

Competition Policy Review Secretariat
The Treasury
Langton Crescent
PARKES ACT 2600



Submitted via website: www.competitionpolicyreview.gov.au

COMPETITION POLICY REVIEW

Correspondence addressing issues in relation to the extension of trading hours as recommended in the draft report of the Competition Policy Review.

Dear Sir/Madam

Anglicare Sydney appreciates the opportunity to respond to issues raised in the draft report of the Competition Policy Review in relation to recommendation 51 and the proposed extension of trading hours.

Draft Recommendation 51 — Retail trading hours

The Panel notes the generally beneficial effect for consumers of deregulation of retail trading hours to date and the growth of online competition in some retail markets. The Panel recommends that remaining restrictions on retail trading hours be removed. To the extent that jurisdictions choose to retain restrictions, these should be strictly limited to Christmas Day, Good Friday and the morning of ANZAC Day.

As indicated in your report there has already been a steady liberalisation of trading hours across various State jurisdictions over the past two decades. Indeed this process has meant that in NSW for example, there are now only 4.5 days in the NSW calendar which have trading hours restrictions – Christmas Day, Boxing Day, Good Friday, Easter Sunday and ANZAC day (up until 1pm). This means that the remaining 360.5 days are open for trading - or 99% of days in the calendar year.

As a general principle we are concerned that little or no consideration is being given to the social aspects of removing trading restrictions on these last few remaining public holidays. The issue appears to be conceived entirely in economic and market terms without considering the very real impacts on family units and networks of friends in being able to gather together in an unfettered way without the competing time pressures of business or job. Our concern has nothing to do with the appropriate provision of essential services but questions the prioritisation of economics over social factors implicit in the further deregulation of trading hours.

We consider that there are a number of valid reasons for not removing trading restrictions on these public holidays – either in NSW or elsewhere across the country:

1. **Protection of social gatherings:** Restricted trading on these public holidays maximises the ability of all family members and friends to enjoy time together on what are some of the few occasions in the year where this is possible. This is not simply about the welfare of workers directly involved in the retail sector, but the protection of sociability in the wider community that restricted trading hours affords.
2. **Protection of religious observance:** Restricted trading hours protects the ability of the more than 12 million Australians who identify as Christians (61%) to freely observe the

key special days in the religious calendar, namely Christmas Day, Easter Sunday and Good Friday.

3. **Protection of ANZAC Day observance:** ANZAC Day is a time for families to get together, to remember the commitment and sacrifice of so many which has enabled Australia to remain a free country. Maintaining at least half-a-day free from commerce is both a sign of respect and recognition of what others have done to defend our way of life.
4. **Vulnerability of low paid and casual workers:** A number of low income families who seek assistance from Anglicare Sydney work part time or on a casual basis. Many are young and/or poorly paid with fragile job security and are therefore vulnerable to any pressure placed on them by their employers. These people are in no position to bargain over the rostering demands of their employers. We believe that many will feel forced to work and not be able to enjoy the consecutive two day break provided to them and their families over Christmas.
5. **Vulnerability of small businesses:** Anglicare Sydney is concerned about small retailers who operate in large retail outlets, who may be forced to open on these public holidays if trading hours are further liberalised – depending upon their tenancy agreements. In the past small retailers have registered significant opposition to such deregulation; a September 2014 Westpac poll of small businesses in Queensland found that 58 per cent of small businesses directly involved in the retail sector were opposed to the full deregulation of shop trading hours¹. In the US there is evidence that liberalisation of trading hours can lead to both further market rationalisation – with increased market shares for larger stores at the expense of smaller retailers - as well as increased casualisation of the workforce.²
6. **Impacts on associated service staff:** Such liberalisation of trading hours not only impacts directly upon retailers and their staff but also upon cleaners, security guards and other associated workers.
7. **Opposition from the broader community:** When this issue was previously raised in 2012 in NSW, the State Government received a petition from retail workers and unions with more than 10,000 signatures opposing it. We believe there is still significant opposition to this move from both within the union sector, the churches and the wider community.
8. **Alternative access to on-line trading:** The increasing access to online trading is in fact an argument to retain the current protected trading hours given that consumers can access on-line retailing 24/7 every day of the year.

¹ CCIQ (2014) *Small businesses want incremental reform of shop trading hours*,
<https://www.cciq.com.au/news/small-business-wants-incremental-reform-of-shop-trading-hours/>

² Huddleston V & Huddelston, P (2010) *The Impact of retail trade deregulation: A review of evidence from other jurisdictions*, University of Western Australia, FACTBase Bulletin, June, p4.
<http://www.committeeforperth.com.au/pdf/Advocacy/FACTBaseBulletin7ImpactsRetailTradeDeregulation.pdf>

Given that 99% of the calendar year is already subject to retail trading it seems unnecessary to take away those few days that are still protected, days which have strong social, cultural and religious significance for the majority of Australians and which enable family time that is so important for healthy and thriving communities.

In conclusion Anglicare Sydney would argue that a balance needs to be achieved in considering the further deregulation of trading hours between the increasing commercialism of our society and the wider needs of the community which require opportunities to come together, build relationships and a genuine work/life balance which generate social capital and social cohesion.

Grant Millard

A handwritten signature in black ink, appearing to read 'Grant Millard', written in a cursive style.

Chief Executive Officer, Anglicare Sydney