councils cannot regulate despite the results of a referendum is huge. Almost nothing is left that the council and residents can regulate.

The bill will increase unemployment; it will not decrease it. Larger numbers of people will be forced into unemployment queues as small, medium and family-run businesses will be compelled to close. That will far outweigh any short-term drop in unemployment that may be achieved by longer trading hours.

The government has ignored the historical development of Australia and Victoria by not providing for the closing of shops until 1.00 p.m. on Australia Day and Anzac Day. Our nation’s two most important days have been abandoned. Currently most shops must shut at 5.00 p.m. on Saturday and all day Sunday except for those in the central business district and in declared holiday resorts where shops need close only on Christmas Day, Good Friday and until 1.00 p.m. on Anzac Day. However, those trading hours are not good enough for big business and the major retailing chains. The government has bowed to big business and has neglected small to medium-size businesses.

The government says that open-slather trading hours will create more jobs. A Coles Myer spokesman said that 800 jobs will be created as a result of the legislation but he did not say whether those jobs are permanent full-time or part-time jobs. In contrast, the Master Grocers Association forecasts that 30 000 jobs are at risk because many independent grocers will be forced out of business. There is no evidence that people will spend more because shops are open longer. Overheads will increase and that will obviously be passed on to consumers. The measure could have adverse effects on the economy, especially when combined with job losses and reduced wages in the retail industry. That is why retail workers are strongly opposed to the proposal and why they want leisure time with their families and time to go to church.

Honourable members interjecting.

Hon. T. E. EREN — You should have held the referendum before the legislation, not after.

Some 70 per cent of retail workers are women, many of whom are combining family duties with working in the retail industry. They want the opportunity to spend time with their families. That is not too much to ask.

Hon. M. A. Birrell — You want to send them out on the first Sunday of every month! Presumably they want to spend time with their families on the first Sunday of every week.

Hon. T. E. EREN — On that point — and I will cut it short, because my colleagues have said enough. No matter how much we say, you lot will not understand.

The government’s proposal is not a result of consumer demand. It disregards the interests of retail workers, women, families, young people, small business and the churches. That is why I oppose the legislation and support the reasoned amendment.

Hon. G. B. ASHMAN (Koonung) — This bill is about choice; it is about giving businesses the opportunity to manage their businesses; it is about servicing the customers; and it is about allowing local communities to develop strategies to develop the retailing activity within their areas.

The present law creates enormous confusion. I defy anybody in this chamber to name the 10 Sundays — a number of speakers today have sought to outline the 10-day Sunday trading rule, but nobody has been able to name the 10 Sundays that people have been permitted to trade on under the current rules.
There is absolute confusion out there in the marketplace.

There are in fact only 13 municipalities in this state where there is no Sunday trading. Some of those have no trading beyond 1.00 p.m. on Saturdays. All other municipalities have Sunday trading in some form.

It is a total mishmash; it is impossible to understand what is available and what is not. When I look at schedule 1 of the new bill, which is a carryover from the previous act, I see that you can buy books, you can buy bread, and chemist shops are open. But look at the number of anomalies. You cannot buy motor vehicles, and although all the fashion shops are closed you can go to a second-hand clothing shop and buy clothes. You can buy a caravan and a boat, but you cannot buy a motor vehicle to tow them home with. You cannot go to fashion shops, but you can go to dressmaking shops, which are permitted to be open. You can go to a tailor, you can buy shoes and you can buy handicrafts — you can buy a jumper if it is a handicraft, but not if it is a fashion jumper. You cannot buy new furniture, but you can buy second-hand furniture. You cannot buy a stereo, a television or any other electrical appliance for your home, but you can buy a car stereo and a car radio. You can buy CDs, you can buy tapes, you can go to the undertaker and buy a coffin, but you cannot buy a baby’s cot. There is just no rhyme or reason to what you can buy and what you cannot buy on Sundays.

The government is simplifying it. It is now quite clear that all these businesses can trade seven days a week, with three exceptions: Christmas Day, Good Friday and up to 1.00 p.m. on Anzac Day. This legislation removes the anomalies and makes it clear that all businesses can trade; they have the choice of trading.

In some areas I am quite certain that the retailers will choose not to trade. There will be a local decision among the chamber of commerce people, and they will choose not to open. In other areas they will open and do particularly well. At the moment there are anomalies where, for instance, if you are in Upper Ferntree Gully, which is part of a tourist precinct, everything is wide open and you can buy anything — including a motor vehicle. They are permitted to trade. However, two kilometres down the road, the Ferntree Gully shopping centre is closed and retailers are not permitted to compete. I get constant complaints about the inability of those retailers to compete. They claim — and I believe it — they are losing market share to Upper Ferntree Gully.

By contrast, I refer to the Heathmont shopping centre. Eighty per cent of that shopping centre is open on Sundays and the retailers there tell me that anything up to 30 per cent of their weekly turnover occurs on that Sunday. Only five or six shops in the strip are not open. Parking on a Sunday morning is as difficult as it is on a Saturday morning, such is the level of support from the local community.

We need to accept and recognise that spending patterns and lifestyles have changed and that people are now managing their lives differently from the way they managed them 20 or 30 years ago. Walking into a milk bar today is like being placed in a time capsule and transported back 20 years. In the past 20 years milk bars have not changed in the way they present themselves, yet milk bar owners are the people who, when the convenience stores came onto the scene, argued that the convenience stores should not be permitted to open and that the milk bar share of the market should be protected.

When supermarkets opened for longer hours some of the people in the convenience stores complained that they were getting competition from the supermarkets. Now the supermarkets are complaining that their competitors should not be open. Why should they not be open? There is not one valid reason to restrict the competition out there in the marketplace.

Small business has always competed with large business; it has always competed successfully with large business, and it will continue to compete successfully with large business. It can compete on price in most cases, it can compete on service, and it can compete on convenience.

A significant number of small, successful retailers out there are waiting with open arms for this legislation to go through so that they can compete on Sundays.

Over the past few years the whole retail sector has changed dramatically. People's spending patterns have changed, and we hear complaints from people in the fashion industry through their media releases that the gaming industry has had a significant impact on their turnovers. I put it to you that that is
not the case. In fact, a lot of the downturn in sales in the fashion sector is related to the fact that not many new products are coming out in the fashion area. That has been borne out by recent comments from Naomi Milgrom, the chief executive officer of the Sussan Corporation and owner of the Sussan and Suzanne Grae chains, who says there is a lack of newness in fashion, a lack of differentiation among the clothing retailers, and an oversupply in retail clothing stores. A low turnover per store should not be attributed to factors outside the direct retail sector; it is directly related to the availability of new product that will inspire the customers to come through the door and purchase. Fashion is not an essential item; we all need a certain level of clothing, but we do not necessarily have to have the latest item. That has caused a significant downturn in that fashion sector.

I note that spending on entertainment and leisure has increased dramatically in the past five years. Between 1988-89 and 1993-94 sales of computer hardware/software increased by 146 per cent; sales of books increased by 51 per cent; and radio/hi-fi equipment by 95 per cent. Significant changes have occurred in spending patterns as people have adjusted to their new lifestyles.

The retail sector is competing for the discretionary dollar. There is a certain level of food items that people will buy on a week-to-week basis, but after having purchased those items they are ready to choose whether they will go to the pictures, the theatre, the football or take some recreation activity. The legislation will allow traders to trade seven days a week and retailers to compete for the discretionary expenditure.

Admissions to national parks and the zoo have increased by 99 per cent; art galleries, 192 per cent; and even the hire of video tapes has increased by 50 per cent. The figures demonstrate how spending patterns have changed. We need to recognise that more than one-third of the work force does not now work from 9.00 a.m. to 5.00 p.m., but works outside traditional working patterns. The retail industry needs to adjust its activities to meet that new demand.

Retailers need to recognise that direct selling has come in. Myer Direct is now turning over $200 million annually in direct marketing and catalogue selling. Increasingly, as we get access to electronic trading people will regularly purchase household items through the television medium and through telecommunication networks.

The bill provides freedom of choice: freedom for the retailer to choose when he opens and serve his customers; and freedom of choice for consumers who can decide when and how they purchase their goods and services.

Hon. JEAN McLEAN (Melbourne West) — In spite of Mr Ashman’s concerns about costs, coffins, boats and cars being available for purchase at weekends, including the sale of spunky clothes, the bill goes too far. The opposition believes the government’s pre-election promise of extending shop trading to the first Sunday of every month, plus the three Sundays before Christmas Day is sufficient to accommodate the changes in lifestyle and other possible expectations. It is obvious that the bill is being introduced for the sole purpose of helping the large retail trade, especially Coles Myer, Safeway and Ika, to increase their profit and gain complete control of the retail market place. That is not completely surprising, given the Coles Myer chief executive officer, Peter Bartels, received a pay rise of $1.2 million in 1995-96, giving him a $2.87 million pay packet, even while sales were falling.

The bill will enable the regional shopping complexes to destroy the small retail industry. Unfortunately, the legislation will stamp out, not increase, competition. We know sales have dropped in the major retail outlets because of the gambling spree the government has unleashed on the community. We also know there is a finite amount of money to be spent in shops. The average person can buy only so much food, clothing and furniture, whether he or she does it on Sunday or any other day. However, Mr Katsambanis believes shopping is a form of entertainment. Apparently that is the most creative thing he can do with his children at the weekend!

To give the major retail chains the larger share of the cake the small retail shops have to be sent to the wall! I voice the concerns of small shopkeepers in my electorate. I have had many representations from proprietors in Williamstown, Newport, Yarraville and Footscray who have told me they cannot afford the extra staff to compete with the large shopping complexes. If they remain open seven days a week, either the owner has to work those hours and give up any private life or he or she will have to shut up
shop and join the ever growing ranks of the unemployed.

The argument that competition is always in the best interests of the consumer is a furphy. It is well known that large retail complexes lower prices, often selling products at a loss to entice customers. Indeed, it is considered a good business strategy. However, once the small shops have closed the prices go back up. In the end no competition will exist. If the legislation is enacted up to 30,000 people will lose their jobs in the retail industry. The best they can hope for is part-time, poorly paid jobs in larger stores.

Deregulated 24-hour shopping will exacerbate other problems. The majority of shop assistants are women, generally aged between 16 and 17 years. Public transport is not regularly available after certain hours and regional shopping complexes are designed to cater for cars so they are surrounded by acres of car parks. They are lonely, scary places at night, especially when workers are cleaning up, stacking shelves and doing other work when hardly anyone is around. I know of two young boys who were attacked by hoons after they finished stacking shelves at a Safeway supermarket. Has anyone ever evaluated the accumulative effect of the massive changes introduced by the government on the daily lives of Victorians? I believe 24-hour shopping will create deregulated work hours — —

Hon. Louise Asher — Did you say that about 6 o'clock closing?

Hon. JEAN McLEAN — That might have worried you, honey, but it did not worry me. The changes will result in the destruction of suburban strip shopping centres. Gaming is now a major pastime, and perhaps a study of the lifestyles created in the American states from where these policies have been copied would be a salutary lesson to some members of the coalition parties. Members opposite should look at some towns that have become deserts — perhaps they think that is wonderful!

One of the major justifications for unlimited shopping is that people have demanded it. Mr Best says tourists demand it. If this is true why is it that countries such as Italy and Spain manage to maintain their traditional hours of 9.00 a.m. to 1.00 p.m. and 4.00 p.m. to 8.00 p.m. Monday to Saturday, while staying closed on Sunday?

An honourable member interjected.

Hon. JEAN McLEAN — I do not know where you were, but shops are not open in the majority of Italian towns. That may be true in Rome, but not anywhere else in Italy. When Saturday afternoon shopping was introduced in Italy, shopkeepers shut their shops on Monday mornings to ensure workers still had a 48-hour break. Tourism is still a prime attraction in most countries of Europe, including the countries I have mentioned. Even New York does not have shopping on Sundays, and shops are often closed on Saturday afternoons.

Hon. C. A. Furletti — When were you last in New York?

Hon. JEAN McLEAN — About three or four years ago.

Hon. C. A. Furletti — And they weren’t open?

Hon. JEAN McLEAN — No, most of them were not. European communities consider workers have a right to enjoy their leisure time together — that is, at the same time. They understand that to maintain a healthy society it is necessary for people to have time with their children and their friends. Not only do those countries consider Sundays to be sacrosanct but their citizens enjoy many more public holidays than Australians, many in the form of festival days and saint’s days, yet their GDPs are healthier than ours, their standards of living are higher and their working conditions are better.

When parents work at nights and on weekends to pay bills, what happens to their children? The government is flagging the possible introduction of 24-hour child care. It is clear that is not being proposed as emergency care, which would be good, but so that people can work in shops and keep the casino open day and night. What effect will that have on babies who will not have their parents there to tuck them into bed at night? Who will look after older children?

Already many children hang out in shopping complexes, surrounded by things they cannot afford to buy. Shoplifting is rampant in big shopping centres. Cars are being stolen and burgled at an alarming rate at the Highpoint West centre, and the police are hiding the details because they are so disturbing and the police do not want to create fear
in the community. However, I assure honourable members it is happening.

The design of shopping centre car parks makes it easy for people to steal cars. The thieves wait until shoppers have begun to walk the long distances from where they must park their cars before they go to work on the cars. To young people who feel neglected because their parents are not at home, joy riding and stealing probably seem a good way of filling in time. Drugs are easy to get in shopping centre car parks and are being pushed on to kids who hang around those places. Government members should consider whether that is an appropriate new lifestyle. Rampant commercialism is rife.

In the US, the answer to the problem is seen to be more police and more gaols. President Clinton’s reaction when these things are pointed out to him is to say the American government will build more gaols and lock people up for longer. However, that is not the answer for a responsible government.

The government’s justification for completely deregulating shop trading hours is that people want it. Some may find it convenient to shop at odd hours, but it is seldom necessary. Plenty of shops are already open 24 hours a day, and people can obtain anything that may be needed in the middle of the night. By driving out small shopping strips the government will take way much of the social life of the suburbs, which is often the only social life available to older people and young mothers. That is certainly the case in my electorate.

Many struggling small businesses are looking to the government to help revitalise suburban shopping centres. The bill will destroy those centres. I do not imagine we will ever become a sufficiently advanced society to introduce the Spanish or Italian models for shopping hours, which allow people to have a siesta. People from those countries have told me the siesta greatly improves their social and sex lives.

If we want to preserve the ideal of a healthy family life as the basis of our society — the government claims it does — we should admit there has been no public demand for longer shopping hours or the many other drastic changes that have been made to our way of life. The bill has no strong public support. It should be thrown out and the opposition’s amendment carried.

Hon. B. W. BISHOP (North Western) — I wish to comment firstly on my amusement at the results of a poll conducted among, I suspect, a large number of politicians. My office was rung on a Sunday afternoon when I was out. When I returned later that day after attending functions in my electorate I attempted to ring the number left by the caller but could not get through. I think the point should be made that politicians do not always work only in their offices. It should be noted that they have electorates to serve, many of which are large.

I will concentrate on a small issue concerning the Sunraysia area. In the past a mishmash of quite illogical rules governing shop trading has operated. Although the rules are complex, they do not fit the requirements of today’s world. We have the ridiculous situation of shops in Mildura city being allowed to trade because it is a tourist precinct, whereas shops in Merbein, Irymple and Red Cliffs cannot. It is simply a carryover from old city and shire days when the shire did not allow extended trading hours but the city did.

Anyone who considers the situation will realise that the tourist precinct setting was the wrong way to regulate trading hours. For example, in the Sunraysia we have not only the tourism industry but also seasonal horticultural and grain industries, and the hard-working residents of the area want access to shopping in their local areas. Trading hours should be driven by the forces of demand and supply. In the past people got into their cars and went to Mildura, which deprived their towns of employment opportunities and revenue.

The question of small shop owners having to work long hours has been raised, but nothing is compulsory. I have spoken with shopkeepers in the smaller towns and they told me that if there is an open go they will give it a good shot, so long as there is a level playing field. They want to retain money and promote employment opportunities in their own towns. The Sunraysia has a large agricultural sector as well as a tourist precinct. Rightly or wrongly, the paying customers want to be tempted to go to, stay in and return to the area.

I know, as everyone does, that some of the people in our community would sooner see things stay as they are, and many of them are shop owners. I presented a petition in Parliament that Minister Birrell answered very well, and I respect the views of those people, as we all should. However, most of us — in
fact 8 out of 10 of us — vote with our feet, and we want access to shopping at all times. In today’s world people demand that sort of access, and I have seen people from Ouyen shopping at the weekends a hundred kilometres away in Mildura.

There is no doubt that families now enjoy shopping together, particularly when both parents work during the week, and I don’t see anything wrong with that. In fact many families need that social outing. They may spend an hour shopping and then have some lunch and enjoy the day as a real family outing. For people, be they tourists, business people, farmers, or many others, the issue is access, and in the Sunraysia area the logic is clear: we must include our small towns in the trading mix. We did not do so in the past but we must do so as we move into the future.

**Hon. D. T. WALPOLE** (Melbourne) — I oppose the bill and support the reasoned amendment. The bill is another example of the government pandering to its mates in big business regardless of its impact on other members of society. I have learned to expect that from this government, but the question is: what is the quid pro quo? What does the government get out of it? I would be interested to know how much money will flow into Liberal Party coffers as a result of this bill’s passage.

Over the years the government has held itself up as the champion of small business. If this bill is an example of assisting small business, I suggest it is one hell of a joke. There is nothing in the bill for small business operators, for those employed in small business or indeed for those employed by the large retail operators. The only ones who will profit from the bill will be large retailers; and you can bet your bottom dollar that none of the gains made by those retailers will be passed on to people actually at the workplace serving customers. They will not get too much out of this. The bill will eat into their leisure time. Already they do not get as much leisure time as in the past. We understand it is a changing world but there has to be a limit to how much things change and how much people in the work force are expected to put up with. You simply cannot continue to ask those people to put themselves out more and more.

**Hon. G. R. Craige** — Are you supporting the SDA?

**Hon. D. T. WALPOLE** — Yes. There is no question that those workers will suffer, and the SDA seeks to protect its members. Why wouldn’t it?

**Hon. G. R. Craige** — That is fantastic.

**Hon. D. T. WALPOLE** — It supports workers, and I support workers’ organisations.

**Hon. G. R. Craige** — Same faction, Dougie? No!

**Hon. D. T. WALPOLE** — The question of factions is immaterial. The question of how this impacts on ordinary people out there is what we should be worried about. As I understand it, Those retail workers are strongly opposed to the changes, and why wouldn’t they be? Seventy per cent of the people in the industry are women. Many of those women have family duties beyond what they do at the workplace, and many of them are single parents.

**Hon. G. R. Craige** — Three members of my family are members of the SDA — my wife and two daughters. They reckon it’s fantastic!

**Hon. D. T. WALPOLE** — It is a fact of life that most people in society are able to enjoy Saturday nights, Sundays, public holidays and such. Why shouldn’t retail workers be provided with the same opportunities? In future they won’t be.

**Hon. G. R. Craige** — Yes they will.

**Hon. D. T. WALPOLE** — The interests of those people have not been properly considered by the government. Because of the industrial relations bills that have passed through this place removing penalty rates the people in the industry may be confronted with the prospect of working Sundays and during the early hours of the night without penalty rates.

**Hon. G. R. Craige** — My family love it!

**Hon. D. T. WALPOLE** — You obviously have a family full of masochists! Prior to this government removing it, a voluntary work provision in the Shop Trading Act required that workers not be forced to work on Sundays. Now workers will be forced to work on Sundays regardless of whether they want to and regardless of how it impacts on their family life.

Other workers have to work on public holidays, it is true, and I used to be one of them — I was a shift
It is true that the passage of the bill would give consumers more options for shopping; there is no doubt about that. I would probably take advantage of it myself if it happened. But the reality is that, given that the polls show that a majority of consumers are opposed to the proposed change, those consumers have done what I have done — that is, they have weighed up the advantages to themselves against the disadvantages to those in industry and have said the right thing: we ought not to go ahead with the proposed change.

The government operates on a similar philosophy to that expressed many years ago by Lang Hancock when talking about asbestos. To paraphrase him, Lang Hancock said that some need to suffer so that the majority may benefit — and look at what sort of pain and suffering arose out of that!

That is the position members of the government have adopted; they say if some people have to suffer, so be it. The trouble is that a lot of those people will suffer badly. A lot of people will go out of business and a lot of people will lose their jobs.

There is the potential for employees who will be required to work disadvantageous hours also having to take risks. I am concerned that employees who have to finish work in the early hours of the morning and find their own way home will be placed in circumstances where their well-being is placed at risk. A lot of people may be part-time shop assistants who may not be able to afford motor vehicles. They will have to rely on public transport. They will not be able to use taxis because they simply will not be able to afford them. We all know that, unfortunately, using public transport in the early hours of the morning is fraught with a certain degree of risk.

The proposal is bound to shift business from small retailers to large retailers. Almost certainly it will lead to the closure of many small businesses. Those small businesses will have little choice but to open to try to compete with the big boys. That will lead, of course, to the inevitable destruction of whatever family life they still have. And this from a government that claims to be supportive of the family! Many may choose to get out, but who will buy a business that requires them to be open all hours of the day and night on every day of the week?

Only this afternoon I spent an hour or so in the Moonee Ponds shopping centre with the Leader of the Opposition, John Brumby, and the member for...
Essendon, Judy Maddigan. We went in and out of a number of small businesses and spoke to the operators of those businesses. We spoke also to people on the street, including a group of young people sitting at a table enjoying coffee. They are school attendees who were having some time off preparing for exams.

The surprising thing for me — and I confess I was surprised — was that I found not one single person who supported the proposed change. Every single retailer said 'We don't want it'. Even the young people, one of whom was a part-time shop assistant, said, 'We don't believe it should go ahead'. That surprised me because we believed there would be some people who supported the proposed change. I guess it is only a small sample, but for an hour we went into shop after shop — menswear, women's clothes, hairdressers, paint shops, newsagents, you name it — and found not one single supporter of the proposed change. One of the shop operators said to me, 'I do my books on a Sunday and I spend a bit of time with my wife and kids. What am I going to do now? When am I going to do my books? I have to come here and open the shop, because if I don't open the shop, the business will go to Highpoint shopping centre and it won't come back, and I can't afford to employ someone to be in the shop on Sundays, so I've got to do it myself'. So that person will be placed in a very awkward position. Another person told me he felt threatened because if he had to open in the evening he was potentially subjecting himself to the chance of a robbery taking place.

The proposed legislation is bound to do irreparable damage to strip shopping centres because if shopkeepers open on Sundays they will have problems in their family lives; and if they do not open, the business will go elsewhere, particularly in an area like Moonee Ponds when a large retail shopping centre like Highpoint is not far away. If they do not have their shops open, the business will go to Highpoint shopping centre and will not come back. Those people have a right to see their families on the weekend and in the evening. The bill will deny them all the opportunities they have had in the past to spend time with their families.

I was going to mention the letter Mr Best sent to Gracia Baylor, but that has been done. It is instructive to see that Mr Best has done a U-turn, as have all other members of the National Party. On 16 April 1987, when speaking on shop trading hours, Mr Hallam said in this chamber:

"I do not get a sudden urge to go out to buy a pair of shoes. Retail workers have come to see me because they were concerned about having to work..."

While the National Party concedes that the issue is complex, it does not believe that is a reason to completely vacate the field — in other words, completely deregulate trading hours — because that would introduce a whole range of unfortunate complications and distortions. No-one would doubt that deregulation would favour the larger centres and operators at the expense of the smaller centres and operators. It would see the demise of a whole section of the retail industry. Total deregulation would produce a dog's life for those involved in the industry as employers and employees, and I speak from the heart having had approximately 23 years' experience in retail and having lived through an extension of trading hours.

I ask members of the National Party what has changed since the Mr Best and Mr Hall sent their letters and Mr Hallam put that view on the record. The only thing that has changed is that you are now in government and letting the bullies of the Liberal Party tell you what to do. That is the only thing that has changed! There is nothing you can point to — I defy you to do so — that will make reasonable the U-turn made by National Party members from the position they took during the late 1980s and early 1990s to the position they have taken today.

Hon. G. R. Craige — It is good that you support the SDA!

Hon. D. T. WALPOLE — I support the workers and their organisations and I will continue to do that. I support the reasoned amendment, and I commend doing the same to all members.

Hon. B. C. BOARDMAN (Chelsea) — I rise as one of the Liberal Party bullies who support the legislation because it is a progressive reform and it shows a vision for the future. It is something for all Victorians, which is what the government is all about. It is something for my children and their future.

The argument was raised that this legislation would make 24-hour retail trading compulsory, but that is not the case. The government is not telling people to open their doors at 3.00 a.m. Whenever I wake up at 3.00 a.m. I do not get a sudden urge to go out to buy a pair of shoes. Retail workers have come to see me because they were concerned about having to work..."
odd hours. Mrs McLean made a pertinent comment about car parks and shopping centres that are lonely, scary places at odd hours. I could not agree with her more, but those places will not be open then so they will not have any customers. Argument has been put by some people who believe shops will be forced to open, but that is not so.

If this is such an important concern to the community, why hasn't the community been outraged as it was with the drug debate and the firearm legislation? I have 121,000 constituents and presumably 10 per cent of them are involved in the retail trade, which would be 11,000 people. I have received only 8 letters on this issue: 2 from small business owners and 6 from retail workers. One was a petition with 51 signatures gathered at Target in Frankston. It says:

I ask you, Sir, on behalf of myself and my colleagues that have signed this letter and are truly concerned with these issues, to try and help us before it goes to Parliament. These are serious issues.

I could not agree more. For too long the people of Victoria have not had a choice about when to shop. Freedom of choice is what the legislation is about. That is a wonderful expression; there should be more of it.

If I count the 8 letters I received, the 51 signatures on the petition and the 10 or so people who have come to see me at my office, a total of 68 people — less than 0.4 per cent of people in the retail trade in my electorate — have expressed concern about the bill. Where are the other 99.6 per cent? I have not had one letter from a person who is not happy to shop on Sunday.

For many years people involved in the retail industry have been working late-night shifts. Thousands of employees involved in emergency or essential services must work odd shifts, but they have not complained about working those hours. I was a shift worker for seven years before entering this place. I have not had a Christmas Day with my family or a New Year's Eve with my friends or relatives during the past seven years. I have heard the argument from people involved in the retail industry that they do not want to work on Sundays because they want to enjoy time with their friends and family. I appreciate their concerns but I believe at an age when one is starting out in the world one has to be concerned about priorities. One of the most important things one can do these days is establish one's career. That is where discipline, education and commitment to the task is important. If you do not want to work the hours because you want to socialise I am not interested in talking to you.

The great City of Frankston is in my electorate. It is a wonderful place to set up an electorate office, and 5 minutes down the road is Mornington, which has had seven-day-a-week shop trading for many years. Mornington is booming. Each Sunday, rain, hail or shine, the shops are open and their owners are happy to open. Mornington has restaurants, tourist developments and other infrastructure promoting the retail trade. People are happy to go to Mornington to shop on Sundays and retailers are happy to open.

If Frankston shops were allowed to open many of those people would prefer to shop in their own shopping centre where they feel safe and happy. I cannot see a problem with that. Seaford Safeway is open 24 hours a day, six days a week until 5.00 p.m. on Saturday. When I was doing shift work and I wanted to shop at 3.00 a.m. I would find 20 or 30 people in that store. If that facility were not available where would these people go?

As a representative of my electorate it is important that I raise some points made by my constituents. One young single mother who works in the retail industry made a valid point that when the legislation is passed retail traders will increase their hours by opening on weekends and they will put on their most experienced sales staff at those times when more customers are about. She expressed her concern because she would prefer to spend that time with her family. I thoroughly agree with her.

Nothing is more important than spending time with your family. However, I said that if she takes up the hours offered to her — because she will not be forced into them — a void will be created during the week that will need to be filled. Obviously new employees will be needed to fill the void and thus jobs will be created.

I cannot think of any reason why any member should oppose the legislation. It is legislation for the future. As Mr Walpole correctly pointed out, he will avail himself of the opportunities provided when the bill is passed, and I will also avail myself of those opportunities.
Hon. B. T. PULLEN (Melbourne) - Given the amount of debate that has already occurred on this bill, I do not intend to detain the house longer than necessary. Like the previous speaker I have received a number of submissions and have had a lot of contact with people in my electorate whose views should be put on the record.

My concerns about the bill relate to the impact on small business as I have come to perceive it from talking to many small business people in my electorate and the impact it will have over time on the quality of life for families.

We would all agree that small business is an important employer in Australia. It provides opportunities for approximately 50 per cent of people in non-agricultural employment. About 25 per cent of the 2.7 million people employed in small business in Australia work in Victoria, and about 30 per cent of those 684 000 people employed in small business in Victoria are self-employed. This bill will mean that about 200 000 people will need to extend their own hours in order to keep their businesses open. The question to ask then is: is it all worth it? Will the time they spend running and keeping alive their small business be worth it? Many of these people have said to me that they do not expect to earn any more money, yet they expect to have to work longer hours. They will have to work the longer hours for no gain to compete with larger firms that employ people at lower marginal costs.

It is tough out there for small businesses. In 1994-95 about 1045 small businesses went bankrupt, and tomorrow we will learn the number of bankruptcies during 1995-96 when a report is tabled by the Attorney-General in the federal Parliament. A thousand bankruptcies is a significant failure. It is traditional that small businesses must work exceedingly hard for their returns. Initially I was not sure how small businesses in my province would react to the changes contained in the bill. I thought they might welcome the measure because it was aimed at reducing the regulation and controls imposed upon them, thus giving them more independence — it is well known that small business people are not kindly disposed to governments looking over their shoulders. I contacted major trade associations in my province, which make up most of the strip shopping in Swan Street, Bridge Road, Victoria Street, Brunswick Street, Gertrude Street, North Fitzroy — including Nicholson and Best streets — Queens Parade, Smith Street and Rathdowne Street.

An Honourable Member — Can we have some numbers?

Hon. B. T. PULLEN — I am coming to that. Usually one or two representatives from each group meet every second week, with the local council assisting at those meetings. That is an effective network of people concerned about putting forward their views. They invited me to one of their meetings and I was surprised by the arguments put to me. The no. 1 reason for opposition to the bill was the impact the changes will have on family life. Of course, many people favoured the legislation because they could recognise its benefits to them. Those people included owners of coffee shops, bistros or small cafes who believe that if people go to Safeway in Smith Street on a Sunday they will have a coffee or a meal after doing their shopping. But there are others who see their businesses suffering. Butchers, in particular, savagely opposed the legislation because they believe they will receive little return for having to work much longer hours.

Those people also believe this legislation will impact greatly on family life, will benefit only large chains and will result in small shops suffering. They said that over time it could lead to a reduction of choice. I am only reporting what those people genuinely said to me — and they are not people who would normally be handing out how-to-vote cards for the Labor Party at elections. In fact, I did not ask them how they voted.

One Bridge Road business owner had conducted a door-to-door survey of 67 shops in her area. She reported to the meeting that of the 67 businesses surveyed, 80 per cent opposed any extension to trading hours and less than 3 per cent said they would see it as resulting in an increase in staff. The detrimental impact on family life was frequently mentioned and many were fearful that it would kill off small business.

I do not wish to go through all the correspondence but a long-term trader in Nicholson Street, Mr John Beckwith, has written to me saying:

The proposed legislation, besides destroying the value of family life, which appears to be a major concept of this current state government, overall seven days a

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week is not a necessity of Victorian suburban life, or for that matter country town life.

My province also includes the Moreland area, the trading organisations of which include traders in Sydney Road, the Coburg Traders Committee, the Lygon City Traders and the Glenroy City Traders. They held a meeting to which they invited the Mayor of Moreland. I could not attend that meeting but I asked if the views expressed at it could be passed on to me. The following resolution was agreed to at the meeting of traders:

The meeting is against the government’s proposal to deregulate shop trading hours because of the potential impact on resourcing for small business, the increased stress and probable advantages to larger retail associations.

They went on to say that if it did go ahead they did not want the council to create a locally different situation because they thought that would disadvantage them.

An Honourable Member — They recognised the advantages.

Hon. B. T. PULLEN — I do not think that is a fair interpretation. Some have the view that it would be appropriate only if everyone were doing it, and it is only pragmatic to consider the market situation.

Others may have been trading for longer hours, but it would be unlike the situation in a country town, where people need to travel long distances to shop; city people simply go to a neighbouring street. Therefore it is a matter of one in, all in. That is a pragmatic approach and is not a contradiction in views; that thoughtful view has been put to the mayor.

The people concerned said they were unhappy and opposed the legislation.

Hon. W. A. N. Hartigan — I suppose it is the same view put to you when you changed the law in 1988.

Hon. B. T. PULLEN — I am reporting what people have said to me and what I believe are the views generally held by traders. I suspect many members will have received a letter from the Master Grocers Association of Victoria Ltd that said it thought the extension would benefit large traders but not its members. The association had engaged the Roy Morgan Research Centre Pty Ltd to conduct a survey throughout Victoria. The results showed that only 35.1 per cent of Victorians favoured unrestricted trading hours.

As to the impact on the other approximately 70 per cent, I can say that their views have been well expressed by opposition members during this debate; they have spoken about the impact on the quality of life of workers in this industry, which has some of the poorest conditions imaginable. Many people do not have any job security and do not enjoy the certainty of employment as do other employees.

One letter I received was from a person living outside my electorate — a shopkeeper in Frankston. He feels betrayed by the changes and has provided me with a copy of a letter he sent to the Minister for Industry, Science and Technology. The feelings expressed in his letter run deeply with some people. I refer to the letter.

Hon. K. M. Smith — Is this selective quoting?

Hon. B. T. PULLEN — I am prepared to make the letter available to any honourable member. There is nothing hidden in it, but I will not read the entire letter. Government members should heed the sentiments expressed. It states:

It is hard to believe that even someone in your position has so little knowledge of how the real world operates. For your information there will be a very high number of these small stores forced to close because of the changes you are forcing on them. Many will simply go bankrupt, losing businesses, homes, everything they have worked hard for.

No doubt you would like us to believe that you are a caring, concerned politician anxious for our wellbeing. We may start to feel this after we have received details of how you intend paying full compensation to all the shopkeepers forced to close because of your action.

The letter contains an element of fear. The writer further states:

Many of the parents using our store have stated their total opposition to your proposal because of the destruction and breakdown of family life. Parents will simply pass in the night with neither having the time they believe is required for bringing up their children.
He concludes:

... I have until now been a Liberal supporter for the past 47 years. Never have I been so ashamed of that fact. It is blatantly obvious that with this sort of legislation the Liberal Party is not the slightest bit interested in the battlers but only in big business where the money is.

As a former member and president of one of the local branches of the Liberal Party I feel a total loss for a party that at one time in the past had so much integrity and vision, particularly for the middle class, which has now been thrown away in the cause of big business.

People feel betrayed. The government is ignoring an element of the Victorian community which will suffer considerably. People hold dear their quality of family life.

Hon. E. J. POWELL (North Eastern) — I am pleased to add my contribution to the debate on shop trading hours and to support the bill. Mine is a more personal contribution, which will be brief.

My husband and I own an auto-electrical business in Shepparton, which we started in 1976. Although I have not been there much in the past few years, throughout the years of operation of the business we have changed the hours during which we service our customers, but it was always our choice. The sign on the doors says '8.00 a.m. to 5.00 p.m. trading'.

In the service industry the hours worked are driven not so much by regulation but by customer demand. Shepparton has about 13 auto-electricians: 7 operate from workshops in commercial areas and about 4 from mobile units. It is a competitive market, which usually means flexible and responsible hours, competitive prices and realistic customer service.

On many occasions my husband has worked until 1.00 a.m. Then we started to open the business on Saturday mornings because customers would visit us then rather than during the week. Often my husband would not finish work until 6.00 p.m. or 7.00 p.m. on Saturdays. A large percentage of the businesses in our commercial area work long hours because of customer demand.

Now we do not open on Saturdays — again, that is our choice. Those service providers who do open will get the business from customers who want their vehicles repaired on a Saturday or Sunday. We are not complaining; we chose to go into a service and retail industry. We wanted to make a future for our children and worked hard to achieve that result. We have managed during the 18 years of business to raise two children. It was tough when they were young, but we survived. We wanted to make a future for them and we worked hard to achieve that.

This legislation will give members of the retail trade the same flexible trading hours, thereby allowing them to service their customers outside normal trading hours.

When I was a councillor of the Shire of Shepparton, extended trading hours was an emotive issue for many years. In 1990 we surveyed our residents about whether they wanted extended trading hours. In the more urban ward that I represented, which included a large number of shop owners, the majority did not want Saturday afternoon or Sunday trading. I strongly voiced their opinions in council debate, as did the other two councillors in that ward.

The reasons given included the fact that people do not have much extra money and that they need to spend more time with their families, and those reasons are still being given. The views the councillors from my ward put to the shire were defeated overwhelmingly because the nine councillors who represented the more rural areas in the shire supported extended Saturday trading. People in the farming community said they needed more flexible shopping hours and regarded shopping as a family leisure activity.

As the shire president, three years later I led a deputation to the former Minister for Small Business, the former honourable member for Ivanhoe in the other place, Vin Heffernan, to seek support for our application for extended trading hours. He said he would support the application if it was also supported by the Shepparton Chamber of Commerce and Industry and the City of Shepparton. The chamber of commerce opposed extended trading hours for its retailers and the Shepparton council said it would support the application if the chamber of commerce cooperated. The former minister's support was also conditional upon support from the neighbouring Shire of Rodney, which informally supported extended trading hours. The former minster suggested that as a compromise I should discuss 3.00 p.m. closing on Saturdays with the chamber. If that was successful the opening hours would be increased until
At present the Shepparton Chamber of Commerce and Industry disagrees with the government's decision to entirely deregulate shop trading hours in Victoria, and Mr Theophanous referred to that during his contribution to the debate.

I have a copy of a letter sent to the Minister for Industry, Science and Technology, and I shall read part of it:

The chamber has a paid-up membership of 337 and is the fourth largest regional city in Victoria.

It was stressed by the chamber that shops in the central business district close at 12.00 p.m. and only the large multinational stores remain open until 5.00 p.m. The chamber goes on to say:

This stance on extended trading hours has not been the result of emotional rhetoric; it has been arrived at by regularly surveying all retail outlets readily accessible to us plus constant, ongoing consultation with both members and non-members. (The latest survey of 394 retail outlets showed 29 per cent favoured Saturday trading while 14 per cent favoured Sunday trading).

It is also noted that they did not survey the population, and the population of Shepparton in the catchment area is more than 60,000 people. They go on to discuss the issue of weekend trading:

As a properly constitutional, elected body we must represent the majority of our members and request that you as the minister responsible, allow local municipalities (placed there by your government) to select their own trading hours after 1.00 p.m. on Saturday as in the past.

I believe that is what the legislation is proposing. If municipal councils have views and the support of 10 per cent of the population, they can actually air their views in the public arena.

On the issue of Saturday trading, the chamber has changed its position on the issue somewhat, as far as saying:

Should the above request be denied it is conceivable with 29 per cent already willing to open that with a sensible approach to timing and aggressive marketing this could, against the will of the majority, be made to work albeit grudgingly.

It is also interesting to note that some Shepparton retailers complain that Shepparton shoppers go to Melbourne to shop. People will continue to go to Melbourne, Wodonga, Bendigo or Echuca — or wherever else that has extended trading hours. I firmly believe shoppers would prefer to support their local retailers and shop locally. This legislation allows the local retailers who want to extend their hours of trade to do so.

We have a ludicrous situation. I have been in shops that are absolutely full of customers, who have been asked to finalise their purchases in 5 minutes, or who have been asked to leave immediately because the time is 1.00 p.m. or 5.00 p.m., or whatever time the shop is legally supposed to close — what a loss of business!

I was a commissioner of the Shire of Campaspe, which has its headquarters in Echuca, which is classed as a tourist town. The shops have extended trading hours on Saturdays and in some areas on Sundays. Not all shops open, although those that do not will not get the business. I often attend meetings or functions on Saturdays — the town is alive and full of people: families and young people enjoying a chat, shopping or just browsing. When I arrive back in Shepparton in the afternoon there are very few people around; most shops are shut, except the large multinationals.

Shopping patterns have changed. Customers shop around for the quality they want at prices they can afford, and for retailers who give them decent service at a time convenient to them. To remain viable retailers have to be competitive, customer responsive, and customer oriented to meet the demands of our changing society.

A number of people are opposed to this legislation to allow Sunday trading because they believe it will not allow people to attend church services. Those people who want to worship on Sundays will still be able to do so. Most churches cater for the needs of their parishioners and the hours they wish to worship by having services very early in the morning, later in the morning, or later in the evening.

Finally, this legislation is about giving back the responsibility of when you open your shop to those who own the shop — which is where it should be.
Hon. D. A. NARDELLA (Melbourne North) — I oppose the legislation and support the reasoned amendment. Again we have before us a proposal to further extend shop trading hours to Sundays. We will experience seven-day-a-week trading in the short term, and once it is in, we will not be able to go back to six-day-a-week trading. Once it is in, it will be in forever. Any going back will not be allowed. It is like the 6 o'clock trading in the pubs; that will not be reinstated by any government — nor should it in that particular instance — and over the past few decades there has been quite a lot of liberalisation of the liquor licensing hours.

This legislation goes too far. In reality we should be able to strike a balance between the needs of the consumers — if you want that as a consideration — the needs of the retailers and, on top of that, the needs of the shop assistants and the owners of the small shops.

The balance with this legislation has gone too far the opposite way. If the government were fair dinkum in its consultative processes, it would have come up with a different balance that would take into account the needs of those various groups.

Consumers, retailers and workers would have approved of a system which was simpler and which allowed for an expansion of shop trading hours, but which would have also brought in some certainty and would have allowed families to remain together in a situation where they could spend at least one day a week together as a family.

That could have been achieved if the government had sat down and talked to the various groups. One of the suggestions the opposition has made is to continue to have the three or four weekends before Christmas and trading on the first Sunday of every month. That would have struck the balance; it would have meant that families that split up on those weekends would have time together on the other three or four Sundays in the month. That expansion of the shop trading hours would have been a much better outcome for the community.

But this bill allows an absolute and total deregulation of shop trading hours here in Victoria — a situation that I do not believe will assist small businesses in the main to survive the precarious times that they find themselves in.

We heard Mr Ashman talk about small businesses supporting this legislation, and even go so far as to say that small businesses welcome the legislation because it will allow them to survive. But in fact 80 per cent of small businesses fail within the first five years, and the legislation will not assist many of those small businesses in the retail and service industry areas. It will not assist them because it will increase their stressors by increasing the amount of time they need to remain open and increasing the chances of their having to compete with the large retail shopping complexes that are being expanded throughout the Melbourne metropolitan area.

In the Sunbury community which I represent it will make it much harder for retailers to compete with the shopping complexes that are springing up and have been expanded in that vicinity. Sunday shopping will not assist those retailers. If small business people do not staff those shops by themselves, they will have to employ workers for Sundays just to compete.

Hon. R. A. Best — Isn’t that employment?

Hon. D. A. NARDELLA — It is not, actually, Mr Best. Life will be more difficult for families with businesses. The expansion obviously occurs in the large shopping centres — affecting the people the government represents. The small family businesses that should be supported will be the ones that go to the wall because the legislation does not take into account a number of factors about Sunday trading.

As Mr Ashman said, it has always been a matter of competition between small and large businesses. He talked about the competitive advantages of smaller businesses, but how can you compete against firms like Coles, Woolworths and K Mart? How can you compete with the large shopping centres that have a multitude of attachments and entertainment complexes alongside them?

In Sunbury the situation is much more limited. Obviously if people have a choice they will choose the large shopping centres. But regardless of the amount of effort people put into trying to maintain small businesses, even by opening on Sundays, the attractiveness of places like Highpoint West and the new shopping centre in Sydenham will be much greater than the option of shopping locally in Sunbury. There will obviously be a challenge for the Sunday traders to provide incentives and to promote themselves and their products collectively. That will
be occurring over the next 12 months with the Sunbury traders. It does not detract from the situation where they will be competing directly with multinational companies that run large shopping complexes that have many more resources to enable them to squeeze the small businesses and run them into the ground. That is what the legislation does not look at. It does not deal with the real-life aspects of survival that small business has to deal with from day to day.

For the government to have been pressured into this situation by large multinationals like Ikea with massive slush funds to promote themselves and their operations is a disgrace. The government talks about supporting small business and being the party for small business, but when you look at its record and its actions you see it is about destroying small businesses and running them into the wall. It is about making sure that small business cannot survive in these environments.

It is amazing that ministers say part of the justification for the legislation is that they cannot control the retail shopping hours in Victoria. This government tramples on people’s rights. It has control of both houses of Parliament. It does not care what it takes to achieve its ends, yet it is powerless against the Ikeas and the other multinational companies in Victoria that trade illegally. It is not good enough for this all-powerful government to use that as an excuse to run small businesses, along with the families that run them, into the ground.

I have received correspondence from some extremely distraught constituents who have ploughed their life savings into their business and worked extremely hard for it. They are being destroyed in the medium to long term. They look forward to Sunday and to spending it with their families so that they can have the breathing space to recuperate, but the legislation means they will have to open on Sunday. There will be no choice for them because if they do not open on Sunday they will lose their market share and the ability to retain their customers. There is no choice for them, whether they open or not. That is the furphy about what the government says the legislation is about — that there is a choice — because there is no choice once Sunday trading, 24-hour-a-day trading, comes into place. The only way those small businesses can survive is by opening on Sundays, retaining their customers by putting in the extra hours.

No-one understands the parameters of small businesses and whether they are in a tourist zone or outside it. People know that if the shops are in the tourist precinct they must remain open seven days a week. That was one of the reasons people were attracted to the areas. Yet other people outside the zones have gone into those businesses without knowing that they do not need to and are not allowed to open on Sundays. At the moment they have a choice, depending on where they open their small businesses, but under the legislation, that is not the case. The families that are now going to be forced to work on Sundays will have their life savings threatened by the legislation; they will have to work longer hours and rely on their families and extended families to survive. When many of them are on the knife edge it will make life even more difficult.

The government is attacking families by allowing open slather Sunday trading because that is often the only day families can come together to relax and enjoy their leisure time. Regardless of what is in the legislation, workers will have little choice but to work on Sundays. In the real world, if a person is asked to work on a Saturday or Sunday, he has to work. There are no ifs or buts; he cannot say that he needs to spend some time with his family on Sundays. He will not have the opportunity to choose; he will either work on Sundays or not work at all. I know that from bitter experience because my stepson works at Myer and he is required to work every Saturday so he works Saturdays. He can say that he wants to work only Monday to Friday because he wants to spend time with his mates or his family, but if he does that he will not last too long. He will be replaced very quickly.

The legislation has no guarantees to maintain employment because in the real world if a person is not prepared to work the hours set down for him he will lose the hours, the days and eventually his job. No legislation will change that fact, nor will it guarantee people their jobs. Most workers in this industry are either part-time or casual employees and if they do not work the hours requested they will lose work because those hours will be worked by other employees.

When 24-hour-a-day, seven-day-a-week shopping is a reality my stepson will be forced to work on Sundays. I can give him a copy of the legislation so that he can wave it around and say it guarantees that he will not be penalised if he does not want to work...
on Sundays, but the reality is that that will mean nothing to his employer. If he does not work on Sundays when requested he will not work at all. Large multinational companies have subtle ways of forcing unwanted employees to resign their employment, but honourable members opposite do not understand that because they do not understand the way multinational companies work. Employees could face significant intimidation, and no legislation will protect them and their jobs.

Managers of small businesses often spend their Sundays doing their book work because that is the only day they get off. If the government had consulted consumers, as Mrs Powell said she did in her electorate, it would know that they are opposed to open slather shop trading. A week ago I visited the Sunbury shopping centre and one of the most popular things we did was to organise a petition opposing increased shop trading hours. The consumers visiting the shopping centre signed the petition, so consumers in my community do not support the government’s view. They do not believe it is a solution to their problems and it is certainly not the solution to the problems of small business, certainly within the township of Sunbury.

Consumers have ample time to shop. Presently they can shop for 137 hours out of 168 hours a week in many of the stores that elect to open. The two supermarkets in Melton that have extended 24-hour-a-day, six-day-a-week shop trading have only one cashier and a security guard to maintain their shops after 10 o’clock at night, yet that is supposed to improve people’s choices! It certainly has not created any more jobs and it is silly to say that consumers have extra choices about when they shop because shop trading is being extended to Sundays. They can already shop at supermarkets at almost any time during the week. People can go shopping at their leisure during those times.

Mr Best used statistics selectively. He said that 51 per cent of single parents wish to work. That is commendable. The opposition has no problem with anyone wishing to work, but Mr Best would not say how parents will be provided with the child care they will need to take to allow them to do the extra jobs he expects to be created, especially on Sundays. It is already difficult enough for people to obtain child care during the week, when the vast majority of child care is provided by child-care centres, so it will be even more difficult if those extra jobs are ever created.

The community is facing a sad situation in which many small shopkeepers will find it difficult to survive. I understand what competition is all about, but the government is not providing a balance. Better alternatives are available to balance the needs of large traders, consumers and workers, but in its economic rationalist and non-consultative way, the government has unfortunately decided to follow the path of deregulation. The change will adversely affect many families and will far outweigh any positive changes. For those reasons, I oppose the bill.

Hon. P. R. HALL (Gippsland) — I wish to respond to some of the points made in the debate, particularly by opposition members. Opposition arguments have been predominantly about how big businesses will gain from the change and small businesses will lose. We heard arguments about supermarkets versus milk bars and butchers. One way I try to evaluate those sorts of arguments is to consider how changes will affect me. The opposition’s arguments are really about a perceived change in shopping patterns from small to large businesses, and I have considered whether the change will affect the shopping patterns in my household. Once every two or three weeks I do the supermarket shopping and once or twice a week I buy the necessary food and cook tea. I dislike supermarket shopping and my wife does not enjoy it, either. I would never want to do that shopping on Sundays because my family is often at electorate functions or engaged on other jobs around the house. We would prefer to do other things on Sundays. As Mrs Luckins said, she sometimes does supermarket shopping on her way home from Parliament.

Hon. T. C. Theophanous — But why have you changed your position?

Hon. P. R. HALL — If Mr Theophanous would like to listen, he will realise I am explaining my position. I often do supermarket shopping at around 10.00 p.m. on the way home from a function. Mr Power spoke about the impact the change will have on regional towns. In the regional town of Traralgon, where I live, shops are not open 24 hours a day but are often open for extended hours. I have considered whether the fact that supermarkets and other shops will be open on Sundays will change my shopping patterns. Currently I buy milk, bread and, occasionally, newspapers at the local milk bar. I would not change that shopping pattern and buy...
those items at the supermarket because the milk bar is too convenient and I can park directly outside it.

Hon. T. C. Theophanous — This is drivel.

Hon. P. R. Hall — No, it is not. The arguments raised by the opposition have been about shopping patterns. I do not believe people will change their shopping patterns just because supermarkets will be open. I would not go to a supermarket to buy milk or a single loaf of bread because it would be inconvenient.

Hon. T. C. Theophanous — You are not telling us why you have changed your position.

Hon. P. R. Hall — If Mr Theophanous kept his mouth closed he might hear some logical arguments about the position. I had a chat with my local butcher, whose shop is always packed on Saturday mornings. I buy red meat from the butcher rather than from the supermarket because I appreciate the service and quality he provides. I told the butcher I would not change my shopping patterns and suddenly buy all my red meat at the supermarket and did not expect other people would change their ways, either. I relate those personal examples because the debate is all about shopping patterns and the fear that people will somehow move all their business from small operators to large operators, particularly supermarkets. I suggest that simply will not happen.

I also wish to recount a conversation I had with a member of the Shop Distributive and Allied Employees Association. At the end of a discussion of the issues I asked him what he thought would happen in Traralgon on Sundays if we had seven-day-a-week trading. He said he thought exactly what happens now on Saturday afternoons would happen on Sundays. If one walks down the street on a Saturday afternoon in Traralgon one finds that hardly a shop is open. Legally they are able to open, but it is not worth the trouble.

The big shopping centre in town, the Traralgon Centre Plaza, is open, but the shops in the main street tend not to stay open because people do not shop at that time. In the country, as Mr Best said, people are more interested in going to the local football, netball or tennis on a Saturday afternoon. If you walk through major or small towns in country Victoria on Saturday afternoons the shops are not open. The shop owners exercise that choice.

I suggest that is exactly what will happen on Sundays in country areas. Retailers will exercise their choice whether to open on Sundays. They know consumers are not interested in spending extra time at the shops on Sunday and consequently there is no benefit or gain for them at all.

I do not wish to elaborate on further arguments put by the opposition except on the one principle — a change in shopping patterns. Most of the opposition’s arguments are premised on the fact there will be a change in shopping patterns and people will stop buying from small businesses and will buy from large businesses all the time. For the reasons I have outlined to the house I do not believe that will happen. Therefore, I do not think seven days trading will have the detrimental effect on small business that members of the opposition have suggested. The bill is a positive move.

It provides flexibility. People will not be required to open on Sunday if they choose not to. However, in the future they will have that choice. That is what the legislation is about: it gives consumers choice but it also gives retailers the choice of whether they will open on Sundays. It is an issue about choice and that is what we should be promoting: giving both consumers and business people the choice to exercise their rights on this matter.

House divided on omission (members in favour vote no):

Ayes, 32
Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Boardman, Mr
Bowden, Mr
Brideson, Mr
Cover, Mr
Craigie, Mr
Davis, Mr D. McL. (Teller)
Davis, Mr P. R. (Teller)
de Fegely, Mr
Forwood, Mr
Gould, Miss
Hogg, Mrs

Noes, 9
Eren, Mr
Gould, Miss
Hogg, Mrs
Power, Mr
Pullen, Mr (Teller)
Theophanous, Mr
Hon. T. C. Theophanous — On a point of order, Mr President, the opposition would like to have your ruling on an issue it raised earlier during the debate.

Hon. M. A. Birrell — You’re wasting time!

Hon. T. C. Theophanous — We would like to have it on the record.

Hon. M. A. Birrell — That will just prove you wasted time.

Hon. T. C. Theophanous — Stop being a smart alec!

The President — Order! The house should allow the Leader of the Opposition to establish the point of order so that it can be debated and dealt with.

Hon. T. C. Theophanous — During the course of the debate the opposition raised the question of a number of members of this place who hold shares in a number of companies and who have just voted on this bill. The opposition and a number of independent commentators hold the view that they will benefit as a result of this legislation. Those members are: Mr Birrell, Mr Lucas, Mrs Luckins, Mrs Wilding, Dr Ross and Mr de Fegely.

I refer you, Mr President, to standing order no. 155 which states:

No member shall be entitled to vote either in the Council or in any committee thereof upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.

The issue of a direct interest has been the subject of some dispute, and I am happy to read what May says, which is that the interest must be immediate and personal and not merely of a general or remote character. The crucial question is whether their interests are immediate or personal. The opposition contends that it is an immediate and personal interest for someone to have shares and to be defending, to some extent, the value of those shares.

This issue was raised in this place in relation to another debate in December 1994 when Mr Brian Mier, a member for Waverley Province at the time, referred to the pecuniary interests of Mr Guest, a member for Yarra Province at the time, and his being a major shareholder of Hudson Conway. It states in Hansard:

He is a major shareholder of Hudson Conway Ltd, which in turn is a major shareholder in Crown Casino.

Hon. M. A. Birrell — Who are you quoting in Hansard? Brian Mier? Some source!

Hon. T. C. Theophanous — In your ruling, Mr President, you said:

I am not sure how many shares Mr Guest has but in comparison with the overall issue he would have only a handful and I do not see that as a direct pecuniary interest.

You then went on to indicate that on the basis of the Constitution Act, 20 persons or less would constitute some kind of benchmark measure. I ask you to address yourself to the question of whether the number of shareholders is relevant. You can have thousands of shareholders, and the first 10 can own 90 per cent of the company. I submit therefore that the test of 20 is not relevant. The question relates to the extent of the shareholdings in a particular company. I do not know how many shares each one of those individuals has nor have they been prepared in debate to reveal that number.

Further, the question of pecuniary interest concerns how much an individual stands to gain and not the proportion of shares the individual may have. I make that argument on the following basis: if a person has a million dollars worth of shares in a company which is worth $100 million, in relative terms the shareholding might be small — only 1 per cent — but one could not possibly say that that person did not stand to gain from that pecuniary interest. By contrast, one could say a company in which there were only five shareholders — —

Hon. R. I. Knowles interjected.

Hon. T. C. Theophanous — You might not care about these issues, but the opposition does. I am
allowed to put the argument, so just shut up and listen.

The PRESIDENT — Order! It is in the interests of the house for this issue to be resolved once and for all. A reasonable debate in the circumstances is appropriate. Once we resolve the issue presumably we will not have to go through it again.

Hon. M. A. Birrell — It has been resolved!

Hon. T. C. Theophanous — It is up to the President to decide these matters, not you. I know you would like to try to direct the President, but fortunately he does think independently of you, Mr Birrell.

Hon. M. A. Birrell — Then I'll look forward to your accepting his ruling.

Hon. T. C. Theophanous — Of course I will accept the ruling. I have no choice about that.

Hon. M. A. Birrell — That is very gracious of you.

Hon. T. C. Theophanous — I would like clarification, however, and I am raising the issues one at a time. The limit of 20, which was indicated in a previous ruling as a valid limit, is flawed in that five people could own very small amounts in a much smaller company and have, for example, only a $1000 holding compared to somebody who owned a million dollars' worth of shares in a $100 million company. Therefore, the size of the holding is a valid consideration in terms of what normal people would understand as a substantial or non-substantial holding.

I do not know the value of individual shares members hold, but from the point of view of my constituents a $20 000 holding, for example, is a substantial pecuniary interest. It might not mean anything to some government members, but it means a great deal to people out in the electorate. Therefore, it is a question of community standards and of whether individuals who hold shares in a particular company stand to gain.

Everyone here must make a decision about whether there is a benefit as a result of the legislation going through. If a benefit will accrue to Coles Myer as a result of that and they hold shares in Coles Myer, they get a personal benefit. Frankly, I do not care what is the level of that personal benefit, whether it is $5 or $500 000 — if there is a personal benefit, we contend they should not be voting on the legislation.

Hon. M. A. Birrell — On the point of order, Mr President, in our contention there is no point of order. The standing orders make this quite clear but so does Erskine May, 21st edition, at page 354. Under the heading 'Votes on matters affected by personal pecuniary interests' it says:

No member who has a direct pecuniary interest in a question is allowed to vote upon it; but in order to operate as a disqualification this interest must be immediate and personal, and not merely —

Hon. T. C. Theophanous — I just read that out. Weren't you listening?

Hon. M. A. Birrell — For the idiot fringe, I will take you through it twice —

... and not merely of a general or remote character.

In other words, it is directly on point on this issue, and directly negatives the juvenile smear campaign that Mr Theophanous has tried to put forward because it makes a distinction between a pecuniary interest which is direct, personal, obvious, and one in which there will be clear gain —

Hon. T. C. Theophanous — Which is the case in these circumstances.

Hon. M. A. Birrell — And which it is completely evident is not the case that is being alleged in these circumstances, because what Mr Theophanous is trying to suggest is that the standing orders and the precedents of this place say that we should have exactly the same rules that apply, for example, to local government or exactly the same rules as he would have applied in their new terminology —

Hon. T. C. Theophanous — You don’t think —

Hon. M. A. Birrell — They are distinctly different from local government and always have been, Mr Theophanous. They are exactly the same rules that he would have apply, saying that anyone who has any interest has a pecuniary interest and if you have a pecuniary interest you cannot vote. It is for exactly those reasons that Erskine May, based on unbroken precedent since 1811, has said of course members with that type of interest can vote. Otherwise you would never be able to vote, because there virtually
no issue that passes through this or any other equivalent chamber that does not give rise to the type of transient measure that is part and parcel of the stupid point of order that has just been raised.

What precedents do we rely on? This place is replete with precedents from every President. Labor or Liberal, every President has ruled on this matter, and every President has ruled against the point of order raised by Mr Theophanous. We expect stupidity, boring repetition, tedious tactics and lack of logic from Mr Theophanous. We do not like having to put up with it, but I cannot understand why his backbench tolerates this type of point of order, which is clearly faulty, lacking in merit or logic, and completely without precedent. Erskine May is not against what we are contending. It completely underlines what we are contending. Every precedent put in place since 17 July 1811, when Mr Speaker Abbot made the definitive ruling, has been quite clear cut.

We know that the aim of the opposition has been to create some kind of scare campaign, a smear against the members here. What was it actually suggesting? Even if we took this point of order as being substantive, the whole basis of the new angle Mr Theophanous was trying to bring in today during his speech — which, of course, got no response from anyone, let alone the media — is that somehow someone here has a dominant interest in the companies that were read out as part of the smear.

Hon. T. C. Theophanous — That's not what I said.

Hon. M. A. Birrell — You cannot argue that there is a pecuniary interest even if it is general.

Hon. T. C. Theophanous — That’s your interpretation.

Hon. M. A. Birrell — You were talking about major interests when you were running down Mr Guest. They were exactly the terms you were relying on. Are we seriously suggesting that someone here has a dominant, major, large, huge or even significantly small interest in Woolworths or Coles Myer? No! You don’t even have a logical argument. Even if you got over the hurdle that you didn’t get over — establishing that there was any pecuniary interest at all — we know that the precedents in the Legislative Assembly under Labor Speakers, the precedent in here under a Labor President, the precedent in the House of Lords and the precedent in the House of Commons under Labor Speakers were all completely against what you have put.

There is not a skerrick of logic to this because no-one would ever be able to vote on any issue at all in this place. Everyone would be absenting him or herself if this came up.

Is there any slur on the individuals who have done the right thing and declared their interests in the pecuniary interests register? There is no slur on them; but there is a slur on the fool who threw the mud because what those people did was to decently and honestly fill in the pecuniary interests register. That is what Parliament demands of them. Parliament says, ‘You tell us of any conflict of interest and register it in that register. Write it down’. And that is what they did; they followed the law completely. The only evidence you provide is what these people voluntarily put in the register. There was no research by you. Your slur is based on their honesty. What this Parliament said is, ‘To declare pecuniary interests you fill in that document, and you do it every year’. And lo and behold, who’s the only one who’s been caught out recently, dodging the document and — —

Hon. T. C. Theophanous — The Premier.

Honourable Members — You!

Hon. M. A. Birrell — We know the only person in this chamber who has been caught out doing a dodgy deal on the pecuniary interests register is Mr Theophanous. You hollow little man! You pathetic little fraud! There is no point of order.

The PRESIDENT — Order! It is early in the morning. Let us deal with this matter. Although it may seem to be repetitious of what has been said, it is appropriate that I use all the material to respond to this point of order. Mr Theophanous has invoked the provisions of standing order no. 155, which says:

No member shall be entitled to vote either in the Council or in any committee thereof upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.
As has been pointed out by other members, the House of Commons in fact has a similar provision. Again, although it may be a bit repetitious, it is appropriate to read page 354 of Erskine May:

... in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811 the rule was explained thus by Mr Speaker Abbot: 'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of state policy.' 'State policy' may be equated with 'public policy' and is not confined to public bills introduced by the government, but is also the subject matter of private members' bills.

The matter has been considered by a number of Presidents and a relatively recent ruling was made by my predecessor the Honourable Alan Hunt on 17 April 1991, reported at Hansard pages 816 and 817. This was a case where the house was dealing with the statewide policy regarding the clearance of native vegetation. Mr Hallam will remember he was the subject of the point of order that was raised at that time. Because Mr Hallam was, if you like, subject to an order restricting the clearance of vegetation on his property, the question at that stage was whether that amounted to a direct pecuniary interest that would then preclude him from voting.

The Honourable Alan Hunt, having reviewed the precedents and what is a well-settled quotation from Speaker Abbot, came to the conclusion that in fact there was not a direct pecuniary interest. He said during the course of that ruling:

According to the debate the issue is one of paramount state policy. I think both the opposition and the government agree on that. The government is putting forward that this is an overall issue of important state policy. On the other hand the opposition is saying that as a matter of state policy the government ought not to have acted in the way it did and I believe the debate has been at a high level, treating this on both sides as a matter of state policy.

He confirms that state policy provision.

I will deal with the matter raised by Mr Theophanous regarding my response to Mr Mier in 1994 when I made a reference by analogy to section 57 of the Constitution Act, which deals with contracts with the Crown. If one is dealing with the Crown through a larger body such as a company or partnership with more than 20 members an exemption is provided. It was supposed to be an analogy as to whether the number of shares made much difference. In my view, in the vast majority of cases it makes no difference.

If the point of order raised by Mr Theophanous were upheld the provision in the recent budget passed by this house that provided some millions of dollars for motor vehicles for members of Parliament could not have been passed by members of this house because each member is a beneficiary of the scheme. Similarly, earlier this year a bill amended superannuation provisions for members of Parliament, and if the interpretation suggested by Mr Theophanous were used that legislation could not have been passed by this house. Clearly, a member may have an interest which by its very nature would preclude the member from voting because of this provision.

Hon. T. C. Theophanous — Give us an example.

The PRESIDENT — If a member was an owner of a quarry and as a result of legislation being passed the quarry was to be rezoned and used for a particular purpose the member would have a direct pecuniary interest impacting on that person only. This is a matter of state government policy that comes under an exemption articulated in 1811 by Speaker Abbot of the House of Commons.

I do not uphold the point of order, but it is useful that this matter has been laid before the house.

I am of the opinion that the second and third readings of this bill require to be passed by an absolute majority.

House divided on motion:

Ayes, 32
Asher, Mr
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Boardman, Mr
Bowden, Mr
Brideson, Mr
Cover, Mr
Furletti, Mr
Hall, Mr
Hallam, Mr
Hartigan, Mr
Katsambanis, Mr (Teller)
Knowles, Mr
Lucas, Mr (Teller)
Powell, Mrs
Ross, Dr
Smith, Mrs
Smith, Mr
Smith, Ms
Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

JOINT SITTING OF PARLIAMENT
Royal Melbourne Institute of Technology
La Trobe University
Victorian Health Promotion Foundation

The PRESIDENT — Order! I have received letters from the Minister for Tertiary Education and Training and the Minister for Health, respectively, requesting that arrangements be made for a joint sitting for the purposes of making the following appointments: a member to replace Ms S. M. Garbutt, MP, on the Royal Melbourne Institute of Technology council for the term ending on 31 December 1998; a member to replace the Honourable T. C. Theophanous, MLC, on the La Trobe University council for the term ending on 31 December 1999; and a member to serve on the Victoria Health Promotion Foundation for a three-year term following the expiry of the term of the Honourable R. A. Best, MLC, on 19 October 1996.

I have received the following communication:

The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution:

That this house meets the Legislative Council for the purpose of sitting and voting together to choose members of the Parliament to be recommended for appointment to the council of the La Trobe University and the council of the Royal Melbourne Institute of Technology and to elect a member of Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 30 October 1996, at 6.15 p.m.

Hon. R. I. KNOWLES (Minister for Health) — By leave, I move:

That this house meet the Legislative Assembly for the purpose of sitting and voting together to recommend members for appointment to the councils of the Royal Melbourne Institute of Technology and La Trobe University and to elect a member of Parliament to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 30 October 1996, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. I. KNOWLES (Minister for Health).

NORTH MELBOURNE LANDS BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

ADJOURNMENT

Hon. R. I. KNOWLES (Minister for Health) — I move:

That the house do now adjourn.
Tobacco advertising

Hon. D. A. NARDELLA (Melbourne North) — I refer the Minister for Health to a recent High Court decision which concerns tobacco advertising at the point of sale in New South Wales. The court has ruled that the inside of a shop is a public place and as such no tobacco advertising should be visible. The Victorian Tobacco Act provides that no tobacco advertisements inside a shop shall be displayed where they are visible from a public place, but it allows for advertisements inside a shop adjacent to where tobacco products are sold. Tobacco manufacturers have taken advantage of the ambiguity in the legislation to break the spirit if not the letter of the law. That has resulted in a proliferation of advertisements for cigarettes and tobacco in corner stores, and milk bars in particular. Advertisements are often placed in shop windows that are clearly visible from the street or in the street outside shopping malls.

Much of the time tobacco advertisements contain images that are designed to catch the eyes of consumers — and often, children. What advice, if any, has the government obtained as to the validity of legislation allowing for this kind of advertising? Does the government intend to take any action to ensure that the original intention of the legislation — that is, to limit tobacco advertising to areas where tobacco products are sold — is adhered to?

Local government: elections

Hon. BILL FORWOOD (Templestowe) — I ask the Minister for Finance to draw to the attention of the Minister for Planning and Local Government in another place the considerable advances that have been made in local government since this government came to office some years ago.

As we move towards local government elections on 15 March next, a number of petitions are being circulated to keep commissioners in office. Three instances spring to mind — namely, those in the cities of Manningham and Wyndham and the Shire of Melton.

As I understand the process, a petition containing the names of 10 per cent of ratepayers would require the council in question to hold a referendum. It is unclear what would happen if the referendum were carried. What process would be followed to ensure that the democratic wishes of the people of that municipality were carried out — that is, that the commissioners be allowed to remain in office?

I ask the minister to discuss the matter with the Minister for Planning and Local Government in the other place.

Bicycle headgear

Hon. PAT POWER (Jika Jika) — In a thoroughly bipartisan manner I direct to the attention of the Minister for Roads and Ports helmets for bicycle riders. It is indisputable that the compulsory wearing of helmets has significantly contributed to cyclists suffering fewer serious head injuries.

I have a document that was produced following a research project undertaken on behalf of the Royal Children's Hospital in Brisbane, as reported in the 2 September 1996 edition of the Medical Journal of Australia. I can make that document available to the minister. It was part of a larger detailed study, known as the Brisbane bicycle study, in which attempts were made to assess the causes and types of injuries and the helmet-wearing habits of young bicycle riders. The report makes it obvious that although the wearing of current Australian standard helmets leads to the prevention of head injuries, what are medically described as oral maxilla facial injuries — injuries to the face, jaw and mouth — continue to be suffered even by those wearing helmets approved under the Australian standard rules.

In their conclusions the researchers suggest that the helmets needed modification — for example, the addition of lightweight chin protection to more adequately protect the face and jaw.

Not for one moment do I suggest that the Victorian government ought to seek to resolve this problem in its own right, but I wonder whether the minister would be able to give an undertaking that at an appropriate national minister's conference he will table the issue and, at an appropriate point in time, report back to the Parliament on any national activity that might result in these sorts of concerns being addressed.

Responses

Hon. R. I. KNOWLES (Minister for Aged Care) — Mr Nardella raised a matter regarding the impact of a court case in New South Wales. I am not
familiar with that particular court case, but I will make inquiries to see what impact that might have on the operation of the Victorian legislation.

The Victorian legislation was passed with bipartisan support, and obviously if there has been a change to that, we will need to revisit the issue to try to ensure that we maintain the outcomes that we collectively set out to achieve through that legislation.

Hon. R. M. HALLAM (Minister for Finance) — Mr Forwood asked me to refer an issue to the Minister for Planning and Local Government, Mr Macellan, which goes to the interest of certain communities in the retention of commissioners beyond the elections to be held in March of next year.

I say that as the Minister for Local Government at the time the reforms to local government were introduced, I understand that this is a very sensitive issue and I regard the interest in the retention of commissioners as an interesting development and one which, in my view, at least underscores the importance of the reforms.

I will certainly take the issue up with my colleague, because it is not clear what the legal circumstances would be if a referendum were carried. I will refer the matter to the minister and await his answer with some interest.

Hon. G. R. CRAIGE (Minister for Roads and Ports) — Pat Power raised a bipartisan issue concerning bicycle helmets. Let me assure him that this state has already taken steps to investigate the issue of facial injuries, especially those to the lower jaw and to what he referred to as the cheek bones.

Research, or a study program, was carried out in Brisbane, Queensland, on a small number of children who reported to the hospital. Let me assure the honourable member that last week Mr Lucas and I visited one of Australia's leading companies in bicycle helmet manufacturing, Rosebank. We had an extensive look at the current procedures adopted by that company, and we talked about the issue of extending the bicycle helmet down along the sides of and across the bottom of the jaw.

I have now visited some three or four major retail outlets, which not only retail, but also wholesale bicycle helmets and bicycles in this state, and also a manufacturer of bicycles in Victoria. I have also spoken to Australia's third-best downhill mountain bike rider.

I have spoken extensively to the people in this industry about what can be developed to give some protection to people's lower jaw, the sides of their face, and their cheek bones. We in the state of Victoria have made communication with all the other states of Australia, with the federal minister's office, and also with the federal Office of Road Safety. This state will once again lead the way in any changes that may be forthcoming.

Some important issues have to be taken into account; it is not just a matter of taking a very small sample of young children. For the benefit of people here, I explain that the bones of younger children are in an entirely different condition than those of older, mature adults.

There are different types of bone injuries. Younger children may not necessarily suffer breaks; they can, for example, suffer green stick fractures, which do not go entirely through the bone. A lot of complicated issues are involved; it is not just a matter of developing a new helmet that will protect everyone in all circumstances. Some reports say there may be some disadvantages.

However, the government has already started the ball rolling in this state, Mr Power, because the issue is of paramount importance to Victoria.

Motion agreed to.

House adjourned 1.16 a.m. (Wednesday).