

RETAIL TRADING HOURS AMENDMENT BILL 2009

Second Reading

Resumed from 17 June.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [2.48 pm]: Labor will oppose this legislation —
Several members interjected.

The SPEAKER: Order, members!

Mr E.S. RIPPER: — and we will do so on the basis that I outline. However, before I go to the reasons why Labor will oppose this legislation, I will canvass to a certain extent the history of this whole issue. I first became aware of this issue when I was the Treasurer in the Gallop government and I came to understand that the previous government had signed the national competition policy agreement with the federal government. Therefore, the previous government—the Court government in which the Premier was the Minister for Resources Development and Energy, amongst other things, and on the budget committee—had signed an agreement with the commonwealth government to have every piece of Western Australian legislation examined to determine whether the legislation had restrictions on competition; and, if so, whether those restrictions were in the public interest. That was what the Court government signed up for. When we came to office, we found that the Court government had not honoured that obligation—in particular, to review shopping hours legislation in Western Australia. We had visits from Mr Graeme Samuel, who was then the head of the National Competition Council. The NCC told us that Western Australia would lose its competition policy payments from the federal government, which was the other side of the deal, if we did not honour the obligation made by the Court government to properly review the shopping hours legislation and remove restrictions to competition unless we could show that they were in the public interest. At that time, the Labor government was not enjoying the \$2 billion surpluses that resulted from the fantastic performance of the Western Australian economy as it doubled in size on our watch. We were dealing with the inheritance of the Barnett budget blow-out, the unfunded commitments left to us by the Court government; namely, announcements that had been made without any provision put into the budget to deal with them. That might sound familiar to the shadow Treasurer as a course of action that is engaged in whenever the member for Cottesloe is a member of a government budget committee. The Labor government was dealing with those particular financial difficulties, and it was very important to us that we got the competition policy payments. Therefore, the Labor government undertook a review process—the review that should have been undertaken by the Court government. That review process led the Labor government to the conclusion at that time that weeknight trading should be extended till nine o'clock, but no action should be taken on Sunday trading.

The Labor government brought a bill to Parliament in support of weeknight trading being extended to nine o'clock on a general basis. What happened? The opposition, led at the time by the member for Cottesloe, engaged in a full-on campaign to defeat that legislation. The Deputy Leader of the Opposition, Dan Barron-Sullivan, was let completely off the leash to run a campaign in conjunction with IGA to defeat that legislation. That was a significant worry to the Labor government because we were aware that IGA had made very significant political donations to Liberal candidates in marginal seats in the run-up to the 2005 election. That happened on the watch of the member for Cottesloe, now the Premier, while he was the Leader of the Opposition. He authorised that extensive, intensive campaign against the legislation that the Labor Party had put up. He personally voted against the legislation. That was the approach of the Liberal Party under the leadership of the member for Cottesloe. He then had the gall, the hide, to go to the last election with this summary of those very events: “Labor could not make a decision” says this trading hours policy that the Premier authorised for the 2008 election. Labor could not make a decision!

Mr C.J. Barnett: No, you couldn't.

Mr E.S. RIPPER: The Premier repeats the untruth. If we were not in the Parliament, I would call it something else. Quite clearly the Labor government made a decision and took that matter to the Parliament, but we were frustrated in the Parliament by a campaign by the opposition, led by the Deputy Leader of the Opposition at the time, Dan Barron-Sullivan, with the full support and approval of the then Leader of the Opposition, the member for Cottesloe.

Mr C.J. Barnett: We subsequently found out where the money came from; it was Brian Burke. That is why that man is no longer a member of Parliament.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr E.S. RIPPER: Is the Premier saying that Brian Burke donated to the Liberal Party? Is that what the Premier is saying? Is the Premier saying that he subsequently found out where the money came from, and it came from Brian Burke?

Mr C.J. Barnett: Brian Burke was involved in that campaign.

Mr E.S. RIPPER: Did the Premier say that Brian Burke donated to the Liberal Party at that time?

Mr C.J. Barnett: No. Brian Burke did not donate to the Liberal Party.

Mr E.S. RIPPER: Did Brian Burke work with the Liberal Party at that time—is that what the Premier is saying?

Mr C.J. Barnett: Brian Burke orchestrated the campaign for the Independent Grocers Alliance. Subsequently that became public knowledge.

Mr E.S. RIPPER: Did Brian Burke orchestrate the campaign —

Mr C.J. Barnett: I do not know Brian Burke.

Mr E.S. RIPPER: — that Dan Barron-Sullivan, or the Liberal opposition at that time when the Premier was the leader, was involved in?

Mr C.J. Barnett: The member would need to ask the IGA, Brian Burke or Dan Sullivan that.

Mr E.S. RIPPER: What was the Premier's awareness of Brian Burke's involvement with Dan Barron-Sullivan?

Mr C.J. Barnett: None at the time.

Mr E.S. RIPPER: None at the time. But is the Premier saying that in fact there was Brian Burke involvement with Dan Barron-Sullivan?

Mr C.J. Barnett: I know Brian Burke was involved in the campaign.

Mr E.S. RIPPER: Sorry?

Mr C.J. Barnett: Brian Burke was involved in the IGA campaign. I do not know anything about his contacts.

Mr E.S. RIPPER: It is common knowledge that he was involved in the referendum campaign.

Mr C.J. Barnett: Yes.

Mr E.S. RIPPER: But was he involved in the Liberal Party's campaign prior to the announcement of the referendum?

Mr C.J. Barnett: No.

Mr E.S. RIPPER: The Premier is denying that.

Mr C.J. Barnett: He was not.

Mr E.S. RIPPER: I have to say that that is a very weak, unconvincing statement.

Mr C.J. Barnett: He was not. Brian Burke does not have a lot of influence over Liberal members.

Mr E.S. RIPPER: It does not fill me with confidence. If one of my members came and made a statement like that to me, I think I would be telling that member to resign straightaway because it was a serious problem.

Labor went to a referendum because there was a deadlock in the Parliament. We were caught between a solemn agreement, signed between the federal government and the previous government—an agreement between two levels of government—that we felt obliged to honour. The opposition in this Parliament refused to allow the legislation to pass so that we could honour that agreement. There was a parliamentary deadlock. We were caught between that parliamentary deadlock and the obligations of the agreement that the state of Western Australia had been committed to by its predecessors. We thought that there was only one way to resolve this issue. We thought that the best way to resolve the issue was to take the matter to a referendum. Quite frankly, at the time —

Mr C.J. Barnett: What a shambles that was!

Mr E.S. RIPPER: At the time that we took the matter to the referendum, the general consensus amongst people, from a community opinion poll that was conducted, was that the community was about 60-40 in favour of reform. That was the sort of advice that had been given to us at that time. The business groups and all the vested interest groups that had conducted polls had roughly reached the conclusion that about 60 per cent of people were in favour of trading hours reform. Quite frankly, I thought that the referendum would be carried.

Mr C.J. Barnett: It would have been if the correct question was asked.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr E.S. RIPPER: The Premier says: “would have been if we had asked the correct question”.

Mr C.J. Barnett: That is right.

Mr E.S. RIPPER: Who bears responsibility for the question?

Mr C.J. Barnett: The Greens—Giz Watson.

Mr E.S. RIPPER: The question that was asked was not the question that Labor put in the legislation that went to the upper house. The upper house amended the question that was asked in the referendum. They amended it because the Liberals backed the Greens on the issue of the question. It is the Liberals that bear responsibility for the nature of the question that was asked in 2005.

Mr C.J. Barnett: It was a waste of money, the whole referendum! It was a shambles.

Mr E.S. RIPPER: The Premier now says, “It was a waste of money and a shambles.” I have gone back and looked at some of the statements on this issue because I have an interest in it. What I notice is that there was a serious dispute between the Deputy Leader of the Opposition at the time, Dan Barron-Sullivan, and the Leader of the Opposition at that time, the member for Cottesloe. Dan Barron-Sullivan’s reaction to Labor’s decision to send it to a referendum was to say, “No. We don’t support it going to a referendum.” Then a couple of days later, the member for Cottesloe overruled him and said “No, no—we do support a referendum. We like referendums in the Liberal Party.” The Premier should go back and look at his comments. That is what he did.

Mr C.J. Barnett: If it was done properly, we might have.

Mr E.S. RIPPER: Done properly! Why did the Liberal Party join with the Greens in supporting the drafting of a question that it did not regard as a proper question? The Premier was the leader; why did he allow that to happen?

Mr C.J. Barnett: It was a ridiculous question.

Mr E.S. RIPPER: A ridiculous question—which his members voted for and which his members forced on the government while he was the Leader of the Opposition. The Premier will not take responsibility for that.

Mr C.J. Barnett: Can’t you talk about 2009 and the constituents today?

Mr E.S. RIPPER: Let us talk about 2009, because we must move on to where we are now. That there has been a referendum on this question is a very important fact. It was post the debate that I engaged in and that members of the then Gallop government engaged in during 2003-04. We went to the community with a referendum, thinking and hoping that the community would support the extension of trading hours. The community did not; in fact, the referendum result was virtually the reverse of what pollsters had told us would be the case. Instead of there being almost 60 per cent of people in favour of change, almost 60 per cent voted against change. Whenever governments refer a matter to a referendum they create a special situation with the issue. They cannot refer a matter to a referendum and then a few years later change the outcome without there being some process.

Mr C.J. Barnett: You did. You supported deregulation at the last election.

Mr E.S. RIPPER: There must be some process in which there has been an indication of and evidence to suggest that there has been some change in community opinion. There is a tried and true process, which I will come to in a minute when the Premier stops interjecting. I want to quote from the policy paper that the Premier authorised and that went out for the 2008 election, because it shows that he agrees with my view that when a referendum has been held, there is a special nature to the issue. The policy states —

4. Liberal View

- The Liberals respect the decision of people at the referendum. Despite what Labor says, there was no time aspect to the referendum (they now claim it was for one term only — not so).

That was the view that the Premier expressed and authorised to be put to the people at the last election. It makes no reference to the referendum allegedly being a shambles or to the questions being wrong. The Premier said that the Liberals respect the decisions of people at the referendum.

Mr C.J. Barnett: The referendum tells us that people do not think that trading hours will help the economy or help the state. They may well think that, but they will probably say yes if you ask them directly, “Do you want extended week shopping?”

Mr E.S. RIPPER: If that is the case, why did the Premier’s party under his leadership vote for the wrong question to be put to the people?

Mr C.J. Barnett: We have a clear policy. We support weeknight trading.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr E.S. RIPPER: The Liberals do not have a clear policy.

Several members interjected.

The DEPUTY SPEAKER (Mr M.W. Sutherland): Order!

Mr E.S. RIPPER: The Liberals do not have a clear policy to that effect. Here is what the Premier said —

The Liberals respect the decision of people at the referendum.

Several members interjected.

The DEPUTY SPEAKER: Order! Nobody can make any headway with this din going on.

Mr C.J. Barnett: This is the bill before the house.

The DEPUTY SPEAKER: Premier!

Several members interjected.

Mr E.S. RIPPER: Is it the case that the Premier is asking who cares about the referendum result? Is that what he is saying?

Several members interjected.

Mr E.S. RIPPER: There has been so much noise that I misheard what the Premier does not care about. Apparently, he does not care about what he said at the last election. Is that what he said?

Mr C.J. Barnett: I did not say that at all. It is a very dangerous thing to try to put words into someone's mouth, which is what you are doing because you cannot make a substantive speech.

The DEPUTY SPEAKER: Order, Premier! We are not making any progress.

Mr E.S. RIPPER: I would hope that I might have had a reasonable opportunity to explain the position of the Labor Party without incessant, rude interjections from an arrogant Premier. I am going through the history of the event. What I see is that the Premier acknowledges, at least in the policy that he put to the people at the last election, that there is a special status to an issue when there has been a referendum. There are ways of dealing with that. A party should take a specific package to the election, and if it wins the election, it will have the authority of the people to implement that package. The mistake that the Liberal Party made was to not take a specific package to the election. There is no mandate or authority for the Liberal Party to bring this package to the Parliament because it did not tell the people of Western Australia that it was going to do that during the election campaign. It did not seek the authority of the people at the election.

Mr C.J. Barnett: Yes, we did, quite clearly; I answered questions about it at press conference after press conference.

Mr E.S. RIPPER: Premier, be patient! The Liberal Party's formal policy states —

- The Liberals respect the decision of people at the referendum.

Further, it states —

- For a further step in deregulation the Liberals would want a broad agreement.

The Premier also states things such as —

- Western Australia can be different if we choose a different lifestyle

The Premier did not say, "If we are elected, we will bring a bill to the Parliament in our first year in office to extend weeknight trading to nine o'clock, and we seek your support on that basis." If the Premier was going to honour his democratic obligations, that is what he should have said.

Mr C.J. Barnett: Excuse me: we didn't, and we won the election! You lost 10 seats because you ran an incompetent campaign!

Mr E.S. RIPPER: The Labor Party also made a mistake in the election with regard to shopping hours; its mistake was to lose the election. Having lost the election, we do not have the authority to bring our reform package to the Parliament. The Liberal Party should have put a definite package in its election policy on which it would stand or fall, and then proceeded accordingly if it had won the election.

Mr C.J. Barnett: We did win it. You lost 10 seats. Can't you remember it? I know it was a nightmare for you!

Mr E.S. RIPPER: But the Liberal Party is not acting in accordance with the policy it took to the election.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

The Premier has bungled this reform process. The Premier should have, first of all, sought to convince his National Party cabinet ministers that they should support the legislation. As the Premier pointed out, this is not an issue that affects country seats because they already have local option. Each district has the opportunity, in effect, to decide its trading hours.

Mrs M.H. Roberts: Leader of the Opposition, the tail wags the dog, not the dog wags the tail.

Mr C.J. Barnett: How clever! Did you think of that all by yourself?

Mrs M.H. Roberts: Yes.

Mr E.S. RIPPER: Even the Premier seems to appreciate the wisdom of that remark from the member for Midland!

This issue does not affect country towns; it affects the city. Therefore, there is no reason for the National Party, not having any interests of its constituents at stake, not to support the government position. Liberal backbenchers, the National Party is getting all the money to pork-barrel its electorates—it has now borrowed money, by the way—so the Liberal Party will have to carry the political can for the fact that it has borrowed money. Think about that. Liberal backbenchers cannot get what they want for their electorates because the borrowed money is being used in National electorates, and the National Party will not even support the Liberals on a city issue that has no impact on its country electorates. That is a failure on the part of the Premier. The Premier has not led properly and has not even been able to convince his own coalition cabinet colleagues to support this bill. I am amazed at the lack of analysis made on that issue. In any other coalition government, a split like this on a major government initiative in the first year of government would be considered a very, very significant political issue. The Premier has bungled the issue because he has not sought to lead community debate on this issue. We have not seen the government attempt to persuade the community on this issue.

Mr C.J. Barnett: Seventy per cent online today say yes to weeknight shopping.

Mr E.S. RIPPER: How many members with any knowledge of the online world would regard an online poll as an accurate reflection of the community's view? The Premier should give me a break. That is just a straw being clutched at by a drowning man. Quite frankly, those sorts of polls are barely worth reporting. It is quite interesting that all the polls reflect the views of the vested interests who commissioned them. I am sure that they are all well meaning but it is too coincidental that all the polls reflect the views of the sponsoring organisation. The government could have conducted a massive opinion poll to judge whether the community's views have changed.

The government is seeking help from the Labor Party on this legislation. The Premier did not pick up the phone and ring me. He did not work very hard for this issue. As far as I am aware, there was no communication between the government and the opposition on this legislation.

Mr C.J. Barnett: Yes, there was. There was one communication when you asked us to delay it for a week so you could convince caucus to support nine o'clock.

Mr E.S. RIPPER: That is another untruth. I said to the government, "When is it coming on?"

The DEPUTY SPEAKER: We were making reasonable progress and now it is stopping again. I call the Leader of the Opposition.

Mr E.S. RIPPER: I said to the government that it would be better for the opposition if the legislation was introduced during the second week. I said to the government, "If you're seeking our support, you should be prepared to cooperate with our processes." There was no communication from the Premier to me or from any other minister to any shadow minister about the government's desire for Labor's support on this issue. There was no discussion.

I have begun to wonder whether the Premier is dinkum about this reform. If he was dinkum about this reform, he would have got the National Party to vote for it. If he was dinkum about this reform, he would lead the community debate on the issue. If he was dinkum about this reform, he would have approached the Labor Party for some discussions about it. Remarkably, he showed no interest in convincing the National Party, no interest in convincing the community and no interest in convincing the Labor Party.

When there is a referendum on an issue, there is a special responsibility for those handling the issue to treat it fully in accord with their obligations in a democracy. We have done the work that the government should have done. Our members have met with small businesses, our members have put advertisements in the paper seeking community views, our members have visited shopping centres and our members have held meetings with small businesses. We have conscientiously used the winter recess to consult with our electorates. We have done that

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

because we wanted to determine whether there had been any change in that 60-40 community vote against extended trading hours that occurred at the referendum. I report to the house that we have not found any momentum for change in the community. What we have found in our discussions with small business is that small business is almost universally opposed to this legislation. Between 85 per cent and 95 per cent of the small businesses that we talked to were opposed to this legislation. We also found that they are not quietly and passively opposed to this legislation; they are vigorously, emotionally, passionately and vehemently opposed to this legislation. That is the small business view. Small business owners have the view that in one way or another they will be pressed to trade when they do not want to trade should this reform come about. The government needs to have in place a proper protection package for small business before it presents any proposal like this to the Parliament. The government has put the cart before the horse. If it wanted a proper reform program —

Mr T.R. Buswell: No it hasn't.

Mr E.S. RIPPER: It has bungled the process by not showing leadership and not consulting the people and by not wrapping it up with a small business protection package so that we can do all of the jobs that need to be done at once.

The next group of people that we talked to are the most important people in the debate—that is, the customers.

Several members interjected.

The DEPUTY SPEAKER: Order, members! At least three different conversations are going on in the chamber.

Mr E.S. RIPPER: The next group of people that we spoke to were the customers. Customers are, arguably, the most important people in this debate. We spent a lot of time talking to customers; that is, talking to people in shopping centres to ask them their views. It may disappoint economic policy makers, it may disappoint economic rationalists and it may disappoint the Premier, but our survey of customers showed that the community does not support this change. The very best that some of our members achieved was, roughly, a fifty-fifty result; other members had a result of five to one against. I know that an economic policymaker or an economic rationalist like the member for Riverton may have a view that a particular set of policies ought to be followed. He probably has a view that competition, choice and convenience require reform. However, in a democracy, we do not get to tell the electors how they should think. We do not get to tell the electors what reasons they should consider when they are looking at particular issues. In the end, the electors tell us what their priorities are. The electors tell us what their preferences are. The electors tell us what reasons they have for the actions they have taken. In the end, in politics, we have to acknowledge that the electorate is always right. That is the logic of democracy: in the final analysis, the electorate is right. On this occasion, we have done the work that the Premier should have done, we have done the work that Liberal backbenchers should have done and we have done the work that Liberal ministers should have done—that is, we have gone out there, we have talked about the issue, we have listened to the community and we have found no change since the 2005 referendum. In our consultations over the period of the winter recess, we have found no change since the 2005 referendum!

The third way in which the Liberal Party has bungled the reform is its failure to tell the electorate the full story. The Liberal Party has not told us the full story.

Mr C.J. Barnett: What is the full story?

Mr E.S. RIPPER: The full story is the government's plan for trading precincts once this legislation is passed—if it can get this legislation through. That is the full story. It is pretty clear that the Premier has in mind a broader change program. It is just not right to not put the whole package—that is, the small business protection package, the weeknight trading package and the Sunday trading in trading precincts package—before the whole community.

Mr C.J. Barnett: Tell us what it is.

Mr E.S. RIPPER: The Premier should tell us, because I am not responsible for the sudden ad hoc thoughts that come to his mind in the middle of press conferences or the sudden ad hoc thoughts that come to his mind as he addresses Parliament. The Premier spoke about a Joondalup trading precinct. Quite frankly, Mr Deputy Speaker, the Premier has put another item on the agenda. The Premier has indicated what the government has in mind—another element of this change program—and it is not right to not take the entire Parliament and the entire community into his confidence about the full package. There has been no consultation, no leadership, no work with the National Party, no consultation with the opposition, no small business package presented and no preparedness to be accountable and open about the entire package.

Several members interjected.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr E.S. RIPPER: It is a bungled reform process. It has not got the support of the community and, because it has not got the support of the community, it will not get the support of the Labor opposition. I say to the Premier that if he is genuine in his views about choice and convenience and about modernising Western Australia, there is an answer: the Premier should develop a detailed policy and take all his ideas in a comprehensive package and put it before the people at the next election. He can seek re-election on the basis of that policy and if he wins he will have the authority and the support—technically known as a mandate—to go ahead and implement the policy.

Mr C.J. Barnett interjected.

The DEPUTY SPEAKER: Premier!

Several members interjected.

The DEPUTY SPEAKER: Members! There are a number of conversations going on again.

Mr E.S. RIPPER: I have been amazed at the arrogance and petulance that the Premier has displayed as this debate has proceeded. Quite frankly, that is one of the reasons that his sponsorship of reform will be a failure. It is that sort of approach, in that he does not seek to lead and persuade people, that has rebounded on him in the community's lack of support for this package. If we had gone out to the community and in our consultation had found that there was overwhelming community support for this package, we would have taken a different view.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr E.S. RIPPER: If we had found community support for this package, we would have taken a different view. Of course there are some people in the community who support change and who support extended trading hours. Unfortunately, in our judgement, they are still in a minority. They were in a minority at the referendum and we have seen no evidence of change. We believe that if a referendum were held tomorrow, the result would be roughly the same as it was in 2005.

Mr C.J. Barnett interjected.

Mr E.S. RIPPER: Whatever might be our own personal shopping habits and whatever might be our own views on economic policy, ultimately we can proceed in the face of a referendum only if there is evidence that there is community support for change. There is no community support for change and Labor, therefore, will not be supporting this legislation.

MR F.M. LOGAN (Cockburn) [3.22 pm]: I rise to speak against this Retail Trading Hours Amendment Bill 2009. I am not sure exactly where the Premier wants to go with this legislation and why this legislation is drafted in the way it is.

Mr T.R. Buswell interjected.

The DEPUTY SPEAKER: I call the Treasurer to order formally for the first time.

Mr F.M. LOGAN: If we look at the intention of the bill, we can see that it is simply to extend trading hours until 9.00 pm in the metropolitan region from Monday to Friday. The Premier, in his own words at question time and by way of interjection in this debate, has indicated that it will provide an extra 12 hours only of shopping time in the metropolitan region for consumers. How will those extra 12 hours bring about the enlivenment of the city of Perth that the Premier alluded to? That was in answer to a question from you, Mr Deputy Speaker, as an interested party. How will those minimal 12 hours bring about a consumer revolution that will, in turn, somehow bring about an enlivened, fabulous city of Perth equivalent to the city of Adelaide, which was given as an example? How is it going to do that?

Mr C.J. Barnett: I'll give you one example.

Mr F.M. LOGAN: I will give the Premier one example. Currently, as you know, Mr Deputy Speaker, shops can stay open until 7.00 pm in the city of Perth. How many stay open until then? One can fire a shot down St Georges Terrace and not hit anyone after five or six o'clock. Nobody will be there shopping at that time today. I ask the house: how will this bill bring about the purported consumer revolution and change? No explanation has been given by the Premier, who introduced this bill, to justify the reasons for it. He has given no examples of how it will change things. The only example we were given of what could be gained by another 12 hours of shopping time was that people who were on their way to the new theatre could buy a Mars Bar. That was the example we heard during question time. Is that what justifies this bill? The other advantage the Premier alluded to was that it will bring about some level of choice. People will be able to go shopping for any type of home goods or for food. People who work can go shopping after they have finished work. Can they? They can do that now in the city of Perth and they can do that in quite a number of shops around our suburbs, even in Shenton

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Park where the Treasurer lives. Funnily enough, in 2003 the then member for Mitchell, Dan Barron-Sullivan, wound up his comments on the third reading debate of the Retail Shops and Fair Trading Legislation Amendment Bill 2003 with the following remarks —

... we cannot support a Bill that contains provision for deregulated trading hours and for extended trading throughout weeknights, and opens the floodgate for total deregulation three years after it commences. The Liberal Party opposes this Bill.

“We do not want weeknight trading.” That is what the Premier’s party said only five years ago. Then it forced the government of the day—the Labor Party—to agree to hold a referendum. The Liberal Party supported the Greens (WA), in the upper house, in the wording of the referendum, and the referendum result was approximately 60-40 against—only four years ago. They did not want late-night shopping. Six years ago, the Liberal members in this house were apoplectic about extending weeknight trading. They were totally opposed to it on the basis that it would concentrate monopoly power in the hands of only two grocery stores. That is what members opposite said only six years ago. A referendum was held only four years ago. The Liberal Party supported that referendum, and the Liberal Party supported the wording for that referendum. The Liberal Party opposed extended weeknight trading and shopping deregulation—only four years ago!

Mr P.T. Miles: Don’t stay in the Dark Ages!

Mr F.M. LOGAN: Don’t stay in the Dark Ages! That was four years ago—one electoral term! The member for Wanneroo will remember it! We are talking about only one electoral term! That is about as long as the member for Wanneroo will be in this place! The member will remember that very carefully!

The mover of this bill—the Premier—talked about the interest groups that he had consulted. I will go through the types of interest groups that we consulted as part of our consultation.

Mr T.R. Buswell: What about the survey?

Mr F.M. LOGAN: Wait, Treasurer; I will come to the survey. These are the interest groups that we spoke to. We spoke to the Chamber of Commerce and Industry of Western Australia at length on numerous occasions. We also spoke to the Pharmacy Guild, the Shop, Distributive and Allied Workers Union—obviously representing workers in this area—the Combined Small Business Alliance of Western Australia, the WA Retailers Association, the WA Independent Grocers Association, Wesfarmers, the Retail Traders’ Association of WA, the Shopping Centre Council of Australia, and the Committee for Perth. We received numerous written submissions from all those groups. We also spoke to the Tourism Council Western Australia, the Property Council of Australia and the Australian National Retailers Association. Numerous individuals also wrote and put in submissions. Those are all the interest groups that we spoke to. These are virtually all the interest groups that have anything to do with retail trading in Western Australia. We spoke to them on numerous occasions, and at length.

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr F.M. LOGAN: Of course, most importantly, we also spoke at length to not only the thousands of small businesses in Western Australia, but also the consumers. During the winter recess, our members spoke to approximately 1 250 small businesses in the metropolitan region. We also spoke to approximately 1 280 consumers in the metropolitan region, usually on Thursday nights and on Saturdays, because we wanted to talk to people at a time when they would be shopping during the extended trading hours that apply currently. As part of that consultation process, which was done using various methods, approximately 85 to 90 per cent of small businesses said that they were opposed to the extension of retail trading hours. When it came to consumers, the numbers for and against extended trading hours were approximately fifty-fifty, depending on where the survey were done. In my area of Cockburn, the numbers were also about fifty-fifty.

Several members interjected.

Mr F.M. LOGAN: The interjectors on the government back bench should listen. Small business is very, very angry with this government.

Several members interjected.

Mr F.M. LOGAN: Yes, it is! It is very, very angry with this government. As I have said, we have spoken to significant numbers of small businesses in just the normal strips of shops on the streets, and in small shopping centres and major shopping centres. The one thing that is coming back to us very clearly is that they are very angry with the Liberal Party for bringing this on.

Dr M.D. Nahan interjected.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr F.M. LOGAN: Instead of looking like a dropkick—I know the member cannot help it—the member for Riverton should go and speak to the small business people in Riverton. I can tell the member for Riverton that they are really cheesed off with this government.

I will read out, for the benefit of members, some of the views that have been put to me from businesses in the Cockburn region. These are written comments from small business proprietors. One comment is —

Extending hours will kill small businesses. Stop thinking of the larger businesses and take care of the small businesses . . .

Dr M.D. Nahan interjected.

Mr F.M. LOGAN: No—that was not an IGA store, member for Riverton. The next comment is interesting —

WA is too premature at least 10 years to trade longer hours.

Only big business will benefit at the cost of small business.

Several members interjected.

Mr F.M. LOGAN: No; that was not an IGA. Another comment is —

If I'm forced to open late, I'll close the doors.

A further comment —

I would say we would be closing down if it got to that; we would not be able to cope with the extra cost.

Dr M.D. Nahan interjected.

Mr F.M. LOGAN: The member for Riverton might find that funny, having never been in business. However, small businesses are struggling at the moment. They are struggling with input costs such as increases in rent, increases in electricity charges, increases in gas charges and increases in council rates. Whether the Liberal Party likes it or not, all those input costs are currently being borne by small businesses. The Liberal Party is supposed to be the party that supports small business. At the moment, all I am hearing is the member for Riverton and the member for Jandakot bag small business and take the micky out of small business. That is all I am hearing. That is okay. We will pass that on. All I am hearing is them bag small business. They think it is funny. The serious comments that I am putting in *Hansard*—which are reflective of the views of small businesses about this bill—are just being laughed at by the member for Riverton and the member for Jandakot. That is the support that small business is getting from those two heroes over there! That is okay. That will not be forgotten. As I say, small businesses are suffering at the moment. Their turnover has gone down because of the financial crisis and the economic situation they are facing, yet all their cost structures have gone up. Council rates in particular, which are being passed straight on to small businesses by the shopping centre managers, are killing them. That was raised by small businesses during our consultation process as one of the biggest issues they are facing. Other input costs, such as the significant increases in rent, are also causing them significant problems. Small businesses believe that any change to the current trading hours will result in increased costs for them. They believe that they will need to take on more staff if they are expected to open for longer hours. We have heard the Treasurer say that Western Australia has the best legislation in the land and businesses will not be forced to open for longer hours. That may well be the case in the mind of the Treasurer. However, the Treasurer should speak to small businesses and hear what they say. Small businesses genuinely believe that regardless of what the act says, the shopping centre owners in Western Australia will take measures to force them to open for longer hours. These measures may not be overt—they may be covert—but they genuinely believe that they will be forced to open for longer hours. As a result of that, they believe that their costs are going to skyrocket. They know from the current extended trading hours when they have an opportunity to open beyond 6.00 pm, whether it is under certain orders for public holidays or whether it is at Christmas, or even on Thursdays when they are able to trade, that the market is just not there to cover their costs. If they had an opportunity to make a choice, they would not open.

That brings me back to the question about the bill. Firstly, there is no mandate for the Liberal Party to introduce this legislation. It did not take this question of 9.00 pm trading to the people when it could have done so during the election as part of its policy. There is no real reform in the bill. If the bill is about reform of the whole trading hours legislation, why is there only one change to it? Why is it only the extension of trading hours to 9.00 pm? Why is there no mention in the bill of other problems associated with the legislation about what people can sell on weekends—for example, the restriction on selling electrical goods? Why are those things not dealt with in the legislation? This bill is not about real reform at all. There is no support within government for this bill. The Liberal Party cannot even get the National Party members to support it. It cannot even get a unified view in cabinet on this bill. There is no support for it. If members opposite do not believe me, they should go out and talk to small businesses in their electorates. There is no support amongst small business for this bill, and there is no overwhelming desire among consumers for change. Equally, the same number of people do not want any change

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

whatsoever. As part of our consultation, one of the comments that came back over and over again was, "When are you politicians ever going to listen? We voted on this four years ago. Just listen to what we said: no change." That is what they said over and over again.

Finally, I do not understand what the Premier is trying to do with this bill. He gave some examples of how this legislation will somehow enliven Perth. As I said, Perth shops can trade till 7.00 pm, and most of them choose to not do so. This bill will not achieve any of the very few things that the Premier raised in this debate to justify the bill. For that reason, it is not about Labor having its head in the sand; it is not about us just wanting to oppose the bill because the Premier has brought it into this place and it is a Liberal Party bill. For all the reasons I have put forward, and particularly the views of small business, we will be voting against this bill.

MR M. McGOWAN (Rockingham) [3.42 pm]: I am pleased to be able to contribute to the debate on this bill. This matter has exercised my mind regarding what —

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr M. McGOWAN: I am merely trying to commence my address. I am pleased to be able to contribute to the debate on this bill. I have been thinking about it, I suppose, since the Premier first announced that the government was going to do something on this matter. It took roughly nine months, I suppose, from the date of the election of the government to when it came forward with a policy, and the opposition has taken roughly two months to decide its position on the matter. Once the Premier announced what the government's position would be, I decided that I would consult my electorate. In a moment I will go through exactly what I have done to consult my electorate about what it thinks.

From the outset, in view of the referendum result and the result of the state election, whereby the government was elected without a policy on this matter, I have always been reluctant —

Mr C.J. Barnett: That's untrue.

Mr M. McGOWAN: I will quote the Liberal Party policy in a moment, if the Premier likes.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: I will quote the Liberal Party's policy, if the Premier likes —

Mr C.J. Barnett: Tell the truth.

Mr M. McGOWAN: I tell the truth about the Premier on many occasions. The Liberal Party policy stated —

If elected to govern the Liberals will take into account both business and community views

- The Liberals would work with industry to fix obvious anomalies.

That is a good idea —

- For a further step in deregulation the Liberals would want a broad agreement.

They do not have a broad agreement.

Mr C.J. Barnett: Yes, we do.

Mr M. McGOWAN: They do not have a broad agreement.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: They do not have a broad agreement. The Premier can quote opinion polls. I can quote the result of a referendum. Why is the Premier afraid of a referendum result? Why is he afraid of what the people said at the referendum four years ago? Four years ago the people voted 60-40 against what the Premier is proposing today—60-40 against. My electorate of Rockingham voted in that referendum, and the result was 57 per cent against and 43 per cent in favour, and that is reflected around the metropolitan area. Fifty-seven per cent of my constituents voted against what the Premier is proposing. The Liberal Party policy stated —

- The Liberals respect the decision of people at the referendum.

That was a lie. To say that the Liberals respected the decision of the people at the referendum was an absolute and complete lie. It is an absolute and complete lie to have a policy of that nature.

Withdrawal of Remark

Mr J.M. FRANCIS: The member for Rockingham knows better than to use that language in this place. He knows what the standing orders say. I ask the Deputy Speaker to instruct him to withdraw.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr M. McGOWAN: I did not accuse anyone of telling a lie. I did not accuse any member of this house of telling a lie.

Mr J.M. Francis: If that's the standard, we'll use your standard.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: Mr Deputy Speaker, are you going to ask the Premier to withdraw what he just said?

The DEPUTY SPEAKER: I never heard what the Premier said.

Mr M. McGOWAN: He accused a member of this house of being a snake in the grass. I ask him to —

The DEPUTY SPEAKER: Member for Rockingham, carry on.

Debate Resumed

Mr M. McGOWAN: That is the position of the people of Western Australia. They voted on this issue. I think that the advice I have just outlined to the house is compelling. The people voted four years ago. The government did not take a policy to the election. Can this one-page document, with about 100 words on it, be called a policy? It says that the Liberals will respect the decision of the people at the referendum and they will not do anything without broad agreement. Can that be called a policy? I will tell the house what that policy is. It is a policy for respecting the decision of the people at the referendum and for not doing anything without broad agreement. The Liberals do not have broad agreement.

Mr C.J. Barnett: Yes, we do.

Mr M. McGOWAN: Just because it goes on in the Premier's head does not mean it is true.

I will tell the Premier the broad agreement he has. I have here the Nationals' plan—the Premier's good friends the Nationals—to protect small business in regional Western Australia. The Nationals' plan said that if the Nationals WA gain the balance of power in the Legislative Assembly at the next state election—which it did—the party will be in a position to determine which major party governs in Western Australia. Endorsement from the Nationals will be conditional upon a guarantee that shopping hours in Western Australia will not be deregulated. That is the first point. The second point is that if the Nationals win the balance of power status in the Legislative Council, the party will use its voting leverage to block legislation that deregulates retail trading.

That is absolutely crystal clear. How can the Premier call that broad agreement when he has three ministers, a Speaker, and a prospective member sitting at the back of the chamber whose view is to that effect? I can quote from the Nationals' policy how they run down the notion of extending retail trading. If the Premier calls that broad agreement, he is wrong. It is not broad agreement at all when his own colleagues on the conservative side of politics are saying quite clearly what their view is, which is to the contrary. Indeed, the Leader of the National Party said yesterday on the radio that he was going to vote against this legislation. The Premier does not have broad agreement and he does not have a mandate. The last time the people of Rockingham spoke, they told me no by a margin of 57-43. The last time the people of Western Australia spoke on what the Premier is proposing, they told us no by a margin of 60-40. Then the Premier goes out to the public and attempts to mislead. I saw the Premier on the television on Sunday night—that forlorn, pudgy figure wandering around the shops in Claremont, wearing that unusual coat and shirt. There he was saying, "Isn't it outrageous that all these shops are closed?" It was Sunday! He is not proposing that those shops open on a Sunday, yet there he was, implying that they would be open on Sunday—a policy that he is not putting forward.

Mr C.J. Barnett: You are incapable of telling the truth.

Mr M. McGOWAN: That is absolutely the truth. The Premier was on television on Sunday night walking down Bay View Terrace or one of the streets in Claremont.

Mr C.J. Barnett: It was Sunday and I was walking down the street because the media wanted a shopping centre backdrop. Did I talk about Sunday trading? No, I talked about weeknight trading. You are incapable of telling the truth. Your effort last week on The Cliffe was a disgrace and it will end up in the courts.

Mr M. McGOWAN: What a ridiculous thing to say.

Mr C.J. Barnett: Well, it will.

Mr M. McGOWAN: What is the Premier saying?

Mr C.J. Barnett: Your effort was a disgrace last week.

Mr M. McGOWAN: I ask the Premier to elucidate to the house what he means by "it will end up in the courts".

Mr C.J. Barnett: It will end up in the courts.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr M. McGOWAN: Therefore, I will be in court.

Mr C.J. Barnett: No, you might be a witness, as a few others may be.

Mr M. McGOWAN: It was very strange, but on Sunday the Premier was implying that the shops would be open on a Sunday evening, which they will not be.

Mr C.J. Barnett: That is grossly untrue.

The DEPUTY SPEAKER: Order, members! We have canvassed that point. Let us move on.

Mr M. McGOWAN: I refer to the record as it appeared in the *Hansard* dated 27 November 2003, when this issue was voted on in the house. The leading vote on the noes against the extension of trading hours on 27 November 2003—hardly ancient history—was Mr C.J. Barnett, the member for Cottesloe and leader of the Liberal Party. He voted against this matter.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: What has changed since then is that we have had a referendum that supports and enforces what the opposition is pursuing here. We are not saying that there will never be extended trading hours; we are saying that both sides should take a policy to the next election. Both sides should decide what their policy is and the people should have their say at the next election on this issue.

I have gone over the National Party policy. I note that the Treasurer is always the bloke who is out there running very hard on these issues saying that we are all troglodytes and should do something productive to liven up the place. I have an advertisement from February 2005, which is headed “We’re voting no and no”, and whose photograph should be on it? It is a photograph of a rather more youthful and slimmer looking Troy Buswell, a then WA Liberal candidate. He said in that advertisement that small business must be encouraged and protected from the anticompetitive practices of large multinational competitors and from over-regulation and excessive taxation. In 2005 he said he was voting no against extended shopping hours. Standing alongside him in that advertisement is Dan Sullivan, a former Liberal deputy leader.

I have an article from 8 September 2004 indicating that Troy Buswell applauds the rejection of extended trading hours. The current Treasurer applauded the rejection of extended trading hours at that time. What has happened since then? We had 60-40 result in the referendum. That is all that has happened since that time. There has been no election policy.

Mr C.J. Barnett: You’ll get slaughtered next time. You’ll lose all your seats.

Mr M. McGOWAN: I invite the Premier to come down to my electorate. I am happy to accommodate him at any time.

Several members interjected.

Mr M. McGOWAN: I note that the member for Riverton has been in the press in relation to this issue. It might interest him that his electorate voted 57.75 per cent against the extension of trading hours.

Mr C.J. Barnett: You were horribly compromised by Burke—totally compromised by him in that referendum. That is why it went to the Corruption and Crime Commission for investigation.

Mr M. McGOWAN: The Premier is emphatic on this subject. I want an assurance from him that this matter will be brought on for a vote today.

Mr C.J. Barnett: We will have a vote when the debate is finished. There are lots of speakers on this side. You are the second speaker.

Mr M. McGOWAN: The Premier is too frightened to bring it on for a vote. He does not have the ticker.

As I outlined to the house my view is one of simple democracy. I went out and consulted my electorate on these matters and I have the outcome in this file.

A government member interjected.

Mr M. McGOWAN: If the member opposite wants to refer to those issues, I can get into a few issues about him.

I consulted my electorate and sent a survey to every business in Rockingham asking them what they thought about this issue. I thought that before we voted on something that had been decided at a referendum I would ask small business in my electorate for their opinion. I have a lot of sympathy for people in small business. I grew up in small business.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

The DEPUTY SPEAKER: Members, there are a lot of questions and answers behind the speaker. Please settle down.

Mr M. McGOWAN: My father ran small businesses from when I was the age of four. Before that, he was a wool classer, which I suppose would probably be termed an independent contractor. He then worked at a steel mill and from when I was four or five years old he ran a milk run. After that he ran an instant lawn business and following that he ran squash and sports centres, which he did until about eight years ago when he retired. I have a little bit of knowledge, having lived it, about how hard small business can be and how many hours work it entails. I know how often a father in small business might not be home. I know how hard it was for my mother, who also worked. In many cases the situation at night is that mother prepares father's dinner and takes it to him. It is a hard life for people in small business and I have a lot of sympathy for them. They put their money and often their houses on the line and invest in something that may or may not work. Members know that the majority do not. I have some regard for the view of small business on this matter, so I surveyed my constituency.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: Will the Premier let me speak and stop being so rude? Please be quiet.

The DEPUTY SPEAKER: Members!

Mr M. McGOWAN: I surveyed my electorate because I have regard for what they think about extended trading hours. I put out a survey, attaching a reply-paid envelope that included a number of questions about the referendum. One question was about what they thought of the proposed 9.00 pm closing. I received 134 responses from businesses in my electorate. Members might say that that is a small response, but as I said previously, when a survey was done across Australia by Newspoll on what people thought the outcome of the federal election would be, little more than 400 people were surveyed.

I got 134 responses from my constituency in Rockingham on extended trading hours. Eighty-one per cent of those who returned the survey were opposed to weeknight trading until 9.00 pm; that is, 19 per cent were in favour. Sixty-eight per cent were opposed to any sort of extended weeknight trading up to 7.00 pm, 8.00 pm or 9.00 pm. Therefore, 32 per cent were in favour of some sort of weeknight trading. Seventy per cent believe that extended weeknight trading would increase their operating costs and 23 per cent believe that extended weeknight trading would not increase their operating costs, but seven per cent did not answer that question. I asked other questions, including whether they thought that the referendum result should be respected. They were generally of the view that, yes, it should be. On the substantive issue, that was the view of those people who, with their staff—on most occasions it would probably be only the business owner because of the cost of employing staff—have to sit in their shops at night while their families are at home. The range of businesses that I surveyed were predominantly retailers, because they operate the shops. The businesses that were supportive were predominantly those that are not in the retail industry.

Respondents in the retail industry were overwhelming in their opposition to this proposal. I left a spot on the survey form for comments, and a number of them commented. When asked how they would manage if costs increased, 70 per cent wrote that they believed extended weeknight trading would increase their operating costs. I asked, "How would you manage if there were additional costs in opening of an evening?" I got a lot of comments back and I will read a few of the comments from the people who wrote to me. In response to the question "How would you manage the increased costs?", the comments included "Not sure. Would have to cut staff hours elsewhere to cover the cost of late night trade, which is always very slow." I assume that comment relates to Thursday night trading. Another wrote, "Cost cutting, price increase."

Dr K.D. Hames interjected.

Mr M. McGOWAN: Member for Dawesville, please listen. These are the views of ordinary people. I am reading out what ordinary people have written to me.

[Member's time extended.]

Mr M. McGOWAN: Another wrote, "Work longer hours myself resulting in no time for my own shopping, family and duties." That was a business in the Rockingham City shopping centre. Another said, "No idea. Already having trouble making ends meet."

Another wrote, "Would not be able to cope as we are a small business. Our rent will go up. It is already high." Another comment from a small business reads, "I will not be able to cope as I just cannot put my prices up." Another quote, which was from a newsagency, reads, "Less profit or work ourselves (less family time)." Another said that the lessor will be asking them to open when it is not profitable for them to open and therefore they will move the same number of staff over a longer period. Another one wrote, "They increased prices of goods to consumers." Another one said, "The costs are too great and we would not trade all night. Not everyone wants to

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

shop all hours.” That was a comment from a fashion business. Another one wrote, “Small business. We would not extend trading to 9.00 pm. It would close us down.” Another wrote, “Increased prices. May need to lay off staff and stagger shifts.” That comment came from a food business. Another one wrote, “Working more hours myself.” That is obviously because of the cost of opening on those evenings. Another one wrote, “Increase in prices plus more working hours for ourselves.” That is the view of a cafe run by a husband and wife. Another comment was that they will put prices up to customers and have to work more hours with younger, cheaper staff. That comment came from a jeweller. The comment from a fast food business was, “Fewer staff on extra hours”, and a clothing business wrote, “Employing less staff and working longer hours.” Another one said, “I am not sure how we would cope as I do not think we would make enough dollars to cover the cost, mainly labour.” This response came from a coffee shop proprietor in Rockingham City shopping centre. Another response from a retail business was, “Will not be able to or pay staff less.” Another response, which came from a camping-style store was, “Unknown how they will cope as they cannot see where the extra revenue will come from.” Another retail business said in response to the question asking how it would cope, “I will probably close.” The responses that I received go on and on. As I said, I received 134 responses containing comments like that. These responses are from real people. It is their view of what will happen.

Mr C.J. Barnett: It is simple: they do not open.

Mr M. McGOWAN: The other comments, which I could find if I had more time, from these real people who have real leases in real shopping centres, are that the notion they will not be pressured to open—whatever laws the government might put in place—is fanciful. They say that although the shopping centre operators may not be able to get them right now, it is when they want to renew the lease on their shop, which has half a million to a million dollars worth of fittings, that the pressure will come on. Government members know that lessees are in a disadvantaged position vis-a-vis the people who run the shopping centre because they want their lease renewed; they have invested their life savings in this floor space, the fittings and the goodwill in this shop. If they cannot renew their lease, they will be in a bad position.

Mr C.J. Barnett: That is why we have a package of measures.

Mr M. McGOWAN: I will always support measures to protect small business.

Mr C.J. Barnett: Why don't you, then? The Minister for Commerce is bringing on a package to do exactly that.

Mr M. McGOWAN: I will support measures to protect small business, and the opposition is working along those lines. These are real people. They are not people like us sitting in this house with a regular income that is paid no matter how hard or how little we work! These are real people who have responsibilities. I have passed on their view of what will happen to them. I think that the broader community has a lot of empathy and sympathy for their points of view. That is why the government will find that people whom they would expect might vote for extended trading hours—working families and ordinary mums and dads—have a lot of empathy for the points of view of these people, because there are so many of them and so many are our family members and people we meet and know, and so many of us have had backgrounds along these lines that makes us appreciate that there is a lot of truth in what these people are saying.

Dr K.D. Hames: So why didn't you say all this when you were in charge?

Mr M. McGOWAN: That is a good point. The Deputy Premier has made a reasonable point. I merely say that what has changed in the meantime, and what has an impact on me, is what happened in the referendum campaign. I do not accept the line that the outcome was a result of the nature of the question. I have read the question; it looked pretty straightforward to me. I do not accept that there was an underhanded campaign. The people knew what the question was.

Mr C.J. Barnett: You and Brian?

Mr M. McGOWAN: Is that the Premier's response to these comments?

Mr C.J. Barnett: I am just making the point.

Mr M. McGOWAN: Good on you!

Mr C.J. Barnett: You used to meet Noel down at the old Cott cafe too!

Mr M. McGOWAN: What a great point that is, Premier!

The referendum result was a significant demonstration of what people think. I do not accept the argument that there was some sort of underhandedness in the questions or that people did not understand the questions.

Mr C.J. Barnett: Ridiculous questions!

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr M. McGOWAN: I do not accept the argument that people did not understand. People understood the questions.

Mr C.J. Barnett: At the last election the Labor Party went into the campaign supporting extended trading hours. Now you are quitting on it.

Mr M. McGOWAN: I can read out what the Premier said and how he voted.

Mr C.J. Barnett: I was quite clear at the last election.

Mr M. McGOWAN: The Premier voted no—I have the vote right here—just as he voted no on the railways.

Mr C.J. Barnett: Does the member know why? Because Dr Gallop promised no changes to trading hours.

Mr M. McGOWAN: This is an announcement in which the Treasurer says, “We are voting no and no.” It shows the Treasurer and Sue Walker. The Treasurer’s photograph is next to that of Kevin Reynolds; both are opposing this issue. Here it is!

Mr C.J. Barnett: You are a joke. I will go through your electorates, one by one and en masse, and to your constituents. I will direct mail the lot—surveys of prices—electorate by electorate. Month in and month out we will be doing that. You will have to go to Melbourne for a photo shoot. You will not be there!

The ACTING SPEAKER (Mrs L.M. Harvey): Order! The member for Rockingham has the floor.

Mr C.J. Barnett: You abuse taxpayer funds like that.

Mr M. McGOWAN: The Premier raises the matter. What about his \$7 500 trip to Sydney for one night for a rock art meeting? The Treasurer spent \$2 500 to meet a media consultant in Melbourne.

Several members interjected.

The ACTING SPEAKER: Order! I request that members address their comments to the debate at hand and refrain from interjections, for at least a short period of time.

Mr M. McGOWAN: Thank you, Madam Acting Speaker. I do not accept that the question was particularly confusing. It was —

Do you believe that the Western Australian community would benefit if trading hours in the Perth metropolitan area were extended to allow general retail shops to trade until 9.00pm Monday to Friday?

People could vote yes or no, so it was very clear. When people lose an argument, it is always good to try to find reasons behind it, but people understood what they were voting for with this matter. They understood exactly what was going on. I do not accept there was any confusion about it. I do not accept that people were somehow hoodwinked into how they voted. They understood and empathised with those people. I have just outlined what they told me in my constituency. They understood exactly what was going on in the referendum. That is the most significant issue we are dealing with. If the government wants to change that, it should take a proper policy to the next election, and let people vote on it.

Mr C.J. Barnett: We did. We had a clear policy. You can deny the will of the people. Be it on your head.

Mr M. McGOWAN: That is fine. I have found dozens of comments from various people, including the Treasurer. I will read another one to the house. The Treasurer said that he encouraged people to vote no in the referendum on trading hours; that extending trading hours would decrease consumer choice; that they enjoyed a flexible trading regime; and that it was fanciful to suggest that a change in Perth’s retail hours would not flow to their area.

Our policy is correct. We should oppose this. National Party members should stick to their guns and vote against the bill. I would be interested to hear from the Leader of the National Party about what its members will do and whether they will follow what they said or not follow it. I would be very interested to see what the member for North West does, considering he labelled this as one of the issues that caused him to leave the Australian Labor Party. He is not a member of the National Party and he is not a member of the Liberal Party as yet. He should vote according to what he said he believes on these issues not more than a week or two ago. The pressure will come on both the National Party and the member for North West. The member for Alfred Cove voted against these issues in 2005. I would be interested to see whether the member for Kalgoorlie stands up for his beliefs on this issue or whether he goes along with the Premier’s line on this. It is a simple, straightforward, democratic issue. The government should follow the outcome of the referendum.

MR J.M. FRANCIS (Jandakot) [4.14 pm]: I understand that this is a fairly passionate issue for many sectors of the community. Sometimes there is no black and white answer to some of the questions that are posed. I honestly appreciate the input that members opposite have made to this debate. However, I do not come here and lightly

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

make a decision that will hopefully in some way affect the lives of my constituents, without giving it very serious consideration and certainly without talking to them first. We will obviously agree to disagree on many matters.

I did go through some of the history of this matter, and I will touch on it briefly. When the retail trading hours laws were first introduced into Western Australia 20-odd years ago, there were three main reasons for it. They confirmed the regulations that were already in existence; they were intended to give a limited protection for the lifestyle at the time; and they also preserved the idea, to some extent, that Sundays were family days and that retail workers, where possible, could ensure they would have a shorter working week.

Mr W.J. Johnston interjected.

Mr J.M. FRANCIS: I am talking about the original act that enshrined rules that were already in place. It has also been 21 years since Australia celebrated its bicentenary.

Mr W.J. Johnston interjected.

Mr J.M. FRANCIS: The member will get his chance to make a contribution. Australia in 2009 is a very different place from what it was 21 years ago, and that includes Western Australia. Our lifestyle, population, work ethic, standard of living, spending habits, working hours and society have changed dramatically in that time. Metropolitan Perth is really no exception. Changing lifestyles mean that more people have been undertaking tertiary education, vocational training and shift work. More people are involved in fly in, fly out work, and there is more casual and part-time work. The whole gamut of employment and lifestyle issues has changed the shape of metropolitan Perth. As well as the demand for this kind of work there has also been a demand for flexibility in shopping hours. That is obviously mainly around the retail sector. Unfortunately, although so much has changed, the one sector that has not changed is the retail sector, apart from in 1994 when shopping hours were increased from 12 o'clock on Saturdays until later. I would hate to see the response if any member threatened to wind back the clock on that one. I remember going to shops when they shut at 12 o'clock, and it was not a pleasant experience.

One of the things that have surprised me in this debate is that the Labor Party members have said that they consulted with small businesses. Some have said that they consulted their constituents.

Point of Order

Mr C.J. BARNETT: There are some standards in Parliament, and one of them is that people do not drink out of bottles; indeed, members should not consume liquids in the house. Members should not consume liquids or food, and they should not drink out of a bottle in the house. If the member for West Swan wants a drink, she should use a glass, be civilised and be courteous.

Ms R. SAFFIOTI: When I talked to the Speaker about my pregnancy, I asked whether I could bring bottled water into the house because I do not drink water that has been left around for a while. He said that it was okay.

Several members interjected.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mr J.M. FRANCIS: The point I wanted to make—I hate to talk about obvious observations—is that one of the issues that has not been raised is that the current retail trading regime in Perth —

Several members interjected.

The ACTING SPEAKER: Order! The member for Mandurah is on two strikes. I do not want to formally warn him for a third time. I have given the call to the member for Jandakot, and the member for Jandakot is the person whom I would like to listen to at this moment.

Mr J.M. FRANCIS: Thank you, Madam Acting Speaker. I am trying to do this in a non-confronting way. The issue that has not been raised is that the current regime really benefits the rich. Let me explain why to the member for Wanneroo, because I know he will be fascinated by this. The bill deals with trading until 9.00 pm on Monday to Friday, but if people live closer to a tourism precinct, and the main one is the city, they are probably more likely to own more expensive real estate. If they want to go shopping outside normal trading hours, they do not have far to travel. People who live at Jandakot or Armadale have a bit of a hike to get into the city. There are so many inconsistencies with retail trading laws that I would be absolutely surprised if members did not realise that the current regime benefits those people who live closer to the city and tourism precincts as opposed to those people who live in the suburbs in the south east and must make the extra effort to go somewhere to make a considered purchase.

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Ms A.J.G. MacTiernan: Have you analysed how people voted in the referendum?

Mr J.M. FRANCIS: I have.

Ms A.J.G. MacTiernan: Had you done that, you would see that, contrary to your speculation, the further people are from Perth the less inclined they are to support it.

Mr J.M. FRANCIS: The member for Armadale makes a good point. I do not write off the referendum lightly, but I will make this point: if a referendum were held now, it would be very hard to say what the outcome would be in my electorate because in the referendum held in 2005 only 11 000 people were on the roll in Jandakot; since then, 10 000 people have moved into the area. I see what happens in my electorate. I see the absolute nightmare that people go through when shopping on a Thursday night and a Saturday. I am thoroughly disappointed with the member for Cockburn, because generally the majority of my constituents shop at the same shopping centre, Cockburn Gateway Shopping City, and it is not easy to move about there—shoppers cannot get a car park. Extending trading hours on Mondays to Fridays would alleviate the Thursday night and Saturday rush for the soccer mums and the mums and dads with other sporting commitments who force the issue of grocery shopping into their weekend regime. For working mums and dads—I hate that phrase—extending trading hours would give them the option to do their grocery shopping on a Monday night, a Tuesday night or a Friday night. Effectively, whatever we may say, we are really talking only about food and groceries. It is matter of choice for consumers and it is also a matter of choice for business owners—that is, whether they open.

That brings me to another issue—namely, the results of the referendum. I appreciate that a large percentage of people did not vote for extended hours at the recent referendum. However, it was a fairly loaded question. When talking about loaded questions, it is well worth noting the consultation done by members opposite in their electorates. I refer to the letter sent to small businesses by the member for Victoria Park in which he stated —

I am surveying all businesses in my electorate of Victoria Park to seek your views in relation to extended weeknight trading.

I have to say that other members opposite used the same loaded questions asked by the member for Victoria Park. These are pretty loaded questions. For example, the member for Victoria Park asked —

2. Do you support the State Government overturning the results of the 2005 referendum?

He should have asked whether people thought that business owners —

Several members interjected.

Mr J.M. FRANCIS: If members opposite want me to go through it, I will. They loaded the questions. If members opposite had sent out a survey that asked whether business owners thought that they should be able to determine when they can and cannot open their businesses, it might have been —

Mr P. Papalia: Which line do you reckon we will run at the election?

Mr J.M. FRANCIS: Be it a big business or a small business, shareholders—the member for Warnbro's constituents own shares in big businesses—are denied the opportunity at the moment.

Mr P.B. Watson: Not too many of mine do!

Mr J.M. FRANCIS: They do, in their super funds.

When it comes to the last referendum, regardless of what anybody says in the house, I would have to say that any person who seriously voted on this issue—I am asking for the member for Warnbro's indulgence and for him to put on his political strategist's hat—did not log onto the Liberal Party's website and read the policy document. People made up their minds reading the front page of *The West Australian* just before the election. Before the last election, people who really cared where the Liberal Party or the Labor Party, or any party, stood on the retail trading hours made up their minds after reading the front page of the paper and the quotes from the Premier. Robert Taylor wrote —

A Liberal Government would extend weekday shopping hours in its first term and fix some anomalies limiting weekend trading but would retain the ban on major grocery chains opening on Sundays, Opposition Leader Colin Barnett said yesterday.

A little later, the article continues —

He would seek to reach a consensus on extended Monday to Friday trading with the major grocery chains, Coles and Woolworths, industry and employee groups after he was elected.

The article goes on to quote the then Leader of the Opposition —

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“On general trading hours I would sit down with Coles and Woolworths and the independents, consumer groups, representatives of the employees and industry,” he said.

“The agreement I’d be seeking would be to extend weekday shopping as the next step in deregulation. Any staged deregulation needs to have time and I would want this to settle down before any further step in deregulation, so for the coming term of government if we can reach agreement what would be on the agenda would be an extension of weekday trading.”

Mr Barnett insisted his move to extend weekday shopping hours honoured the spirit of the ... referendum, which rejected further deregulation.

He said —

“I respect the referendum result that was held. Labor failed to govern, they deserted the issue, they asked the people and now they’re ignoring the people. I will not do that no matter what might be my views about deregulation,”

The point is, as I have said, people who voted on the issue of extended trading hours really did not make up their minds on the basis of what was on a website hosted by the Liberal Party or the Labor Party, but by reading what was in the mainstream media. It is pretty black and white. The heading on the front page of *The West Australian* states —

Libs promise late shopping on week nights

Mr P. Papalia: Did the Premier canvass it with the Nationals when he formed government?

Mr C.J. Barnett: No.

Mr J.M. FRANCIS: We were not a coalition going into the election. The National Party had —

Several members interjected.

Mr J.M. FRANCIS: I will tell members what the member for Warnbro’s problem is with the debate about the National Party: the National’s position, going into the election, was black and white.

Mr W.J. Johnston: Ours was black and white and yours was.

Mr J.M. FRANCIS: According to the *Weekend Courier*, the member for Rockingham —

... said he welcomed Labor’s plan to extend trading hours, which would allow Sunday trading in Rockingham and continued trading on public holidays.

Mr P. Papalia: You are in government. You cannot get three of your own cabinet ministers to agree to your own legislation. You are a joke! The government is a joke.

Mr J.M. FRANCIS: Members opposite were far more divided on this issue than we ever were.

Several members interjected.

The ACTING SPEAKER: Order, members! I am sure Hansard has no hope whatsoever of recording any of this debate, which may in fact be in the wider interests of the general public. I call on the member for Jandakot to continue. Member for Warnbro, you are on two strikes.

Mr J.M. FRANCIS: Members opposite know as well as I do that the Labor Party has flipped and flopped on this issue for a long time. We know that in her heart the member for Armadale wants Sunday trading—I note her comments on 18 November of last year. The member for Willagee wants it, although he has changed his mind a number of times on this issue. There are a lot of facts and there are a lot of myths.

The retail sector in Western Australia is worth about \$25 billion annually and we know that it employs about 74 000 people. Extending trading hours would give us the potential to grow that sector ever larger. In every state across this country that has slowly deregulated its trading hours, the figures and the facts prove that the retail sector has slowly grown greater than what could have been expected had that deregulation not happened.

As I have said, this is really a groceries issue. It comes down to the fact that at the moment some operators, through fairly convoluted and undisclosed franchise agreements, get away with not having the required minimum number of staff on their payroll. They are, therefore, exempt from the act and can open under certain provisions. My challenge to the people who run those stores and who essentially have a monopoly on extended trading hours, including late nights and Sundays, is that, if they really want to play fair and in the spirit of the game, they should publish their franchise agreements. Let us know what they say. Let us see that they are truly independent operators. Companies such as IGA are generally influenced by Metcash, a fairly large South African company, and I would hate for people to wrongly assume that they are not as independent as they make out to

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be. It comes down to a choice for consumers. At the moment, companies such as Aldi, a fairly large and popular discount retailer of grocery items in the eastern states, will not come to Western Australia. Aldi will not come to Western Australia because it does not think that the market is big enough for it to compete in. It is not the population size—in fact, there is an Aldi store where my parents live in Moss Vale in New South Wales. Certainly, towns such as Bowral and Moss Vale do not have anywhere near the population of my electorate alone. It is important to get a few other matters right as well. It is important to point out that this legislation does not force people to open; it just gives people the option to open.

I want to mention one of my experiences. In 2003 I was on a navy ship, HMAS *Tobruk*, when it berthed in Ho Chi Minh City in Vietnam. When we pulled in there, I thought, “Well, we are in a communist country; it is going to be fairly backwards here.” However, what stuck out more than anything else was that retail shop owners in Ho Chi Minh City, in a communist country, were not told by their government when they could or could not open their shops. But we do it in Western Australia. It is absolutely ludicrous.

Anyone who believes in the spirit of competitive capitalism, as I do and hopefully everyone does, will realise that increased competition will only benefit the consumer. I can use the example of my little local independent store. To be honest, it rips me off every single time I walk in. I pay 15 bucks for a jar of coffee that I can buy for seven bucks elsewhere. The tomatoes are green, the cheese is mouldy, the milk is at use-by date, the ham is sweaty—yet I am forced to pay the price. I do not have the option to go, after hours, to Coles or Woolies because they are not open. If Coles and Woolies could open —

Mr P.B. Watson: You don't support your local business if you go to Coles and Woolies.

Mr J.M. FRANCIS: There are two little businesses. One is in my electorate and the other is in the member for Cockburn's electorate, which I will come to, and they are poles apart. The extra amount of time that it takes to drive to the other shop is so great that people only go there to buy the minimum number of consumables. If I had to choose whether to go to Coles or Woolies tonight rather than the local guy around the corner, I would go to Coles or Woolies. I would do that to send my so-called local independent retailer a very clear message; that is, stop ripping me off or I will go somewhere else. These little guys can compete with the big businesses.

There is a little retailer in the member for Cockburn's electorate called Tony Ale and Co. I would encourage anyone to go there when they are in that part of South Lake. Tony Ale walks into Canning Vale markets, the fresh food markets, not the flea markets, at 4.00 am every day when they first open. This place is the thriving hub of capitalism in Western Australia. It is brilliant to watch in action. He goes in there and says, “I will take the best of everything you've got and I don't care how much it costs.” He buys it and puts it on his shelf. People queue to get into his shop most days. Why? Because his tomatoes last longer and his lettuces do not go soggy after two days. He does such a better job at retailing food and groceries than anyone. He really does not care if Coles and Woolies open 24/7.

My point is that IGA and other independents can compete with the big guys. This bill will not make those retailers less competitive; it will force them to compete and to stop ripping people off. Not all IGAs are like that.

Mr P.B. Watson: You're saying that one of the businesses in your electorate rips you off.

Mr J.M. FRANCIS: Absolutely, especially when I have to pay \$15 for a jar of coffee.

Mr P.B. Watson interjected.

Mr J.M. FRANCIS: I am happy for it to go into *Hansard* because 99 per cent of the consumers in my electorate who are forced to go to that retailer and pay \$15 for a jar of coffee that they can buy for \$7 in Coles will agree with me.

I challenge the independents such as IGA that are so beholden to Metcash, its parent company, to publicise their franchise agreements. Let us see how many people are really on the roll and how independent they are with their state-wide buying power.

Mr P.B. Watson: You are a member of Parliament on \$150 000 a year criticising small business.

Mr J.M. FRANCIS: I am not criticising all small businesses; most small businesses do an absolutely outstanding job. The member should not put words in my mouth.

I am disappointed today because the Labor Party had the chance to come into this place and support this legislation. It would have been supporting the consumers. At the end of the day, 99 per cent of the people we are talking about who will be affected by this legislation are the consumers who will benefit from increased competition and increased choice. I gain my philosophical belief from that notion. In a perfect world I would like to think that some time in the future we will not have a Retail Trading Hours Act. I am realistic enough to know that we have to take small steps. We are aiming for a nine o'clock closing time. Even eight o'clock Monday to

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Friday is no great step—it is just a small step that will allow people to slowly come into line so that some time in the future we can bring Western Australia into the twenty-first century.

I want to make two points in my last two minutes. In all honesty, I say to the Leader of the Opposition that I think he has failed in his political judgement. He was going to make this an election issue at the next election. If he wants to make this an election issue in my electorate or any other marginal electorate at the next election, he should bring it on. He has got it wrong. He has read the mood of the people wrong. He asked loaded questions in his survey. He has not consulted with the consumers enough. I walked into the Leeming Bowling Club last Friday. Quite a few people were there. Before I even gave the members a spiel on deregulation —

Mr P.B. Watson: Did they rip you off there?

Mr J.M. FRANCIS: They made me the patron. I asked them an unloaded question. I said, “Before I speak about the issue, who here supports the deregulation of trading hours?” I got a standing ovation from the old people. If members think that the demographics are a bit tougher with old people, they are even greater on our side with young people. For the Leader of the Opposition’s own political survival, he should go back and rethink this one. If he wants to make it an election issue, he should bring it on.

I will conclude by making one last point. I want to quote someone who passed on many centuries ago. He was one of the people that I have always admired. He was a navigator, a sailor, an explorer and a discoverer. Christopher Columbus famously said something that I think applies to this debate more than anything else that any member here can contribute. He said that nothing that results from human progress is achieved with unanimous consent, and those who are enlightened before the others are condemned to pursue that light in spite of others. Those words are very noteworthy and I ask the Leader of the Opposition to take them on board.

MR W.J. JOHNSTON (Cannington) [4.35 pm]: I am very happy to contribute to this debate. This is really a question of simple honesty. The fact is that the Liberal Party did not tell anybody in Western Australia what it intended to do with retail trading hours. It did not say that it would introduce legislation to extend trading hours to 9.00 pm. It said that it would talk about it after the election. There is no mandate from the Liberal Party. What did the Minister for Health tell his electorate? Did he explain to his constituents that he was going to have nine o’clock trading if he was re-elected?

Dr K.D. Hames: We had a policy. That’s what the member for Jandakot read out.

Mr W.J. JOHNSTON: I have read the Liberal Party’s policy. Is the minister saying that he did not tell people in his electorate that they would get trading until nine o’clock? The minister agrees. What did the member for Swan Hills tell people in his electorate? Did he explain that if they voted for him, they would get 9.00 pm trading? He did not do it either. The member for Nedlands did not do it either. What did the member for Darling Range tell the members of his electorate? Did he tell them that if they voted for him, they would get 9.00 pm trading? Why was there no honesty on the other side of politics?

Dr K.D. Hames: We agreed that that was our policy, and it was on the front page of the paper.

Mr W.J. JOHNSTON: The minister agreed that the Liberal Party’s policy was that its members would talk to people after the election. That is what its policy said. The policy on the Liberal Party’s website was not true.

Mr C.J. Barnett interjected.

Mr W.J. JOHNSTON: Well, I do not know. I am asking —

Mr C.J. Barnett: You were the key strategist in the campaign.

Mr W.J. JOHNSTON: Here we go again. The Premier was the key strategist in 2005. I still remember 2005.

It is interesting to talk about the referendum. Actually, before I move off the question of honesty, I am very pleased that the Premier interjected on me because I wish to remind people about what he thinks about retail trading hours. The Premier does not think retail trading hours is a question of consumer choice. The Premier said, as reported in *Hansard* on 1 June 2005 —

The recent trading hours debate in this state was nothing to do with consumer choice, even though it was portrayed to be about choice—it was about market share.

That was the Premier’s position in 2005. It is probably his position today. On 24 November 2005 he said —

... in the retail business, particularly the retail grocery business, there is an issue of not only trading hours but also market dominance. It is to the advantage of Western Australian consumers and Western Australian producers that we have more competition in our retail grocery business than is the case in other states. I limit my deregulatory zeal by the desire to retain a competitive market. There is no point in deregulating if, at the same time, competition is reduced. It is a pointless move. The fact that the two

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retail chains in this state have 60 per cent of the market share compared with 80 per cent elsewhere is a preferable result for Western Australia.

Those remarks were made during a debate on a resolution moved by the National Party that went to the heart of this issue; that is, about small business compared with major retailers and where they purchase their goods.

It is also interesting to note what the Premier said in June 2005 when he was criticising the Labor Party for proposing the change that he now proposes, the change that he voted against in 2003. He said —

It is curious, is it not, that, in the trading hours issue, Labor backed the national retailers?

It is curious that that is what occurred when we were making a proposal, but when the Liberal Party makes the same proposal, suddenly it becomes a different issue.

Suddenly the issue becomes—rather than the market dominance of the national retailers, which is the criticism that the Premier levelled at us—consumer choice. The Premier said that, in his view, that was not the question to be decided. This is a question of simple honesty. If the Premier now says that it is about consumer choice, when did he change his mind? I know when he changed his mind. It was after he failed to share with the people of Western Australia his secret agenda going into the last election. The Premier now wants to —

Mr J.M. Francis interjected.

Mr W.J. JOHNSTON: The member for Jandakot can continue to interject. But there is a simple truth to this matter. The simple truth is that the Premier did not lay out for the people of this state what he intended to do with trading hours. The Premier's promise was that he would consult.

Mr C.J. Barnett: This is a Liberal Party leaflet on trading hours that was put out for the last election! This is what was put in people's mailboxes! What could be clearer?

Mr W.J. JOHNSTON: It was not put in my mailbox, Premier!

Mr C.J. Barnett: For goodness sake! It could not have been clearer!

Mr W.J. JOHNSTON: That is right! It could not have been clearer that the Premier did not present to the people of Western Australia any proposal for a change to retail trading hours!

Mr C.J. Barnett: Yes, I did! I did! I did it in the leaders' debate, in advertisements, in media comments and on the front page of the paper, right throughout the election campaign!

Mr W.J. JOHNSTON: That is absolute nonsense from the Premier! The problem is that we have an arrogant Premier who cannot accept responsibility.

Mr C.J. Barnett: What do you want?

Mr W.J. JOHNSTON: That is a good question! I will get to that. I can tell the Premier that the one thing I do not want is deregulated trading hours. The idea that the market will decide is the same idea that led to the global financial crisis.

Several members interjected.

Mr W.J. JOHNSTON: As everyone who has read on this topic would know —

Dr M.D. Nahan interjected.

Mr W.J. JOHNSTON: The member for Riverton can say any silly thing that comes into his mind, as he generally does. I am making a very simple point. The idea —

Dr M.D. Nahan interjected.

Mr W.J. JOHNSTON: I am sure the member for Riverton is going to make a contribution, and I am sure it will be as vacuous as most of his contributions are. I am referring to the comments of the member for Jandakot, who says that he wants total deregulation of trading hours in this state. If the member for Jandakot is re-elected, his agenda and what he will be working for is the deregulation of trading hours in Western Australia. I am making it clear that I am opposed to that. I am opposed to the total deregulation of trading hours in Western Australia. Members can go anywhere in Australia where deregulation of trading hours has occurred and see the issues that have arisen.

Dr M.D. Nahan: Tasmania?

Mr W.J. JOHNSTON: As I have said, members can go anywhere in Australia and see the issues that have arisen from the total deregulation of trading hours. For example, employees are being required to work for two weeks without a break. That is not right. That is not appropriate.

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Mr J.M. Francis: That has nothing to do with this.

Mr W.J. JOHNSTON: The member says that he wants to deregulate trading hours, but he wants to regulate industrial relations. Is the member supporting the federal Labor Party's position on industrial relations, or does he want to go back to the 1993 proposals of the other side? What does the member want to do? Does the member support a regulated labour market, or does he want to have workplace agreements? What does the member want? The member needs to make a choice here.

Mr C.J. Barnett: I do not want to interfere with you but —

Mr W.J. JOHNSTON: Then do not. It is not worth yelling at me. The simple question is that this is about —

Mr C.J. Barnett interjected.

Point of Order

Mr P.B. WATSON: Madam Acting Speaker, I cannot hear the member for Cannington put his view. The Premier had 20 minutes in question time today to put his view across. All we have is a bit of time here, and we should be able to speak without being interrupted.

The ACTING SPEAKER (Ms L.L. Baker): Order! Member for Albany, I take your point of order. Member for Cannington, it might assist you to be heard if during the debate you did not continually ask for comment from members on the government side. Continue, please.

Debate Resumed

Mr W.J. JOHNSTON: Thank you very much, Madam Acting Speaker. I will make sure that I do not ask the Premier any questions, because I do not want any red face and abuse from the Premier.

Mr C.J. Barnett: Precious! Can't you cope! Goodness me! Get a bit tougher! I will be gentle!

Mr W.J. JOHNSTON: It is very interesting to see the criticism that has been directed at this side of the chamber. We can put up with the abuse from the other side of the chamber. However, we do not see that same abuse directed at the National Party. The National Party is very clear in its position. The National Party does not support the Premier's position—it is opposed to it. The National Party has promised the people of Western Australia that it will vote against this legislation. I want to make a couple of points on that topic. If what I am saying is not true, the position of the Labor Party would be irrelevant. The only reason the Liberal Party is concerned about our opinion is that it does not have the support of the ministry. Members of cabinet are going to come into this chamber and vote against the government's legislation. That is unprecedented in this Parliament and in the Westminster tradition. The Liberal Party has the audacity to criticise us for not supporting its ham-fisted attempt to trick Western Australians! That is not on. We are going to stand up for our opinions. We are entitled to do that without the irrelevant abuse that we have had to suffer today. It is also interesting to see how members opposite have changed their position. The Treasurer encouraged people to vote no in the referendum. On 10 April 2008, the National Party moved the following resolution —

That this house calls on the state government to honour the 2005 referendum on trading hours and undertake to maintain the current regulated trading hour regime.

What was the Liberal Party's position on that motion? While a former member of this place, Steve Thomas, was speaking on this motion, the member for Bassendean interjected to say —

Is your position to have a position eventually?

Steve Thomas responded to that by saying —

That is exactly the same position that Kevin Rudd used when he talked about his budget. We will announce our policy at the right time and at the right place. In the meantime, the Liberal Party can support, under its existing policy, the motion moved by the National Party, and that is what we are doing.

The Liberal Party then voted with the National Party to support the motion —

That this house calls on the state government to honour the 2005 referendum on trading hours and undertake to maintain the current regulated trading hour regime.

It is interesting that the member for Alfred Cove participated in that debate. In her contribution she made the point that she would be supporting the motion. She also said —

Prior to the last election this government said to the community that it would hold a referendum on this issue and that it would abide by that referendum ... The community overwhelmingly said no. Why is the government, therefore, trying to impose an extension of trading hours by stealth?

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It was very clear what the position of the National Party, the Liberal Party and the member for Alfred Cove was prior to the election.

It is interesting that, in question time today, the Premier said that one of the organisations that he had consulted with was the Independent Grocers of Australia. But of course when he says that he has consulted with this organisation or that organisation, he does not say whether that association agrees with him. We know what the position of the Independent Grocers of Australia is. I am indebted to John Cummings, the president of that association, who wrote to me on 11 July 2009—as I am sure he did to many other members of Parliament—to set out his opposition to the proposal that has been put by the Barnett government. That proposal is also opposed by the National Party ministers in cabinet. How can we say what position is being taken by the people the Premier has consulted with? The Premier has come into the chamber and has used the clever politician words “I have consulted”. He has not explained whether any of the people he has consulted with are opposed to his proposal.

A number of members opposite, during their inaugural speeches to this chamber late last year, made the point that one of the problems we have in this state is that people have lost trust in members of Parliament. One of the reasons they have lost trust, member for Southern River and member for Wanneroo, is that politicians do not tell them the truth before elections. It would be interesting for those two members, in their contributions to this debate, to explain what they said to those small businesses—the IGAs in their electorates that they went around —

Mr P.T. Miles: I don't have one.

Mr W.J. JOHNSTON: Does the member not have one in Canning Vale?

Mr P.T. Miles: Wanneroo.

Mr W.J. JOHNSTON: Sorry; I thought it was the member for Southern River. Does the member for Wanneroo not have an IGA store in his electorate?

Mr P.T. Miles: No.

Mr W.J. JOHNSTON: Does the member not have any independent retailers in the northern suburbs?

Mr P.T. Miles: No IGAs.

Mr W.J. JOHNSTON: Okay. What did he say to the people from the delis and small supermarkets in his electorate? It would be interesting to know that. I will tell the house one thing that he did not say. He did not say that if the Liberals were elected, they would bring in a nine o'clock closing time for retailers in this state.

I will move on to another part of this debate; that is, the idea that we will somehow have significant additional retail operations if we extend trading hours until 9.00 pm. That simply is not true. This is a debate about supermarkets. If all those additional hours were to be worked, firstly, we would see it happening in the other states. We already know that Westfield shopping centres are basically shut from 6.00 pm. Therefore, we are really debating the issue of supermarkets. We all know that Myer and David Jones can already trade to 7.00 pm in the city. However, they do not trade to 7.00 pm and have already said that they will not trade until 7.00 pm. I saw it reported in the media that the Premier was quite disappointed when Myer made it clear that it would not extend its retail trading hours in the city. In fact, Myer went further and not only said that it would not extend its retail trading hours in the city, but also said that the real debate is about Sundays. Quite frankly, these salami tactics by the Liberal Party are to be resisted. Sunday is an important family day. It is an important day on which retail workers need to be able to have some time off.

Mr C.J. Barnett: You stand for family values, do you?

Mr W.J. JOHNSTON: I stand for the protection of workers' rights, because workers are the most important people in this debate. The most important people in this debate are the retail industry workers. I am very interested in their position.

A number of members have talked about whether people can do shopping after hours. Of course, that goes to the heart of the issue raised by the Premier. As the Premier explained, this is a question not of retail choice.

[Member's time extended.]

Mr W.J. JOHNSTON: As the Premier explained, this goes to the heart of the issue. This is about market share between the two major companies, Coles and Woolworths, and the smaller retailers. The member for Jandakot spoke about bringing a German retailer into Western Australia, which is an interesting issue. I am sure that increasing foreign ownership of the retail industry is an important issue, but it is not really the crux of what we are talking about.

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Several members interjected.

Mr W.J. JOHNSTON: It is Aldi.

Several members interjected.

Mr W.J. JOHNSTON: I never said that. The member can say anything he wants. I am just reminding the chamber of what he talked about in wanting to have the Aldi —

Mr C.J. Barnett: I didn't talk about German businesses.

Mr W.J. JOHNSTON: The member for Jandakot did. Was the Premier not listening?

It is interesting that on 19 December last year I actually went to a shopping centre. Members talk about these things, and I actually did it. Members might recall that that was the last Friday night of extended trading prior to Christmas Day. I went down to our local shopping centre at about eight o'clock. Two retail outlets were open: Target and Coles. All the other retailers were shut. I must say that it was a pleasure to shop, because I was able to go into Coles and get straight out, as nobody was there. I also went shopping at the Carousel shopping centre on 21 December; the last Sunday prior to Christmas. It was fabulous, because there were fewer people in the shopping centre than on an ordinary Tuesday. It was great, because I was able to zip around the place and shop without any trouble as there was no —

Dr M.D. Nahan: There's too much crime in your shopping centre. They all went —

Mr W.J. JOHNSTON: Sorry; did the member say there was too much crime in the shopping centre?

Dr M.D. Nahan: Yes. They are all going to Booragoon.

Mr W.J. JOHNSTON: Okay. I am proud to represent the people of Cannington, and all the people of my electorate. I do not discriminate between one and another. I am very happy for the member for Riverton to think that the people of Cannington are beneath him, because they are not beneath me. As I said, I am very proud to have worked for the shop assistants' union in this state—the Shop, Distributive and Allied Employees Association of WA. I can say to everybody in this chamber that there is no issue that galvanises retail workers more than their opposition to Sunday trading.

Mr C.J. Barnett: What's the view of the shop assistants' union on this issue?

Mr W.J. JOHNSTON: Why does the Premier not tell us?

Mr C.J. Barnett: You said you used to work for it. I thought you'd be the first to know. You don't know.

Mr W.J. JOHNSTON: I never said that. I just said, "Why does the Premier not tell us?" Why does the Premier not tell us all the people he consulted? This is interesting, is it not? The Premier is prepared to make a contribution by diatribe and through interjection, but he is not prepared to tell us what the people whom he consulted said. There is a good reason for that. It is because he knows that it would be embarrassing because all the people oppose his position. That is what is happening here. The Premier is covering up the fact that people do not support his position. Although he consults with people, he is covering up that he does not care about their opinions. As with every other issue that comes before the government in this state, there is the Premier's position and everybody else's position.

While on that topic that the Premier has raised with me, it is interesting that many people in the community say that it is a perfectly balanced cabinet in this state. There is the Premier on one side and all the other ministers on the other side, and that is the way the place operates. I am very happy for the Premier to have raised those issues so that I can get on the record the fact that his arrogance is what drives the government. His arrogance is what makes him think that things are important or not important, and why he was prepared to spend a whole day in this chamber debating an issue that should have been sorted out straightaway last Wednesday, when the government wasted its time by not simply referring those matters to the standing committee, as it should have done. That is just another example of the arrogance of the Premier.

Mr P.T. Miles: What's the relevance of this?

Mr W.J. JOHNSTON: It was the Premier who raised these issues with me. They are as relevant when I say them as they are when the Premier says them; therefore, the member should take his issue up with the Premier. He should go over and sit next to the Premier and tell him to not make irrelevant interjections. That is entirely for the member to do. He should not trouble me with his party's internal discipline problems.

There is no way that retail workers in this state support Sunday trading. I will voice my continued opposition to the Liberal Party's agenda for Sunday trading, which has been outlined by the member for Jandakot. We now

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

know that the Liberals have their agenda on trading hours. They did not share it with us during the 2008 election and they did not share it with us in 2005, but they have outlined that position for us today; that is, they want to see Sunday trading introduced in Western Australia. That is what the government wants to do. This is about the government's agenda to totally deregulate trading hours in this state. It would be interesting to see whether the Premier explained to the people he has been consulting what the member for Jandakot and the member for Riverton have outlined to this chamber, on behalf of the Liberal Party; that is, the agenda for Sunday trading and the total deregulation of trading hours.

Mr C.J. Barnett: Are you telling the truth?

Mr W.J. JOHNSTON: The truth has never troubled the Premier. These are issues that —

Mr C.J. Barnett: So you're not telling the truth. Let's get that on the record. You couldn't answer a simple question when I asked you whether you were telling the truth. You couldn't answer it.

Mr W.J. JOHNSTON: Premier, I have never had trouble with the truth.

Mr C.J. Barnett: You did in the election. You had to have it taken off the website.

Mr W.J. JOHNSTON: What?

Mr C.J. Barnett: The filthy material that you put on the website, as the Labor Party director, and that you were forced to take off.

Mr W.J. JOHNSTON: That is simply not true. That is simply a fabrication. There is nothing that I was forced to do during the election campaign. In fact, I am very happy again for the Premier to raise that, because the Premier, of course, was very upset by the fact that the Labor Party held him to account for what he said on a number of issues during that election campaign. In fact, so upset was the Premier that we reminded the community about what he said, that he took action through the Western Australian Electoral Commission pertaining to one of the advertisements I authorised. The WA Electoral Commission rejected his complaint. I am always happy to talk about truth, because I am happy to continue to tell the truth, as I have done at every stage in my parliamentary and political career. It is the Premier who has a problem with telling the truth. It is the Premier who had a problem with not being honest with Western Australians in the lead-up to the election. We now have to confront the position on this bill because the Premier was not prepared to do that.

The Labor Party took a sensible position at the last election. A number of members interjected on the member for Rockingham about the 13 Sunday trades in Rockingham. If the government's position is that that is somehow wrong, they should be shut down. If the government does not want Rockingham to have that special arrangement, it should shut down the 13 Sunday trades.

Mr C.J. Barnett: I was pointing out a contradiction.

Mr W.J. JOHNSTON: It is not a contradiction unless the government is saying to the opposition that it wants to take Sunday trading further, like the members for Jandakot and Riverton have outlined. Why will the Premier not be honest? He will have the opportunity in his response to the second reading debate —

Mr C.J. Barnett: If you accuse someone of being dishonest, it is incumbent to say in what instance.

Mr W.J. JOHNSTON: The Premier can be honest now by explaining to the opposition whether he would support Sunday trading, like the members for Jandakot and Riverton would do. The Premier has that opportunity. I would be very pleased to listen to his explanation.

This bill is about retail trading.

Mr C.J. Barnett: It is about weeknight trading.

Mr W.J. JOHNSTON: The Premier is absolutely correct; this bill is about weeknight trading. It was clever of him to notice that.

There is no issue that will galvanise more the opinion of retail workers in this state than opposition to Sunday trading. I am happy and proud to represent the opinion of those workers. They are very important, key workers and I am pleased that many of them live in the electorate of Cannington. These are the people who provide the service that the industry needs. These are the people who are the backbone of the operations. These are the people who want to be protected from the workplace agreements that were always tied from the 1990s, when the Liberal Party and Peter Foss stuffed up the retail trading hours arrangements. They messed up the trading hours environment back then. Trading hours was always linked to the deregulation of the labour market. I oppose deregulation of the labour market and I will continue to do so.

Extract from Hansard

[ASSEMBLY - Tuesday, 18 August 2009]

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Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

It is interesting that Western Australia is the only state in the country to have a double time rate and overtime rate arbitrated as rates of pay for Sundays. Everywhere else in the country it is either time and a half or time and three quarters. I was proud to be involved in the case that went before the Industrial Relations Commission in front of Commissioner Beech, now the chief commissioner. It was an excellent decision. We are very pleased to have that double time pay rate. We are also pleased that there is an overtime pay rate for nights other than Thursday nights, for which a penalty rate applies. These are important issues and we must make sure that these benefits for people working in the retail industry are protected.

Members have interjected on me saying, "What about restaurants? What about cafes? What about other issues?" They are not relevant to this debate. We are debating retail trading hours. Western Australia has a long history—it was not 21 years ago, member for Jandakot, that we had regulated trading; we have had regulated trading for at least since the 1960s, if not the 1950s.

Mr C.J. Barnett: We have had it for over 100 years.

Mr W.J. JOHNSTON: I was not sure. I thought it might have been post-World War II. It was in 1988 that the Saturday afternoon reforms were put in place. The member's comments were not relevant to the point I was making. That is okay, because I know the member was genuine in the position he was putting.

Members have interjected on me several times saying, "What about consumers?" There is no question that the Labor Party understood the needs of consumers when it went to the election and made a specific commitment about what it would do if it had formed government. Had we formed government—and we did not—we would have increased weekday trading from 6.00 pm to 7.00 pm. We would have created new precincts for Sunday trading in Armadale, Midland and Joondalup and allowed brown and whitegoods to be sold on Sundays. They were sensible, reasonable positions to put. However, the Liberal Party has not taken up any of those sensible proposals, but has come up with this salami tactic of increasing weekday trading hours to 9.00 pm on the way to total deregulation of trading in this state. I am opposed to the total deregulation of trading in this state. This bill is not an honest bill and does not reflect the position put by the government at the time of the election and it should be rejected by this chamber.

MR A.P. O'GORMAN (Joondalup) [5.06 pm]: I also oppose the retail Trading Hours Amendment Bill 2009. As I go through my reasons for opposing this bill, I will demonstrate that my opposition to it is not purely because it is nine o'clock and not seven o'clock, eight o'clock or Sundays. I have issues with all those extensions to retail trading hours. One of the reasons I object to this bill is —

Mr J.M. Francis: It will cost you your seat.

Mr A.P. O'GORMAN: It will cost me my seat! It will cost the member for Jandakot his seat.

I have surveyed my electorate on extended weeknight trading hours and I received 85 per cent support in favour of not deregulating. On top of that, I have been speaking to all the retailers in my electorate.

Dr M.D. Nahan interjected.

Mr A.P. O'GORMAN: I know the member for Riverton is an economist and he does things with models on a desk. He does not talk to people. He should deal with this issue properly and not just play with models and think that he has it right.

The reason that our small retailers are so afraid of this deregulation is that they are already being persecuted by shopping centres and leasing agents. I know the Premier said in his second reading speech that there is plenty of protection for them. Maybe it is there in theory, but it does not actually help small retailers. Small retailers are going to the wall because of the actions of shopping centre managements and leasing agents. As I said in this house previously, some retailers have committed suicide because their commercial tenancies are stacked against them.

Coles and Woolies are pushing the deregulation of trading hours by saying they want a level playing field. That is fair enough. There should be a level playing field for all players. Is it a level playing field when Coles and Woolies can dictate what rent they pay to the shopping centre management? They also dictate who puts what products on their shelves. They charge people to put products on their shelves. Small retailers cannot do that. If the government wants a level playing field, let us talk about taking those privileges from Coles and Woolies. I have illustrated what they do. They do it to small business all the time. We have seen on the news where Coles and Woolies are watching the smaller retailer and undercutting his prices to such an extent that they put him out of business. We have to watch those predatory practices.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Our Commercial Tenancy (Retail Shops) Agreements Act does not protect small business sufficiently. I was supposed to speak before the member for Cannington this evening but I had to meet with a small retailer, a pharmacist, in this city who is being persecuted. I was signing a statutory declaration so that that pharmacist can take a case to the Administrative Appeals Tribunal against the actions of a leasing agent. The Commercial Tenancy (Retail Shops) Agreements Act includes a provision whereby the retailer hands over his or her turnover figures to the landlord. However, the Pharmacy Act includes a provision that expressly prohibits the shopping centre management from getting the turnover figures from pharmacists for one reason or another. One of the reasons is, I believe, that it would prevent other people knowing what pharmacists are putting through their premises, thus avoiding any risk of organised crime getting hold of those figures. The shopping centre involved has included in the pharmacist's lease that she must hand over her turnover figures, which is contrary to the Pharmacy Act. When the shopping centre could not obtain the information through the lease, it sent out this document. I am happy for this document to be tabled, as I have blacked out any identifying parts. This person is afraid that she will be identified and the shopping centre management —

Point of Order

Dr M.D. NAHAN: I do not see that what the member is talking about has anything to do with the bill.

Mr A.P. O'GORMAN: I am sticking to my points. If the member for Riverton spoke to small businesses and consumers in his electorate, he would be aware of these issues, but he does not. The member should go back and play with his models!

Debate Resumed

Mr A.P. O'GORMAN: There are six pharmacists who are in the same position. Shopping centre management and agents are in breach of the Pharmacy Act 1964 by forcing pharmacists to hand over retail figures. The document I have tabled is titled "Gross Sales Certificate For The Month Of June 2009". It is addressed to the pharmacist and reads—

As provided in your Lease, the following information is to be received by Centre Management NO LATER than the SEVENTH ... day of the month.

Please complete this form and return to —

I am not identifying them either, just in case the pharmacist is identified —

OR

Fax ...

OR

Email ...

Please Tick:

- Certified Amount
- Reported Amount
- Estimated Amount

It also asks for "Customer Count", "Sales (exclusive of GST)" and "Sales (inclusive of GST)", and it must be signed by the pharmacist and dated. Requesting that information breaches the Pharmacy Act, yet shopping centre management and agents are doing that. I am happy for that to sit on the table so that members can have a look at it. I have blacked out identifying information.

[The paper was tabled for the information of members.]

Mr A.P. O'GORMAN: The other thing that people in shopping centres in my electorate are telling me —

Dr K.D. Hames interjected.

Mr A.P. O'GORMAN: My constituents are not telling me that, and the lessees at shopping centres are not telling me that. They are telling me that the reason they do not want it is that they do not have protection under the Commercial Tenancy (Retail Shops) Agreements Act 1985. They will be forced to open, regardless of what is in the commercial tenancy act, because it contains no real protection for them. I will prove it to the government. I will read out the clauses that are now being inserted into a commercial tenancy lease. This is an AMP lease, I believe, which deals with Karrinyup, Garden City and Ocean Keys shopping centres, and reads —

The Core Hours of the Centre are —

It outlines them, and I will not waste the time of the house by reading them out—

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

‘Core Hours’ means the hours, which the Centre is open for trade.

The Premises must remain open for trade for not less than 54 hours per week.

‘Operating Hours’ means a period of time commencing one hour before and ending one hour after the Core Hours of the Centre.

This is the bit that gets to me —

Should legislation in Western Australia change and additional trading hours are introduced, the Lessee will be required to pay additional rent for the extended trading hours, as the Base Rent has only been calculated and agreed on the basis of the Lessee having the right to use and occupy the Premises and trade from the Premises during the Core Hours. Full details are covered under New Clauses —

It outlines the clause numbers —

Centre Specific Amendments in the instrument of the lease.

Mr M.P. Murray: The Premier has left the chamber.

Mr A.P. O’GORMAN: The Premier does not want to hear the truth, that is why!

These are the concerns of retailers. I am not talking about IGA stores but small stores, the 100-square-metre store, which is roughly the average shop size in most shopping centres, where most tenants are paying well in excess of \$100 000 a year for 100 square metres. That is about \$1 000 a square metre right across the state. In this city some food outlets in food halls are paying \$2 500 to \$3 000 a square metre for a stand. That is the sort of persecution of our small retailers that is going on. It is not IGA proprietors. I have spoken to the proprietors of IGAs in my electorate; they think this is all a great big joke. They will survive this. They survived the extension of Saturday trading hours from 12 noon to five or six o’clock at night. They survived when the large Coles and Woolies stores opened just up the street from them. It is their opinion that they will survive this because they are not in major shopping centres—bar one that I know of, which is in the Lakeside shopping centre. They told me that they would survive.

They also told me that on Thursday night, which is our late night shopping, after seven o’clock their job is not selling, it is defending their store against the louts and hooligans who come into their store between seven o’clock and nine o’clock and shoplift from their store. That is what small retailers are telling me. After seven o’clock on a Thursday night theirs is a security operation, not a retail operation. That is so they can hold the profits within the shop. That is what they do on a Thursday night. Government members do not know that, because they do not go out and talk to their small retailers; we know that.

The other people who are affected by this are the small mum and dad retailers who have no employees. They have to run the store for the hours that the shopping centre is open. As I have read out, AMP has a clause in its leases that will increase rents for tenants. I have another lease, an ING lease, a semi-gross lease for a specialty shop that I would not mind reading in, Mr Speaker.

Leave granted.

Mr A.P. O’GORMAN: Under the heading “Additional Base Rent for extended trading hours”, the lease reads —

- (a) The Tenant acknowledges that the amount of Base Rent payable by it pursuant to the terms of this Lease has been calculated and agreed on the basis of the Tenant’s right to use and occupy the Premises and keep them open for business during the core trading hours of the Centre as prescribed by the Landlord and which apply at the Commencing Date (“Core Hours”).
- (b) If the Core Hours are extended beyond those hours described in clause 3.14(a), the Tenant shall pay in addition to the Base Rent (and at the time same times and in the same manner as prescribed for the payment of Base Rent) an additional rent (“Extended Hours Rent”) calculated as follows:

This lease provides a formula for calculating the additional rent should extended trading hours come in. Members will see that the commercial tenancy act is not protecting small businesses. It puts them at a great disadvantage and creates for them a position of underprivilege, if we like, in our community. Many of these small businesses are barely breaking even, and the government wants to extend their trading hours by 12 hours a week and force them to open—they will be forced to open. If they do not open, they will lose their lease at the next opportunity. We have to protect these small businesses. This legislation to extend trading hours to nine o’clock at night will not create jobs. Coles and Woolies say that it will create 300 jobs in their organisations. That may be so, but no-one has done an assessment of the economic impact on small businesses and how many of those will close their doors and how many will have to lay staff off and the proprietors go back into work

Extract from Hansard

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Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

themselves. In my electorate a storeowner at Lakeside Joondalup has told me already that because of this impending legislation he has identified those staff members whom he will have to lay off. His wife will have to go back and work in the store the full six days of the week, and the store will have to stay open till nine o'clock every night. As we all know, bakeries start at four or five o'clock in the morning. If he is out working at four or five o'clock in the morning and his wife is there till nine o'clock at night, what life will they have if the government gets its legislation through? Has the Premier thought about those people? Has the Premier consulted with them? He definitely has not negotiated with those types of people or consulted with them. Information I have been given tonight is that the rent paid by a surf shop in my electorate will increase by \$25 000 should extended trading hours come in.

It is foolhardy for members opposite to introduce this bill on its own to extend retail trading hours till nine o'clock.

Dr K.D. Hames interjected.

Mr A.P. O'GORMAN: Just be quiet! The Deputy Premier will get his opportunity to speak. Just be quiet and stop whinging! Shut your mouth and stop whinging! Listen to us for once.

Dr K.D. Hames interjected.

The SPEAKER: Order! Minister for Health! The direction that the member for Joondalup gave to the Minister for Health is not appropriate, but the member should please continue with his speech.

Mr A.P. O'GORMAN: Sorry, Minister for Health. I withdraw that, but do not interject on me!

We have to protect our small businesses. The information I have is that small businesses in our state employ five people for every one person employed by Coles and Woolies. I have spoken to people from Coles. I did not speak to people from Woolworths because they did not come to see me. I have spoken to people from the Shopping Centre Council. I have had discussions with people from IGA and I have spoken to a whole range of small business people. I have also spoken to consumers. In the time that this issue has been on the boil I have had one phone call asking me to support extended trading hours. It was from outside my electorate, but nevertheless I returned the call. I explained to the young man all the issues about commercial tenancies and the issues for small businesses. He said to me that he now knew why I was taking the stance that I was taking and he commended me for it. In fact, he said that if it went to a referendum in the morning and he had to make a decision and those facts were put in front of him, he would vote no. I do not know his age but he was a young person. He was one of those people who were ringing me up to say that they were in the age bracket where they would want extended trading hours. He said that he worked long hours and did not get an opportunity to get to the shops. He gave all those reasons that have been put up by members opposite. He was one of those people who could see the reasoning in my argument and accepted it. Today I have had two unidentified emails to my office asking me to support extended retail trading. On that basis I do not think that I can support it.

Everybody has said that retail trading hours legislation in this state is a dog's breakfast. May I suggest that what we are doing is eating the dog's breakfast and throwing it up again and making it worse by just extending hours until nine o'clock. What we must do is go back to square one, have a proper look at retail trading hours legislation and commercial tenancies, throw the whole lot out and redo it properly, because it is a dog's breakfast. We should be able to put some legislation through this Parliament that addresses all the issues that the community has, not simply tinker around the edges and pander to the Chamber of Commerce and Industry of Western Australia. Many members of my small business community are now saying that they will withdraw from the CCI because it has not represented their views properly. The CCI has represented big business and the big end of town and again has not listened to the small business operator. I therefore urge members not to support this legislation as it goes through this place. Backbenchers opposite should note that this is only the thin end of the wedge. We have heard the member for Jandakot say that this is about complete deregulation, and if we get 24/7 trading hours in this state, the only people who will survive are the owners of big national companies and big multinational companies.

Members should talk to farmers. The National Party has adopted its position because it has spoken to farmers and primary producers. National Party members know that primary producers cannot get a decent price out of large operators. They are almost in a position where large operators say to them that they should pay the large operators to put their product on the shelf, the same as large operators do to many other manufacturers around the country. It is disgraceful that we have a government that cannot get it all together. I applaud the Nationals for taking their principled view. They put their view up before the election and they have stuck to it. I hope that they stick to it through this debate and when it goes to a vote. I hope that they vote with us on this side of the chamber. I am sure they will. They put their view out before the election and they have a mandate to do what they are doing. The Liberal Party does not have a mandate. It put out some fluffy words. Now it is saying it is a

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Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

policy. It was not the Liberal Party's policy. The Liberal Party's attitude was "trust us". Now it is leading us down a road that will let us know why we cannot trust Liberal Party members. They are arrogant and pushy and they do not consult with the community. They have decided to ignore the 2005 referendum. They argue that the questions were not direct enough. However, the Liberal Party, along with the Greens in the upper house, changed the questions. When the questions were originally drafted they were very plain and simple. I know because I was there with Geoff Gallop and members from the back bench of the Labor Party who negotiated it with him. I have been arguing about deregulated trading hours since 2001 with my own party and with the Liberal Party, and getting the support of my community. The Premier accuses me of not talking to my community. I have been elected three times in a marginal seat that nobody thought I could win in the first place. That is how well connected I am to my community. I listen to my community and I stand up for my community. I do it in this chamber, in the caucus room and in public. I will always stand up for my electorate.

Mr B.J. Grylls: You should have crossed the floor a few years ago, then, if you have that opinion.

Mr A.P. O'GORMAN: The Leader of the National Party has a very short memory. Did I vote?

Several members interjected.

The SPEAKER: Order, member for Warnbro!

Mr A.P. O'GORMAN: I urge members not to support this bill but to support the families and small businesses in this state, and to support their electorates and the community in this state.

DR M.D. NAHAN (Riverton) [5.27 pm]: The issue we are dealing with today of changing shopping hours is not new. What is proposed is not radical. There are no changes to hours on Saturday or Sunday. The bill just adds 12 trading hours to the week. My understanding from reading about the position of the Labor Party and the Liberal Party before the last election is that there was bipartisan support for moving down this route. It has been tried and tested around the country. Perth has the most restrictive trading hours of any capital city in Australia, including Tasmania, which has the most deregulated hours. It was said today that we would not want Perth to look worse than Adelaide, but it looks worse than Launceston on this issue.

Reform is about listening to the silent majority—an overused term—and about working couples. I do not know about other members, but my wife has worked for a long time. When our kids were young I worked at the university and often had to teach late in the evening. We struggled to go late night shopping. We could not shop together. At the weekend we had to go to sports events, as we still often have to do, so we could not go to shops on Saturday. We could do so now, but we would have to go to expensive shops. This is about people who work long and odd hours, and there are many. This is about people who would like to volunteer and go to various community groups or participate in sports. All these things are the glue that holds society together. People cannot do these things because they are restricted by trading hour regulations. They are not in control of their shopping and their life.

This issue is mainly about the young. I was at a function last weekend with 1 700 people from a large and growing community in Western Australia—the Indian community. The Indian community has a large number of students and young kids, and it has large numbers of young families in my electorate. Someone mentioned that the member for Perth was there. In a skit that was put on that night, when someone asked, "Good God, when are they going to change shopping hours in Perth", there was a standing ovation. It recognised that we are a backward and an ageing population, and that our kids are going to Melbourne, Sydney and even Launceston because they are more exciting places.

Mr P. Papalia: Some 50 000 people are arriving in this state each year and have been for the past three years.

Dr M.D. NAHAN: There are a lot of fly in, fly out people, and a lot of people here are asking for change.

Mr P.B. Watson: They go to Tasmania to attend university.

Dr M.D. NAHAN: They may do from Albany. This legislation is about people as opposed to vested interests, and the Labor Party should know better. This legislation is about driving prices down and about competition. The member for Joondalup is asking us not to change a thing and that everything should be freeze-dried; that we should not allow people to compete; that we should not allow people to shop at stores that might be cheaper; that we should not allow people to experiment and change how goods are delivered. The Labor Party is anti-competitive. When people realise how anticompetitive Labor Party members are and how they are stopping people from shopping, they will respond.

Mr M.P. Murray: Do you push a trolley or do you carry one of those little baskets?

Dr M.D. NAHAN: It depends how much I am shopping. I shop, not just at Christmastime.

Mr M.P. Murray: Do you push a trolley or do you carry one of those little baskets?

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Dr M.D. NAHAN: Both; it depends what I am buying.

We hear a lot in the Labor Party about women in Parliament. Has anyone heard a female Labor parliamentarian say anything on this issue?

Mr J.E. McGrath: They don't shop.

Dr M.D. NAHAN: I think they do. They have not said anything today. The women have been quiet. The men have come forward to speak. The member for Cannington said that the last time he was in a shop was at Christmas.

The changes we make in this place will drive innovation.

Mr P. Papalia interjected.

Dr M.D. NAHAN: There are women sitting opposite but they have not spoken.

Mr P. Papalia: Give them a chance. Sit down.

Dr M.D. NAHAN: Most shopping is done by women. The Labor women have not spoken; they have been held back. The members who have spoken are a bunch of people who have not been in a shop for decades.

Several members interjected.

The SPEAKER: I know that a lot of members in this place want to say a lot of things about this debate. I would prefer if it was just one member at a time. I would like to continue to hear from the member for Riverton. After I have heard from the member for Riverton, I am sure there will be ample opportunity for other members of both genders to put their case.

Dr M.D. NAHAN: The purpose of this reform is to drive competition and keep prices down. Competition does that. The Labor Party should know that. It had a raft of reforms specifically designed to do that. It is about innovation. Competition drives different ways of delivering goods. The member for Jandakot came up with a very good example. Many of the IGAs are excellent stores that provide a different mix in price and quality, and some of them will survive. Some of the stores are terrible and competition will drive them out. That is what we need. More importantly, this legislation will create jobs.

The strangest part of the debate is that the member for Cannington, who has spent most of his life trying to create work for shop stewards and others and people working in this industry, does not want this change because it will give his ex-members jobs. Maybe that is the reason for it. Maybe that is a reason we should take on. This legislation is really about trying to let the silent majority be heard over vested interests. I am not necessarily knocking those with vested interests. They are trying to defend the status quo. Owning a small business is really hard yakka. I know that. I have done it before. Hopefully, I will not have to do it again. Small business owners are basically risk averse. They do not want change. There is no doubt about that. The world is very uncertain. Change can sweep them out of business and destroy their livelihood and asset base. I understand that. It is a serious thing. It is a very difficult business; the same as it is for farmers.

We have structured this reform so that it is designed to address issues of choice, as the member for Joondalup said. Retailers do not have to open if they do not want to. The first point we make is that the vast majority of small businesses will not be affected by this legislation because they can already open as long as they want every day they want, except Christmas Day and a few other days. They have a few choices. My electorate office is located in a shopping centre so I watch the small business owners go by regularly. Many of the shops close at six o'clock. Most of the shops, other than Woolworths and Big W, close at five o'clock. They have a choice. Stockland, which owns that shopping centre, owns another one in Rockingham that is affected by deregulation. It told me that if the shopping hours are changed, it will do just like it does in Rockingham and allow the shops to choose. It will ask all the shops whether they want to be open. If they want to be open, they will have to share part of the overheads. If they do not want to be open, they do not have to be and they do not pay any additional charges. That is what is done in Rockingham, that is what is done in other states and that is what would be done if this change comes about.

There are issues about tenancy leases. It is a serious issue. In certain cases there is adverse power; that is, the shopping centres have a significant degree of power over shops, particularly in this boom time when retail sales are going up and people want to pay to get in the shops. That is why we have taken on something that Labor did not take on; that is, the changes suggested by the committee set up by the previous Labor government to look at reforms to the Retail Trading Hours Act. It might not be perfect. It should have been done a long time ago. We are doing it in parallel with these changes. That is what should be done if people are serious about reform.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

I have heard it said repeatedly that we do not talk to people. I spoke to every retailer in the two major shopping centres in my electorate. I spoke to a lot of retailers who had businesses outside the shopping centre. It is not a big issue with them. Many of them lamented the fact that they are located next to an IGA store that is open until late at night. They bought there and they are satisfied that the IGA draws them customers. The truth is that most small businesses in these shops do not want change. It threatens them. When I ask them about their major concerns and what else we could do if this legislation is introduced, they say that reforms should be made to retail tenancy legislation. That is fair enough. They also suggested that changes be made to the Industrial Relations Act. The real concern they have is that if they are forced to work, the laws of the land will force them or inhibit them from adjusting the workforce to optimise them. Maybe we should look at not only changes to the Retail Trading Hours Act but also changes to the industrial relations system. It would avoid the problems that the member for Joondalup mentioned about people having to pay or being unable to adjust the workforce in terms of hours and other conditions. Truthfully, they are more worried about that and Rudd reform than they are about changed hours. Many of them will not open.

The member for Cannington said that Carousel Shopping Centre is dead, even on Thursday nights. Some of the shops in my electorate are undergoing change and renovation. The reason why is that they are going over to some place else or there is not enough custom and they have to shut down. The member for Cannington said that he went to Carousel around Christmas time and only the big shops were open. That is great. That is what we are trying to do. We are trying to give people choices to open and choices to go shopping. If the business owners do not want to open, they do not have to open. If they do not open, they do not have to pay for overheads. It is very simple.

The issue we hear a lot about is the mandate. Before the last election we had a bipartisan position. Everything is not precise. Let me read something that the former Premier said.

Mr P. Papalia: Read your own policy.

Dr M.D. NAHAN: I am going to. The member should hold still. An article in *The Sunday Times* stated —

The Premier revealed to *The Sunday Times* that he would introduce new laws to deregulate shopping hours if Labor won a third term of government.

“At the next state election we will have deregulated trading hours as our policy position ...

...

Acutely aware that Labor just cannot bank on past achievements to secure another term, —

That is an understatement —

Mr Carpenter has promised to produce a blueprint for the future.

Bringing WA out of the dark ages in terms of archaic and confusing shopping laws was part of that blueprint ...

He has called on the WA Liberal Party to follow Labor and take an extended trading-hours policy to the next election so there is a unified approach to changing shopping laws.

So we did not. The article continued —

The Premier said legislation to allow Sunday trading and extended hours on weeknights could only pass through the Upper House if the Liberals supported it.

The member for Cannington has left the chamber. He was very active in the former government's support of Sunday trading but he now condemns it. I do not know why he condemns it so much. Under industrial relations laws workers get \$3 an hour, double what they get in the other states. Why do they not want to work? They should at least be allowed the choice to work if they so wish.

Mr C.J. Barnett: Most of the young part-timers would much rather work on a Sunday than on a weekday.

Dr M.D. NAHAN: Yes, they would. They do in my electorate. This is a modest change. I do not think we could convince the Labor Party of anything else.

Mr J.M. Francis: How many votes did you win by?

Dr M.D. NAHAN: Sixty-four votes.

Mr J.M. Francis: Would you say that 32 people in your electorate voted for you because of your stand on deregulation of trading hours? Could you find 32 people who voted for you?

Dr M.D. NAHAN: Could I find 32 people? I could find hundreds!

Several members interjected.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Mr J.M. Francis: This cost the opposition government!

Dr M.D. NAHAN: I could find hundreds. People are moving into my electorate in large numbers. In my electorate, as in many others, large numbers move around. I get about 200 people moving into my electorate every quarter according to the data that we get. All of them aged under 30—most of them under 30. All of them young families whose children attend the primary schools that feed into the excellent high schools. They come also because of the affordable housing.

Mr M.P. Murray: They won't be able to see their mums or dads because they will be working.

Dr M.D. NAHAN: They do work and they work very hard. However, they also want to spend time with their families. They also want to shop when it suits them, not the member!

Several members interjected.

The SPEAKER: Order, members.

Dr M.D. NAHAN: If we are talking about young mothers, I sit by the window in my electorate office and at about 5.30 pm streams of young mothers park their car, grab their children and run, dragging the children, into the shopping centre.

Mr P.B. Watson: In Australia we call that perving!

Dr M.D. NAHAN: No; it is observing! The reason they are doing that is that they have to get to the shops. It is the old six o'clock swill when men had to get to the pub to down their drinks before closing time. This is more than about competition. This is one about helping the young. This is one issue for which we had a mandate. We heard the Liberal Party policy. We heard the Labor Party policy. We went to an election and the result was our mandate. This was our referendum. That is what elections are all about. We go to the people, honestly and openly. We put our major policies together and the people vote on them. Our policy and the Labor Party policy was clear-cut; it was unambiguous. We were going to get change.

Mr P. Papalia: Ours was; yours wasn't. Yours was a foot on either side of the fence.

Dr M.D. NAHAN: We were going to get change. We campaigned on it and members opposite asked us to take a bipartisan approach on the issue, but now that they are in opposition, where they have been pouting for almost a year, their knees have started wobbling. When leadership is required, they sink back and take the low road.

As to the referendum, I watched that largely from afar. Through the mastery of Burke and Grill, propaganda at its worst, it was heavily funded by the people who made millions—and I mean millions—out of this regulation. Millions! Quite honestly, I cannot support anything that was driven by Brian Burke and Julian Grill. I cannot. It was propaganda.

Mr R.H. Cook: Is that your reason for rejecting the referendum? It was your campaign.

Dr M.D. NAHAN: If the process is flawed, what does one do but go to the people in a broad referendum, tell them the party's intentions, and ask them to decide.

Mr R.H. Cook interjected.

Dr M.D. NAHAN: Members opposite repeatedly ask if we went to electorates on this issue—yes, we did. Was there disagreement amongst small business owners in these shopping centres? Yes, there was; just as there was in the hotels when Labor deregulated and put in small bars. Reform is difficult; one cannot always get unanimity. Did we go out and talk to our consumers—particularly the fast growers? You'd better believe that we did! Members opposite should do so too—particularly those who have the working class and the young voters who initially vote Labor—when they get older they get wise! Their electorates are filled with young parents. They will look at Labor members and ask why choice is being held back. They will ask why they are not being allowed to spend their money when and how they want to spend it. They will ask why Labor members are defending the people who would stop them from doing something that they love to do; namely, shopping. They will ask why they are being forced to not spend time with their children. They will ask why they are being asked to not volunteer in schools and why they are being forced to leave sportsgrounds early. They will ask why they are not being allowed to live. Why are members opposite doing this when they do not believe in this stuff? We know that members opposite share our views. We have quoted the Leader of the Opposition and the former Premier enough on this issue. We know what they believe. They believe in extended trading hours. This debate is a fake. Members opposite are opposing this legislation in an attempt to drive a wedge between the Liberal Party and the National Party. It is pathetic!

Mr C.J. Barnett: It is pathetic.

Dr M.D. NAHAN: It is pathetic.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Several members interjected.

Dr M.D. NAHAN: The real difference is that the Nationals went to the election with a clear-cut policy.

Mr P. Papalia: They said they would not form government with anyone who tries to —

Dr M.D. NAHAN: They went to the election with a clear-cut policy and they are sticking to it.

The SPEAKER: Order! Member for Riverton, please take a seat. Member for Warnbro, I am aware that you have formally been called twice. I have the list in front of me. You have been formally called to order twice. I am not going to formally call you for a third time, but I am going to suggest that there are better ways for you to make your points in this place and that is not by continual interjection.

Dr M.D. NAHAN: The National Party went to the election with a clear-cut policy position—as did the Labor Party.

[Member's time extended.]

Dr M.D. NAHAN: I call Labor Party members to stick to their guns and to do what they promised to do; that is, join us in liberating shoppers. Members opposite think that is funny. They really think that is funny.

Several members interjected.

Dr M.D. NAHAN: They think that is funny. They do not think that shopping is important. The retail sector happens to be the largest sector of the economy and it is the biggest employer. People like to shop; it is how they spend most of their money.

Mr P.B. Watson: There is a lot to be said for looking out the window as people walk past.

Dr M.D. NAHAN: No! Does the member for Albany have trouble watching his electorate? What does he do?

Mr P.B. Watson: I go out and talk to them; I do not sit and look at them through windows.

Dr M.D. NAHAN: I sit there and observe people; I do not interfere with them.

Let us look at what has been done interstate. The same issues were mentioned in Victoria. When Victoria went ahead and deregulated, the arguments were, "Woe is me, we are going to see the destruction of the small shops." Coles and Woolies were going to shove everybody out. It was going to mean high levels of unemployment and it was going to be a disaster. We heard it all here at the time. What happened? They had an iterative process whereby they initially deregulated the tourist precincts and they allowed certain shires to vote on the process; however, in the 1990s they said they were going to fully deregulate. It was a close-run thing. It was not done by a referendum. The Labor Party, in opposition at the time, said "Woe is us, it is going to destroy Kennett." It actually helped Kennett win the 1996 election—the reason being, it was overwhelmingly popular. Initially, certain Coles and Woolies opened for 24 hours a day. At the time they were open at night, they spent time stocking shelves. Other stores, such as the little delis, were wiped out as the IGAs and 7-Elevens expanded because people demanded higher service and lower prices. They competed very effectively and when people were asked if they wanted to change, the answer was, "Good God, no!" Smaller stores were opened in the city centre at the same time as more apartments were being built in the city of Melbourne; just as we are doing here—hopefully that trend will continue to grow. They revitalised the city centre. If we ask young people where they intend to go to further their career, they used to tell us Sydney but now they tell us Melbourne because Melbourne has open-mindedly deregulated and allowed businesses and consumers to decide what they do and when they do it. Melbourne is a vibrant community.

The Labor Party spent the better part of seven or eight years rabbiting on about the revitalisation of Perth and the state—Dullsville was the word—but it did not do anything. The Labor Party promised to do a lot as part of its grand plan to revitalise Perth. It was going to spend a lot of money. It was going to reunite the city with the river. Shopping hours and liquor licensing deregulation was a central tenet of that revitalisation. I remember the member for Rockingham very actively pursuing deregulation of liquor licences. It was very difficult for the Liberal Party of the day to get any reform through. Again, in the liquor licensing debate, it was argued that the reforms would destroy the hotel industry as we knew it. It was argued also that it would lead to uncontrolled drinking throughout the suburbs and would destroy the social fabric of our suburbs. It was said that small bars would be a flop. Well, what has happened? There was a lot of resistance from shires, and the regulation was not very effective. However, small bars are now coming through, and they are very popular. In fact, the Hotels Association of Western Australia—who was saying it would all be doom and gloom—is now saying, "Bring it on! Expand it!"

Mr C.J. Barnett: When the member for Rockingham as a minister brought in his legislation for small bars, the Liberal Party supported that. It put that issue ahead of the politics.

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

Dr M.D. NAHAN: That is right. That was a very difficult issue. As I remember correctly, the Leader of the Opposition at the time had to put his job on the line. It is called leadership.

Mr M. McGowan: Yes. You originally resolved to oppose it.

Dr M.D. NAHAN: But we did not.

Mr M. McGowan: Yes, you did. Don't rewrite history. I remember it well. You originally resolved to oppose it.

Dr M.D. NAHAN: The Liberal Party supported it. We can change. I know that the majority of the members of the Labor Party would support this change if they were given a conscience vote. But the member for Joondalup, no—he could not change! This is a controversial issue. I accept that. When the Labor Party was in government, the Liberal Party struggled with liquor deregulation. The member for Rockingham as a minister pursued it very effectively. It was a good, minor one-step reform, and it has been a huge success.

Mr M. McGowan: It was a bigger reform than this. It was much bigger than this.

Dr M.D. NAHAN: Yes. It probably was more drastic. I am not deriding it. I think it was a good change.

Mr C.J. Barnett: This is a small change. That is why we cannot understand your position. This is a minor change. Do you support Sunday trading?

Mr M. McGowan: Bring in the legislation, and we will decide. I will survey my electorate, as I did on this.

Dr M.D. NAHAN: Did the member survey his electorate on liquor deregulation?

Mr M. McGowan: No, I did not.

Dr M.D. NAHAN: Oh! Same thing!

Mr M. McGowan: No. There was no referendum. If you understood retail trading and general retail stores, you would know that they are very different.

Dr M.D. NAHAN: I do. They are different. So is shopping for shoes. The point remains that people were very concerned about the proliferation of small bars and the expansion of hotel businesses. As I remember it, it was said that hotels in Perth are the centre of the community, as they are in country areas. There was a great deal of tension, and people were worried about the change, and validly so. The changes that the member put in place as a minister were minor and well thought through, and they were supported by regulations to vet the process, and in the end they gained the support of the Liberal Party, because in opposition we had to put the public interest before the political interest. It would have been easy for us to just sit back and say, "Let's oppose this for opposition's sake. Let's make a silly point out of this. Let's go out and campaign and say it's going to be a problem."

Mr M. McGowan: What I did was I sat down with some of your members and I negotiated it out, and you ended up supporting us. You have not done that with us here. There was —

Dr M.D. NAHAN: It was not just the member. There were other people —

Mr M. McGowan: There was no referendum on retail trading hours.

Dr M.D. NAHAN: The member did a good job on liquor deregulation. Now I ask the member —

Mr M. McGowan: That was a far bigger issue than this.

Dr M.D. NAHAN: Now I ask the member —

Mr M. McGowan: You were not here. You would not know.

Mr C.J. Barnett: This is day one of the debate. I honestly said to the Liberal Party meeting this morning that I think the Labor Party will support it.

Mr M. McGowan: You are wrong.

Mr C.J. Barnett: Yes, I am wrong. I misjudged you. I thought you had more substance.

Several members interjected.

Dr M.D. NAHAN: The reason is that we have looked at the history of the Labor Party, and I remember —

Several members interjected.

The SPEAKER: Order, members!

Dr M.D. NAHAN: I remember that once during the past seven years, when the member for Belmont, Eric Ripper, got the reins of power because the Premier of the day was on leave, the first thing he did was say "We're

Mr Eric Ripper; Mr Fran Logan; Mr Mark McGowan; Mr Joe Francis; Mr Colin Barnett; Ms Rita Saffioti; Mr Bill Johnston; Mr Peter Watson; Acting Speaker; Mr Tony O'Gorman; Dr Mike Nahan

going to push the deregulation of shopping hours!" I happened to support him in saying that. I remember also that some members opposite, particularly the member of Joondalup, pulled him back and probably tackled him, but that was his inclination, because he was speaking not just as the Treasurer and Acting Premier, but as a person who knew where Western Australia needed to go and what the demands of the electorate are. The member for Belmont knows, as the member for Rockingham knows, that what we have here—as is the case with all reforms—is the concentrated interests of the people who will benefit from regulation; that is, the small shop owners. We also have the vast majority who will suffer from regulation—but that suffering is not great enough for this to be their passion in life. This change is being resisted by those who have made millions out of the regulation in this state. We have just gone through the greatest boom in the history of this state, and what happened? Retail sales did not improve very much at all. Turnover in retail shops went nowhere. In fact, retail sales in this state flat-lined, when they were booming in Queensland, New South Wales and Victoria.

Mr C.J. Barnett: Why was that?

Dr M.D. NAHAN: It was because people could not shop when they wanted to shop. People had no choice. Many people in the Premier's electorate, of course, got on a plane and went to Melbourne to shop.

Mr J.M. Francis: Not in my electorate!

Dr M.D. NAHAN: Not in my electorate, either. Even though Jetstar fares are pretty cheap, many people cannot afford to fly to Melbourne to do their shopping. The government held back trading hours, and the result was that retail turnover and retail employment in Western Australia, during the biggest boom in our history, was the lowest of any state at that time. That is because we do not allow people to shop when they want to shop. We do not allow innovation. If shops, particularly in the grocery line, have a new idea about how to trade, we say they cannot do it. We put all sorts of barriers in place. When the pressure on rents was increased, because we were running out of shopping centre space, and when we knew that that would give greater power to the shopping centre owners and that there would be problems with leases, what did the then Labor government do? It undertook a review. What did it do with that review? Nothing! That review made 61 recommendations. Members of the Labor government just scratched their heads and sat on it! At the same time, I might add, they were proposing the deregulation of shopping hours. The member for Joondalup is babbling on about how we need to look at tenancies. He is right. Where has he been for the past seven years? The Labor Party went to the last election with a proposal for a tourist centre in Joondalup. It wanted to have deregulation in certain centres. It wanted to put the shopping pressure on the member for Joondalup's area, but not change the tenancy regulations. Let us be sensible about this. Members opposite have made their point. They are trying to drive a wedge. But it is not going to work.

Mr M. McGowan: Really?

Dr M.D. NAHAN: They should go home and think about it.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.