

President; Hon Liz Behjat; Hon Sue Ellery; Hon Helen Morton; Hon Kate Doust; Hon Phil Edman; Hon Dr Sally Talbot; Hon Ken Travers; Hon Col Holt; Hon Jon Ford; Hon Robin Chapple

RETAIL TRADING HOURS — EXTENSION

Urgency Motion

THE PRESIDENT (Hon Barry House): Members, I received the following letter on a fax machine at three minutes past midnight this morning —

Dear Mr President

I hereby give notice that at the next sitting of the House I intend to move, pursuant to Standing Order 72, the following motion:-

That the Council consider, as a matter of urgency, the Opposition's support for the extension of retail trading hours at the last State election, and calls on the Opposition to support Government legislation to extend retail trading hours in the Perth metropolitan area, which will allow the residents and visitors to Perth alike the flexibility to shop wherever they choose after 6pm on weekdays.

Yours sincerely

Hon Liz Behjat MLC
Member for North Metropolitan Region
8 September 2009

Point of Order

Hon SUE ELLERY: Mr President, I wonder if I might ask a question by way of clarification of the statement you made before you read out the urgency motion. I understood that your advice to members was that they ought hand the prospective urgency motion to either the Clerk or your executive assistant for the purposes of determining the time the document was received. You then advised that you received by fax at three minutes past midnight the urgency motion before the house. The clarification I seek is whether you will be satisfied with a printout from your fax machine, demonstrating the time your fax machine received the urgency motion.

The PRESIDENT: Leader of the Opposition, this urgency motion was received by my fax machine at three minutes past midnight, but it was later followed up with the original letter. I acknowledge that the lodgement of urgency motions by fax needs to be clarified, and I will make a statement about it tomorrow.

Debate Resumed

The PRESIDENT: I have read the motion of Hon Liz Behjat. According to standing order 72, at least four members must stand in their places for the matter to proceed.

[At least four members rose in their places.]

HON LIZ BEHJAT (North Metropolitan) [3.49 pm]: I move the motion.

This motion calls on the opposition to reconsider its announcement that it will no longer honour its election commitment to the people of Western Australia that a re-elected ALP government would introduce legislation to extend retail trading hours.

Hon Sue Ellery: We wish we could. We weren't re-elected.

Hon LIZ BEHJAT: The ALP was not re-elected, but all of a sudden it changed its policy.

Several members interjected.

The PRESIDENT: Order! I have called only one member, Hon Liz Behjat, but about 12 members want to have a go already. We are less than a minute into the speech, so let us hear from the member who has moved the motion.

Hon LIZ BEHJAT: There has been a lot of debate about this issue. I believe we need to have a bit more debate about it, and that is why we are having it in this house today. I say from the outset that this is not an argument about IGA versus Coles and Woolworths, which is what people seem to want to turn this argument into. I will go on the record and say that one of my favourite places for shopping is the Sisters Supa IGA store in Joondalup, which I love because it is innovative, has great choices and friendly service, including the old man who hands me a basket as I walk in, coffee if I spend more than \$100 that I get at the shop's cafe and a crèche where I can leave my children if I want to. It is a great store and I love shopping there. However, the problem is that I cannot shop there after 5.30 pm because it is inside a shopping centre and the centre closes.

Hon Kate Doust: You can't because you're sitting in here!

Hon LIZ BEHJAT: Neither can my husband go shopping, if he wants to after 5.30. I may be in this place later than 5.30 pm or I may be in my electorate office later than 5.30 pm. This is not an argument just about food

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shopping. It is an argument about when my son rings me at 5.00 or 5.15 in the afternoon saying, "Mum, I need a T-shirt for dress-up day tomorrow; I need crepe paper for my project; I need ink for my printer." The list goes on and it is endless, but the shopping hours are not, and this is the issue we need to address. It is a bit of a furphy for people to say that the government is not supporting small business. People cannot say that there are no thriving small businesses in other states of Australia. When people go on holiday to Melbourne or Sydney, they come back and say they had a great time, that the shopping was fantastic, and they loved that they could go shopping at all sorts of hours.

Members may recall that I spoke in my maiden speech about the people I represent in the North Metropolitan Region electorate. There are lots of people from different ethnic backgrounds there. They tell me that they love living in Australia. They have come to Western Australia and made their new homes here and they think it is fabulous. When I ask whether there is anything in Western Australia that they do not feel comfortable about, they say that there is one thing: the shopping hours. They say that it would be better if they had a choice about the times they go shopping. I have therefore thought about this question and had a look at some of the trading hours in the countries where some of my constituents come from. Trading hours in Canada are 10.00 am to 9.00 pm Monday to Friday with Saturday and Sunday also in the equation; Finland, 7.00 am to 9.00 pm; Greece, 9.00 am to 2.00 pm, as there is an afternoon break there, and 5.00 pm to 9.00 pm; Ireland, 9.00 am to 10.00 pm. The list goes on. Other countries with extended trading hours are the Netherlands, Switzerland, Britain, the United States and Hong Kong. Here comes the killer: Bangladesh has just extended its trading hours from 8.00 pm to 10.00 pm. People in Bangladesh can go shopping; I am not sure what they are buying in Bangladesh but they can go shopping. It all comes down to choice. We must have choice to go shopping when we want to at times other than the hours that have been dictated to us. People argue that shops in Perth city can already trade until seven o'clock in the evenings, but they do not do so. They do not trade until seven o'clock because no other trading area is in competition with them. None of the metropolitan areas is trading in competition with Perth city. I can guarantee members that if the shops in the suburbs started trading later than 5.30 in the afternoon, we would find that all of a sudden the city shops would stay open until 7.00 pm because there would be competition. That is what happens in a deregulated market: there is competition and people have a choice.

Another issue we talk about in Western Australia is tourism. Every year 625 000 overseas visitors and one million interstate visitors contribute \$4 billion to the economy of this state. Not all of these people stay in the city centre where they may be able to go shopping after hours because shops can stay open. Some are in what is called the VFR market—visiting friends and relatives. They stay in the suburbs and spend their days going to some of our wonderful tourist places here. They may go to Rottnest Island for the day or to Yanchep National Park. They can go anywhere they like. When they go home towards six o'clock and, because they are feeling a bit chilly, wish they had packed a jumper they had intended to pack but they may think they can go to the shops and buy one. However, they cannot because the shops in the suburbs are not open. They may not have bought anything for dinner either and they cannot do that shopping either. There we go; we are not even looking after our tourists very well.

Another issue is that opposition members say that they have changed their minds about supporting our legislation to introduce extended trading hours because they have gone out and spoken to the people in their electorates. I wonder whom they went out and spoke to. The website yourchoiceortheirs.com shows quite clearly that people from all over the place are saying they want extended retail trading hours.

Several members interjected.

The PRESIDENT: Order! I can sense that a couple of members on the opposition benches are very keen to take part in this debate, but they must wait their turn. I give the call to Hon Liz Behjat.

Hon LIZ BEHJAT: Thank you, Mr President.

I was referring to the website yourchoiceortheirs.com. I will read some of the comments made on that website from people living in areas such as Balcatta. David Gibson of Balcatta asks —

I fully support the reduction of restrictions on trading hours in WA. The arguments to protect small businesses ... are false in the prosperity of these businesses in other states. Why do we vote for leadership if the leaders won't make the hard decisions?

Linley Simons of Balcatta said —

We should be allowed to choose where and when we shop, not be told. If it can work in other states there is no reason it can't work in WA. Come on WA, get with the times!

Kelly Aldridge of Balcatta said —

I am definitely in support of extended trading hours and believe we should be able to choose.

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Obviously, the people of Balcatta pretty much want to have extended shopping hours.

Hon Sue Ellery: All three of them!

Hon LIZ BEHJAT: They are not going to get them because the opposition chose not to support the legislation in the other place. Members opposite might think these comments are limited to people in Balcatta, but they include people in the Perth electorate.

Rod Reynolds of Perth said —

just another nail in ripper's coffin. with our position as an emerging major international player in the region it's imperative w.a. and perth move into the 21st century. say no to dullsville ...

David Hamilton of Perth said —

Give the community choice! If even Adelaide and Tasmania can operate with extended trading hours than so can Western Australia.

Hon Donna Faragher: Even Canberra.

Hon LIZ BEHJAT: Even Canberra. I thank Hon Donna Faragher.

Canberra, as we know, has extended trading hours. When I was working over there I would sometimes arrive by plane late at night—10.30 pm. I would go to Manuka and do my shopping for the week. Hon Alyssa Hayden will attest to that as well. We always used to do those sorts of things because we were working women. We arrived late and had to shop for the week when we were living in Canberra. Late-night shopping can be done, therefore, in Canberra, Adelaide and Tasmania, but it cannot be done in Perth.

Several members interjected.

Hon LIZ BEHJAT: I ask the opposition to seriously rethink its position and perhaps listen to the Labor member for Perth who said on 15 August that he would be telling his party the following week that the metropolitan area needed extended trading hours. The opposition was going to meet on Tuesday to decide its response to the legislation. Mr Hyde said that the proposed changes did not go far enough and that he would like local councils to be given the power to determine trading hours for their communities. He said that what we have seen in the past is that piecemeal reform plays into the hands of higher prices and cutting down competition, so if we were going to have genuine reform, we needed proper reform. Mr Hyde said that he would not break party ranks should Labor decide that there was no need for reform. Obviously, Mr Hyde put his opinion to the caucus and has been hounded for that. Unfortunately, the people of Perth in Mr Hyde's electorate will not see extended trading hours any time in the near future, unless, of course, we can convince the opposition today that it should reverse its decision to not support the legislation currently in the other place.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [4.01 pm]: The opposition rises to oppose the urgency motion. I think a more urgent and perhaps more pertinent motion to put before the house would be a motion that calls on all partners in the government alliance to support their Premier's call for increased flexibility on extended trading hours. If members opposite cannot get the people at the cabinet table to agree with them, they should not come and ask us to consider providing them with the numbers. The government cannot even get the support of its own cabinet ministers.

The motion begins by talking about the Australian Labor Party's election commitment on general retail trading hours in the metropolitan area. The proposal we put to the electors was for an extension of trading hours to seven o'clock. An additional component of that was about extending opening hours for a lesser period on a Sunday for the sale of whitegoods, furniture and electrical goods. There was no change in the proposition that local government outside Perth maintain its capacity to set its own rules for trading hours. We lost the election, so like all sensible parties having lost an election, we took the position of going back to each of the policies we took to the election and, given we were not returned to government, asking whether we ought to reconsider the position that we put to the people.

What did the Liberal Party take to the election? It took a policy headed "Trading Hours". It is about half a page and states, in part —

- The Liberals respect the decision of people at the referendum ...
- ...
- 5. If elected to govern the Liberals will take into account both business and community views
- ...
- For a further step in deregulation the Liberals would want a broad agreement.

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Bear in mind that the Liberal Party was elected on the basis of an alliance with the National Party, which took its position to the electorate that it would not support an extension to trading hours in Perth.

Hon Ken Travers: It went further; it said it would not form an alliance with a party that was going to deregulate trading hours.

Hon SUE ELLERY: Indeed, but how things change.

Hon Col Holt interjected.

Hon SUE ELLERY: Therefore, what the Premier took to the election was that he would want broad agreement on any change or any further step in deregulation. Now, does he have that? No. He does not even have it at the cabinet table, in the joint party room or on his side of the floor in the Assembly where, in addition to members of the National Party, he also has some Independents on his side. What does he have in this chamber? He has five seats filled by members of the National Party. I will be interested to see what contribution they make to the debate today, because the more pertinent motion is that the government honour its election commitment to bring broad support, and it should start inside its own house. This is a government initiative. The responsibility is on members opposite, as the government, to demonstrate that they do indeed have support for this initiative, because they did not take a 9.00 pm package to the election. They did not. Members opposite did not put anything specifically like that. The Liberal Party did not take a package of measures to ensure that small business concerns and the Independent Grocers Alliance's concerns were taken into account. It did not and it does not have a mandate to do that. If the Premier wants that mandate to make the changes that he says he seeks, he should try getting the mandate inside his own government first, from his own cabinet, inside his party room, and then go out and engage the community and get the mandate out there. The Premier needs to demonstrate that he has the broad support that he said he would need when he went to the election with the words he said about extended trading hours. He needs to demonstrate he has that support.

I do not think there is broad community support for this package—that is, the 9.00 pm package and no additional protections for small business. There may well be broad community support for another package, and that broad community support would need to include the views of consumers, those people who work in the industry, and, importantly, I think, in this industry, the parents and families of a large number of the people who work in this industry, because is it right that the government would have a retail sector that is staffed in no small part by young people who need to get home and who rely on public transport? The government has to think about all those things when it extends trading hours for that particular workforce, and it needs to have some protections for small business in its package. If the government goes out there and demonstrates that it can get that support, then it will have another message to come back into this place and move its urgency motion. Members opposite cannot even get support within their own joint party room, so do not come into this place whingeing that we do not support the government!

Hon Norman Moore: There is no such thing as a joint party room.

Hon SUE ELLERY: Maybe members opposite should start one! Maybe if the Liberals want support from inside government, they should start a joint party room. Maybe government members should talk to each other a bit more. Then they might not have to come asking us to support the initiatives of their own Premier.

This matter will become urgent when the Premier can demonstrate that the community has in fact adopted a position for change. Hon Liz Behjat said in her opening remarks that this is not an argument about IGA versus Coles. She is right; it is not. But, in part, it is an argument about what the buying power of Coles and Woolworths does to the rest of the retail sector. If the government does not appreciate that, it has not listened to the arguments raised during the course of public debate on things like food labelling, because when we have a public debate, which we did in Western Australia —

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: Thank you, Mr President, I have about three and a half minutes left. I think it is a false description of the argument to say that there is no level of concern in the community about what the large buying power means for businesses like Coles and Woolworths, because there is. That concern occurs in the food labelling debate and it occurs in the debate about retail trading hours. It is inaccurate to think that that is not a factor in people's thinking. IGA tapped into that very successfully in the referendum in 2005. Whether the ultimate numbers that hold the level of concern they expressed in 2005 remain the same in 2009 or whether that has somehow changed is up to the Premier to demonstrate to the rest of us. If that has changed, the Premier has the right to come back and say to us that we should reconsider our position.

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Until the Premier can demonstrate that he has support for his position in the community, never mind inside his own government, it is really a bit cheeky to come into this place and say it is the Labor Party's problem that the government cannot deliver on its Premier's intention to extend trading hours. With those words I say that it was a good try and good on the member for standing up and having a go, but it is really a bit cheeky to be saying that the onus is on us when the government has five members of this house who have said they will not support the extension to trading hours that the Premier wants. Members opposite should go and have their conversation with them first and then come back and put the word on us to support their Premier's proposition.

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [4.09 pm]: The Leader of the Opposition has just forgotten one small matter in this; that is, it is about a metropolitan area initiative. The issue around changing these hours was —

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! I know members are all excited about being back here, but just settle down. We will have one member at a time speaking. Hon Helen Morton has the call.

Hon HELEN MORTON: The initiative is to deregulate shopping hours in the metropolitan area, as the country area already has it. We want the same opportunity for choice and flexibility in the metropolitan area. Opposition members know that if this was a conscience vote amongst metropolitan members of Parliament, it would pass. The opposition has made this some sort of party political issue. Members opposite know that there is broad support for this in the metropolitan community, and I will tell members why, and why Hon Liz Behjat raised this urgency motion.

The people I have spoken to who give deregulation the most support are young mums. I do not know how many members opposite can identify with those young mums, but when I was around 30 years old, I had five kids at home—three of my own and two foster kids. Two of them were in preschool, or were babies, and three were at school. My husband worked full time; I did not work. He worked six days a week to try to make sure that things ticked over all right for us. Sometimes he worked for 12 hours a day, starting at 5.00 am and finishing at about 6.00 pm, so that we could pay off the mortgage and things that we were trying to pay off at that stage. It is not unusual for families with multiple children to have a stay-at-home mum, and it is not unusual for dads in those circumstances to work pretty hard for long hours. I can tell members the two things that I remember about those times being some of the worst times in my life: the first was the sleep deprivation, which I think just about any mum with lots of kids would understand, and the second was the absolutely impossible task of going shopping.

One thing led to another. I vividly recall a near-fatal accident when I fell asleep in the car and ran off the road, with my two babies strapped into the back of the car, on my way home from yet another disastrous shopping trip in the middle of the afternoon. I did not want to take these two babies shopping, but I was new to town and I knew no-one who could look after them during the daytime, and I could not afford to pay for a creche whilst I went shopping. I wonder how many members on that side of the house have ever tried to get two babies out of a vehicle, set them up in strollers, along with their baggage—it is like a major expedition—and then push the shopping trolley and two babies down a shopping aisle. Do members opposite know what it is like to get to the checkout with kids screaming, and then have to choose whether to go through the checkout or put the items back on the shelf, walk away, and try again a week later? Do members opposite know what it is like when the kids get older and they want to go to the toilet during a shopping trip, just before they reach the checkout, and then the whole expedition has to be abandoned?

Hon Kate Doust: Is that your justification for extending trading hours, so the kids can go to the toilet whilst you're shopping?

Hon HELEN MORTON: Let me finish, and then the member will hear the justification.

All these problems would have been solved if I could have settled them in for an early night and bathed and fed them, and sorted out my husband as well, and I could have had a few hours to shop by myself. I could have shopped for groceries, clothes, shoes, household goods—anything I needed. For five or six years of my life it would have been an absolute luxury in my life, and one that I rarely experienced, to be able to have some freedom during shopping time.

Hon Kate Doust: That's a really sad story, but it is not justification for opening the shops up later.

Hon HELEN MORTON: Has the member ever tried buying gifts in a kitchenware or glassware shop whilst the kids pick things up and put them down?

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Hon Robyn McSweeney: Perhaps their frontbenchers don't understand that!

Hon HELEN MORTON: I do not think they do.

I remember going without a vacuum cleaner for many months because I just could not get to the place where they were sold. During the week these luxury items and purchases had to play second fiddle to important things such as getting kids to and from school, doctor appointments, visits to the chemist, vehicle maintenance and bank visits, because there were no automated teller machines in those days. Yes, once or twice I forgot to pick the kids up from school.

Any thought of leaving the shopping until Saturday was even worse. We believed in keeping our kids pretty active and all the children had sport to go to, which I was managing alone most of the time whilst my husband worked. I had to get them to netball and two different grades of football, as well as prepare all their equipment et cetera. It was just about impossible to do that.

I could not plan for a regular Thursday night shopping trip because the kids had things on at school and invariably one of the kids was not well, or I was just too tired after another sleepless night. I hated not having the option of being able to shop on other nights. I needed the flexibility to make my week work the best for me. Therefore, I cannot understand the opposition's ridiculous position on retail trading hours and how it is willing to take away flexibility from families who want to make their lifestyle work the best way for them.

The opposition is forcing young mums into the stressed and anxiety-riddled positions that I often found myself in, metropolitan member of Parliament.

Hon Sue Ellery: That's right!

Hon HELEN MORTON: The opposition's change of heart is not fair on the mothers, particularly the working mothers, of this state.

Several members interjected.

The PRESIDENT: Order! Hon Helen Morton has the call.

Hon HELEN MORTON: Many, many families do not have extended family support, and many, many more have working mums who still do the same amount of housework and have the main responsibility for managing children. These mums are absolutely drowning in their commitments and responsibilities, and each year the burden of trying to juggle their working life and home life gets tougher. When I last looked at the statistics, around 155 000 women headed up single-parent families in Western Australia compared with 95 000 men—more than 50 per cent higher—but the opposition's position on this is making life that much more difficult for these mums and dads.

I could not believe it when Hon Ken Travers started telling young mums what products they should buy, especially when it came to brands of nappies.

Several members interjected.

Hon HELEN MORTON: I thought to myself, "What on earth does he know about brands of nappies? Nothing!" He had the audacity to try to tell young mums what to buy! What experience has he got of buying nappies? He does not know which nappy absorbs better than another!

Several members interjected.

Hon HELEN MORTON: How many members opposite have had to juggle being a young mum, married or single, with a couple of kids and the weekly shopping? Very, very few have done so—maybe one or two—but they are prepared to force young mums into these intolerably restrictive hours.

The current system is an absolute dog's breakfast. The trading laws that allow a major supermarket to open on Sundays because it is located in the so-called tourist precinct is the way we are turning now. Some members opposite support extended trading hours in some precincts as a way of getting around these stupid restrictions that are being forced on us. Hon Michelle Roberts, the member for Midland, is prepared to support extended trading hours in her electorate; Hon Alannah MacTiernan is prepared to support extended trading hours in the City of Armadale. Those members are all about trying to give families more flexibility to shop. The opposition is just being absolutely intolerable and inflexible in the position it has taken. Do something for young mums, do something for young families, and do something for the people of the metropolitan area!

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [4.19 pm]: Sometimes urgency motions are about very, very important subjects. Hon Helen Morton is right; trading hours are a dog's breakfast, and so have been the comments of the two previous speakers. Hon Helen Morton rabbited on about her own personal experience and she talked about young mums; she forgets that we previously put a position to

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the people of this state. They rejected us a year ago, sadly, so it is not our policy. The government has come up with a position that, by the way, it did not really canvass all that well with the public before it was elected. Because the Liberal Party's coalition partners have shut up shop and refused to support them, it is now trying to put the pressure on us. We went out and canvassed the community again to see what people think about extending trading hours. Overall, the response to members who did that was that people were not really busting their chops to extend trading hours to nine o'clock. We thought, "Isn't this great! Push on." Hon Phil Edman has the advantage in Rockingham of having 13 Sundays a year for extended trading hours. I know that those shops are not always busy, so we will come back to the honourable member later.

In Western Australia, trading hours are a dog's breakfast. We need to do this properly. Rather than looking at the hours that people are canvassing, it has always been my personal view, based on my long experience of working in retail, that we need to have a broader look at shop classification, the type of product involved and a whole range of other issues, not just the trading hours or the precinct. It is a very complex matter and not one that a Liberal government has ever tackled properly. I know that when I was working as an organiser in the retail industry, the only government that ever talked about absolute deregulation 24/7 was a Liberal government, or the Liberal Party. The Liberal Party has gained government through a coalition—a very interesting coalition with the National Party—and it has come forward with this proposal. Because it cannot get the support of its cabinet colleagues and coalition partners, it has said, "We will put it back on the Labor Party to deal with this." Not once did the Premier make any approaches. Not once has he demonstrated that there is indeed broad support for extended hours until nine o'clock.

We were quite happy with our policy to go to seven o'clock and have a range of other options, but we were not ever looking at nine o'clock. As our leader has already said, if the Premier can demonstrate that there has been a change in the community, that it wants to push trading out to nine o'clock, then let him come back and talk to us about it and see what happens. I want to go back and correct some of the misinformation —

The PRESIDENT: Order, members! I know shopping excites some people and they really like to exercise their lungs on the topic, but only one person at a time can speak.

Hon KATE DOUST: Thank you, Mr President.

There has been some misinformation put forward about what has happened in other states. The Premier came out and said, "They can trade all these hours in Adelaide; surely we can do that." We saw that lovely press item a couple of weeks ago: the shops were shut! I know that in Adelaide the shops are open on a Thursday night in the suburbs and on a Friday night in the city, but they are still not getting the trade. In Sydney, the shops are not open after hours. Food shops and strip shops may be—I do not mean "strip" shops in that other term; I mean strip shops along the road. I had the good fortune to be in Sydney last year during the papal visit. Hundreds of thousands of people were walking around the streets of Sydney during the evening. It was a joyous occasion. One morning I met with one of the ministers there. I said to him, "It amazes me. You've got the capacity to trade 24 hours a day, seven days a week here in New South Wales, yet last night the only shops that were open after six o'clock at night were corner convenience stores—the 7-Elevens." But people could not go into Dymocks to buy a book, they could not go into DJs and they could not go into Woolworths' small supermarket in town. After six o'clock they were shut. With an extra couple of hundred thousand people in town in Sydney—allegedly the hub of the universe in retail in Australia—the shops were shut after six o'clock! The same applies if we go to places like Brisbane.

In terms of our argument here in Perth, members are right: it is not really about the Independent Grocers Alliance; it is not really about Coles and Woolworths; it is about food. It does not matter where one goes, it is all about food. It is not about where one buys whitegoods or furniture. We can already do that. People can go into Bunnings —

Hon Liz Behjat: What about getting my nails done?

Hon KATE DOUST: That is your problem; do it yourself!

It is an artificial argument. Members opposite need to take into account, when looking at this, how it is going to impact.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers, I do not think you are really helping your deputy leader.

Hon KATE DOUST: This argument is all about food. If we were to go down this path, most people would accept it. They would have thought about our proposal of going to seven o'clock, because people like the idea of maybe dropping in to pick up their capsicum or broccoli on their way home to cook their dinner.

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The argument is made about tourists needing to be able to shop at nine o'clock at night to buy their groceries. I have this image of tourists perusing Perth trying to find broccoli! I heard a funny story about Alice Cooper shopping in town last weekend. I said to my husband, "Isn't that great—poor old Alice must be really worried; he can't go and buy his broccoli for his dinner because we don't open until nine o'clock at night." It is about food. There is capacity already. It is up to this government to demonstrate that there is widespread support to trade until nine o'clock at night. It has not done that. The Premier has made no effort to try to discuss this issue outside his own party room. We do not even know what his discussions have been with the National Party.

I come back to the argument about the Nats being out of this. Does that mean that on any piece of legislation that is city-centric, the National Party should absent itself permanently from any decision-making capacity on any legislation or motion or any other business concerning anything to do with the city? Is that the line the government is running, because that is just crazy? That is the way the government is going.

I come to the issue of trading at night and, if other areas were able to trade at night, then the city would open beyond seven o'clock. Where does that leave us on Sunday? Fremantle and the city trade on a Sunday. Nobody else trades on a Sunday. Let me tell the honourable member that the minute that other suburbs are able to open up on Sundays, the city would absolutely die. We can go into the city now on a Sunday and it is busy at certain times of the year—Father's Day, Mother's Day, Easter; all that sort of stuff—but if we were to go into Myer to buy something on a Sunday afternoon, we would be hunting around for service. Businesses are not getting the trade; they are not bringing in the staff. The money is not there. Myer said it would not open until nine o'clock if the government went down that path. This is a contentious issue. It is never going to settle down until a proper review happens right across the industry. We have to take into account all the other factors in retail. As well as that, we have to look at how it will impact upon people who work in the industry.

Hon Sue Ellery raised some very relevant points about how people ingress and egress out of their workplaces late at night. Until the government addresses the issues of transport, access to child care, appropriate family balance rosters for those people, as well as all those issues about classifications, sale of product, protection for small business and issues with tenancies and leases, then we are never going to resolve this issue. At this point in time, this government has not done the leg work. It has come out and said, "We're elected so let's do what we've always wanted to do. We'll open the door on trading hours. We think nine o'clock." No-one has been able to justify why nine o'clock. Why not seven o'clock or eight o'clock? No-one has been able to say why nine o'clock is the best option. There is no empirical evidence to suggest that that is the best option for everyone.

Quite frankly, after work on a Thursday is when I tend to do my food shopping for my family. Mr President, I know you and I have had this discussion before about where we shop and the type of product we buy. If I go to my local supermarket on a Thursday night, the shops are shutting by seven o'clock. They are not worrying about staying open until nine o'clock because the trade is not there. The trade is not there now on a Thursday night. On a Saturday afternoon, by three o'clock a vast number of shopping centres and retail sectors are getting quiet. The trade is not there. I do not know how the government expects retailers to survive and thrive at nine o'clock. At the end of the day it is all academic. Until this government demonstrates to the community, and to everyone else that is involved, that there is actual demand for trading until nine o'clock, it is its problem, not ours. When the Premier is prepared to come and talk to people and explain that there is support, maybe people might be prepared to listen. Do not blame it on us. Bring in the National Party people and do the work. Bring the results in.

HON PHIL EDMAN (South Metropolitan) [4.29 pm]: We can speculate about what Labor may have done if a different time had been proposed, because much of the debate is about the time that trading hours should be extended to, but I am asking that members of this chamber go beyond the issue of exactly when the hours should be extended to and consider how the current arrangements are impacting on our state's tourism sector.

Point of Order

Hon SALLY TALBOT: Mr President, I draw your attention to standing order 83 and ask that the member table the speech he is reading from.

Hon PHIL EDMAN: These are notes. It is not a speech.

The PRESIDENT: Any member is permitted to refer to notes when he or she speaks. Those notes can be very brief notes or they can be copious notes. If a document was being quoted word for word, the point of order would have some merit. At this stage I have no way of knowing for sure whether the member is reading in total from a document or whether he is reading from notes. If the member has a document that he wishes to table, of course he is at liberty to seek leave to table it. But I will be watching the debate with interest from this point.

Debate Resumed

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Hon PHIL EDMAN: A lot of the debate in the lower house was on the issues faced by the people in the Perth metropolitan region.

Point of Order

Hon KEN TRAVERS: The member cannot refer to a debate in the other place, particularly about legislation that we may get in this place one day.

Hon Liz Behjat: Hopefully.

The PRESIDENT: There is no point of order in a sense, but the member on his feet would be aware of standing orders that refer to debates in the other place.

Debate Resumed

Hon PHIL EDMAN: I remind members that the last significant step in deregulation came about from the negative impact that our trading hours were having on tourism in the 1990s. In 1994, the Liberal-National government created the two tourism precincts of Perth and Fremantle in response to continuing complaints from country, interstate and international visitors that our trading hours were making it very hard to make shopping a part of their visits. This was an important step in the orderly and staggered deregulation of trading hours. But 15 years on, it is now time to take another step.

Today, Perth has some of the most restrictive trading hours of any capital city in Australia. Even shoppers in Hobart have more choice than we do. Melbourne, for example, has a tourism strategy of selling itself as a shopping destination. Even people from our own state fly there for that reason. If shopping is an important part of holidaying—which it is for many people—we should be adapting to better capture the tourist dollar.

Our tourism industry brings in outside money that feeds into our whole economy, so every tourist dollar lost is a dollar less for our economy. As discussed by the Premier in the lower house, a visitor to an east coast capital city spends about \$125 a day, on average. A visitor to Western Australia spends on average about \$93 a day. That is a drop of \$32 a day, which represents more than a quarter of a tourist's total spending. How is it that, on average, people are spending more money in Adelaide, Brisbane, Hobart, Sydney and Melbourne? It is not because our hotels, taxis, restaurants, entertainment and the like are 25 per cent cheaper than they are in any other city in Australia; it is because there is less opportunity to shop here and, consequently, less opportunity to spend.

The Liberal Party knows how important this is, and so does the Labor Party. Its previous leader, for example, was very aware of what outsiders think of the Perth trading hours. I am referring to an article in *The West Australian* in which the former Premier, Alan Carpenter, recalled a conversation he had with a then visiting Malaysian government minister. During that visit, the minister said, "One thing you can do for us in Perth is open the shops. I can't shop. I come here and everything is closed." The member for Willagee's response was, "We need to change that."

Point of Order

Hon KEN TRAVERS: Can I ask the member to identify the document that he is quoting from, please?

The PRESIDENT: That is a reasonable request. Hon Phil Edman has been asked to identify the document he is quoting from.

Hon PHIL EDMAN: The document I have is just some speech notes that I have written for myself. There is nothing more in it. It is not from a book; it is simply my own notes, Mr President.

The PRESIDENT: Okay.

Debate Resumed

Hon PHIL EDMAN: That statement has become even more accurate now that we are doing so much as a government to make Western Australia a better state to live in and, in turn, a better state to visit. There are many exciting opportunities in this state, including the sinking of the railway line, the Perth arena, the Perth theatre and the waterfront development, all of which will bring a range of tourism and entertainment businesses. All these developments will have a positive impact on our competitiveness as a tourist destination. But as long as Western Australia continues to have such restrictive trading hours, we will never see their full potential reached.

Point of Order

Hon SALLY TALBOT: With the greatest respect to you, Mr President, I put it to you that the member is clearly reading a speech. I cannot tell whether he is quoting or not, because he is clearly reading every single word,

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including the quotes that he is attributing to other people. However, I put it to you that he is clearly reading a speech.

The PRESIDENT: I cannot tell exactly either. One way the member himself can clear this up, if he wishes to, is at the end of his contribution to seek leave to table the document. Then we will all know whether it has been quoted word for word or whether it has not been quoted word for word. Perhaps that would resolve it to members' satisfaction, if the member on his feet wishes to do so.

Hon PHIL EDMAN: I am happy to provide these notes. Members will see that what I am reading is not exactly the same.

The PRESIDENT: The process is that at the conclusion of the member's contribution, he seeks leave to table the papers that he has quoted from.

Hon PHIL EDMAN: Thank you, Mr President. I am happy to table these notes after I have finished the speech. Is that —

The PRESIDENT: No.

Hon PHIL EDMAN: I will just keep talking; all right. I will have to get used to this.

Debate Resumed

Hon PHIL EDMAN: To better understand the importance of this potential growth in the retail sector, we must first understand what the retail sector means to our economy. Currently, Western Australia's retail sector employs about 74 000 people, and it is estimated to be worth about \$25 billion a year. That makes it one of the largest sectors of our economy and our biggest employer. Taking this sector's relative importance and the retail sector growth seen over east, it seems hard to understand why we would resist deregulation and increased competition. Not only will we earn more money as a state and as a tourist destination, but also, most importantly, we will create jobs.

Although I have argued that supporting our tourism sector is a good reason for deregulating trading hours, it would be foolish for any government to do so if its own people were against it. This is the argument being used by Labor to oppose the move, and, quoting from the Leader of the Opposition's speech on the subject, it seems quite clear. He said —

There is no community support for change and Labor, therefore, will not be supporting this legislation.

Point of Order

Hon KEN TRAVERS: I seek clarification of whether the member is quoting from the Leader of the Opposition's speech in the other place, in which case it would be highly disorderly.

The PRESIDENT: It would not be disorderly if he acknowledged the source of the contribution. I do not know whether he is quoting from that speech or not. Members are aware, I am sure, that if they want to read a speech, they have to seek the permission of the house to do so, and that has been done before. In inaugural speeches, it is customary to read speeches, but after that it is not. From time to time, of course, ministers have that prerogative. They can read statements and second reading speeches. But members have to word their speeches themselves. They can refer to notes, of course, and some members require more notes than others. That is human nature. I am sure that the member making the contribution will learn a lot from these 10 minutes and, in his next contribution, will adhere to the standing orders in a much firmer way. Let Hon Phil Edman continue, and we will all be wiser in the future, I am sure.

Debate Resumed

Hon PHIL EDMAN: In relation to something else that a member on the other side talked about regarding questions, I would like to ask why Labor is asking loaded questions. It is hard to understand, given that just last year when it was in government, it paid Luscombe and Associates to carry out a community survey into retail trading hours. This was a government-funded, independent survey requested by Labor that asked whether people agreed that there should be no changes to trading hours in Western Australia, as the referendum in 2005 rejected changes to shop trading hours. For a party that is resting its whole argument on the results of a four-and-a-half-year-old referendum and a handful of loaded questions, Labor must be interested in knowing that only 29 per cent of respondents agreed that the 2005 referendum showed that today's shop trading hours should remain unchanged. Furthermore, when people were asked whether no changes should be made to trading hours, only 28 per cent agreed. It would appear that the Labor Party has made the mistake of taking less than a third of the population as representing the majority.

The reality is that, despite Labor's claims, there is community support for change. For example, the 2008 survey found that 81 per cent of respondents agreed with the statement that some change in the shopping hours would

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be a good idea to help Perth keep up with the changes in people's working hours. Seventy per cent of respondents agreed that we need to extend trading hours to give people more flexibility and choice, and 64 per cent agreed that we need a change in shopping hours to make Perth more vibrant. Finally, one of the simplest statements from the survey, which is very much in line with my argument, was that extended shop trading hours are better for tourism. Eighty per cent of people agreed with that statement. If that is not a clear signal that people want changes for our tourism sector, I do not know what is.

I seek leave to table my notes.

Leave granted.

[See paper 1087.]

HON COL HOLT (South West) [4.42 pm]: This seems a bit like a Clayton's debate: the debate we have even before the bill even comes into the house. However it is an opportunity to put the viewpoint of the Nationals and to defend our position. Our position has never wavered. We do not support extended trading hours and we never have. That was very clear before the last election and it is very clear now. We do not believe that this is just a city-centric debate, even though that has been suggested. It is about market dominance from the viewpoint of suppliers and growers. If we promote extended trading hours, and therefore promote the growth of the major retail stores, that will take competition out of the buyers' market. While most suppliers and growers live in regional Western Australia, we represent their views and interests on this matter. We believe that extended trading hours will have negative effects on them, and we will continue to represent their interests.

We also consider ourselves a very independent party, and this is what we campaigned on in the last election. We are an independent party that will stand up for regional Western Australians. We have brought that independent stance to our alliance in government. We have not formed a coalition, as has been suggested in this house. It is an alliance and a power sharing arrangement under which we can clearly state the differences in our policy from that of the Liberal Party. If we wanted to form government only with parties that did not support extended retail trading hours, as suggested by Hon Ken Travers, we would not have much of a choice, because both major parties had policies of supporting extended trading hours. We did not have much of a choice in those things. The Nationals represent the views of regional Western Australians. We are protecting the interests of the suppliers and increased competition. That is what the government should be about. If city representatives want to debate extended trading hours from the viewpoint of their constituents, they should do so, but we will debate extended trading hours from our regional viewpoint.

HON JON FORD (Mining and Pastoral) [4.46 pm]: The debate so far has been quite interesting, and some of the comments remind me of the daylight saving debate. I was listening to Hon Helen Morton. I do not know about the views of anybody else here, but at nine o'clock at night the last place I would want to be with a small child is in a shopping centre.

Hon Helen Morton: I said I did not want to do that.

Hon JON FORD: That is what the member was saying.

I do not think there is any urgency in this issue. We have been accused at times of raising issues that are not urgent, but there is no urgency in this issue. There is currently a crisis off the Kimberley coast, where an oil rig is spewing oil into the ocean and threatening our coastline. No matter what anybody says, it represents a threat the extent of which we do not know, but we are not debating that. There are issues about looking after our public officers, but we are not debating those. Here we are debating retail trading hours. It was interesting to hear the view of the National Party. If the government cannot convince the National Party, it should not try to put the pressure on the opposition.

There is not universal support. I was having a haircut the other day, which is a rare experience for me. My hairdresser's name is Mr Snippy, and he has all sorts of opinions, as hairdressers do. He does not support extended trading hours. If his shop was in a mall, like those of some of his mates in the business, he would be forced to stay open late at night, and he does not know whether he would get the business. His view is that other people's businesses would rise in value, and the next minute he would be getting a rent rise. He then talked about the unconscionable conduct of shopping premises landlords. The Commercial Tenancy (Retail Shops) Agreements Act 1985 is a real issue for him, rather than the matter of the hours of work. That brought the issue home to me. My electorate is in the bush. This is not an issue that is worried about or debated.

Hon Norman Moore: That is because you've got extended shopping hours.

Hon JON FORD: We have extended shopping hours, as the Leader of the House has said, in Karratha. I remember when the extended hours were brought in. I went in once at about one o'clock in the morning to the Karratha shopping centre, and there were about two people there.

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Hon Norman Moore: It was open 24 hours a day.

Hon JON FORD: That is right; it was open, but it lasted about three months before they closed it up. The other issue is that there is choice; that is why we have convenience stores. We were talking about broccoli. If I want to buy a bit of broccoli, I can go to my local IGA or convenience shop. When I was a much younger person with a small family, and I was in the air force working long hours, we planned our shopping trips. Life is not all about making other people work longer hours for our convenience. Everybody is entitled to have a life. The real issue here is that this is a government initiative. As the Leader of the Opposition said, the government should try to convince everyone around the cabinet table that it has the right position, and then try to convince the people of Western Australia. I am definitely convinced that the government does not have the support. People come to my office about a lot of issues, and not much of it is about retail trading hours. If there are, they are not people in my electorate, but that gets back to the bush versus the city issue. The Liberal Party should convince its government partners and then come to this house to talk to the opposition about this. It should not try to put the onus on us. The Liberal Party is in government and this is a Liberal Party initiative. If the Liberal Party cannot convince the National Party, it should not try to convince us.

Motion lapsed, pursuant to standing orders.

**CITY OF STIRLING THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2009 —
DISALLOWANCE**

Discharge of Order

Hon Robin Chapple reported that the concerns of the Joint Standing Committee on Delegated Legislation had been satisfied, and on his motion without notice it was resolved —

That order of the day 3, “City of Stirling Thoroughfares and Public Places Local Law 2009 — Disallowance”, be discharged from the notice paper.