

RETAIL TRADING HOURS AND FAIR TRADING LEGISLATION

**1160. Mr A.P. O'GORMAN to the Minister for Consumer and Employment Protection:**

- (1) Will the retail trading hours and fair trading legislation, which will soon be introduced, rectify the uncertainty caused by the last Liberal Government's wholesale changes to trading hours, which were made against legal advice and without going through Parliament and which have put hundreds of small businesses at risk?
- (2) If so, does the minister agree with the Deputy Leader of the Opposition that bringing this legislation into Parliament is a waste of time as the Liberal Party will defeat the Bill in the other place?

**Mr J.C. KOBELKE replied:**

I thank the member for his question. He has taken up the issue of retail trading on behalf of a lot of small businesses in his electorate and he is making sure that their interests are protected.

- (1)-(2) I can confirm that the legislation that will shortly be introduced into this Chamber will rectify the legal uncertainty created by the last Liberal Government when it changed retail trading hours against its legal advice. It simply thumbed its nose at the legal advice. It is quite likely that the Liberal Government did things that were ultra vires, leaving the rules open to challenge. That is a threat to those who may invest \$1 million in setting up a small business. That investment could be wiped away when the trading hours are changed because the past Liberal Government did not follow its own legal advice. We will rectify that problem. We will give small businesses certainty of trading hours by rectifying the problem created by the last Liberal Government. We will also ensure that small businesses have time to adapt to the changes, which will come into effect from 2005. They will have certainty and time to adjust.

It is very interesting that the Deputy Leader of the Liberal Party says it would be a waste of time to give certainty to small business and to give it time to adjust to the changes. If the Liberal Party ever gets the chance, it will change trading hours. However, it wants to do it by stealth. It wants to drop the changes on people. Its stated policy is to put changes to trading hours on ice. It will freeze them. However, it has not said for how long it will freeze the changes. The Liberal Party will freeze any decision until it can implement it by stealth and drop it on people. Therefore, it does not want us to put in place a position that will give certainty to small business. It wants to leave the situation uncertain so that it can play games with small business and look after its mates. It does not worry about small business. It will let the axe fall on small business when it suits it. That is the Liberal Party's game. The Deputy Leader of the Liberal Party says it is a waste of time to give certainty to small businesses by letting them know the hours they will trade in the future. The Bill will come into the Parliament soon, and we will see who stands up for small business: the Labor Government, which is doing the right thing, or the Liberal Party, which simply wants to play with small business. The Liberal Party judges that helping small business in a range of ways would be a waste of time. We certainly do not.