

THE SHOPS AT ELLENBROOK — RESTRICTIVE COVENANT

**743. Mr F.A. ALBAN to the Premier:**

As the Premier is aware, the residents and business community of Ellenbrook —

**Mr D.A. Templeman** interjected.

**The SPEAKER:** Take a seat, member for Swan Hills. Member for Mandurah, I did see your lips move, and I formally call you for the first time.

**Mr F.A. ALBAN:** As the Premier is aware, the residents and business community of Ellenbrook have repeatedly raised concerns about the impact of the restrictive covenant that protects the shopping centre known as The Shops At Ellenbrook. What steps is the Premier taking to remove the covenant or modify its operation?

Several members interjected.

**The SPEAKER:** Thank you, members!

**Mr C.J. BARNETT replied:**

I thank the member for Swan Hills for the question. Before the member for Swan Hills was a member of this Parliament, he worked tirelessly, as has been the case ever since, to give greater amenity to the people of Ellenbrook so that more shops can be established, and so that people can have greater choice and convenience of having everyday goods and services available in Ellenbrook. Ellenbrook is a rapidly growing area and this restrictive covenant, which was put in place by the Insurance Commission of Western Australia, has restricted the development of shops at Ellenbrook, and that is annoying the community. It is interesting that members opposite are so outspoken on this matter; they should not forget that in 2003, under the former Labor government, the restrictive covenant was put in place. It is now up to this government to try to fix it, and that is what we are trying to do—but it is not that straightforward.

**Mr E.S. Ripper:** Have you done it yet?

**Mr C.J. BARNETT:** We have been in government for a year. The former Labor government left us many problems and we have done a great job so far in sorting out problems created by its incompetence, but there are further things to do.

**The SPEAKER:** I am sure that Hansard wants to hear the Premier's answer, as do I and the member for Swan Hills.

**Mr C.J. BARNETT:** During the election campaign the Liberal Party undertook to look into whether the covenant breached the Trade Practices Act.

**Mr E.S. Ripper:** The Liberal Party undertook to remove it!

**Mr C.J. BARNETT:** Yes.

Mr Speaker, we have been advised that it does not. That somewhat surprises me but that is the legal answer.

**Ms A.J.G. MacTiernan:** The Premier made a promise that he had not researched; is that right?

**The SPEAKER:** Order, Member for Armadale!

**Mr C.J. BARNETT:** I have met, as have my chief of staff and others, Woolworths and the Insurance Commission of Western Australia on several occasions. I have made it very, very clear that I expect that covenant to be phased out in a sensible and responsible way.

**Mr E.S. Ripper:** Is the government going to make a community service obligation payment to them?

**The SPEAKER:** Order, Leader of the Opposition!

**Mr C.J. BARNETT:** Bear in mind it is all very well to say, "Just tear up the covenant —

**Ms A.J.G. MacTiernan:** That is what the Premier said he would do. That is the point. The whole point is the Premier's election promise. He made a promise.

**Mr C.J. BARNETT:** The member for Armadale, the candidate for Canning, has not asked the question —

**Ms A.J.G. MacTiernan:** I thank the Premier for promoting me! I am going to give him a spotter's fee every time he mentions it!

**Mr C.J. BARNETT:** Mr Speaker, I need protection from the candidate for Canning. I have met on several occasions, indeed as have others —

*Point of Order*

**Mr A.J. CARPENTER:** The Speaker has made it abundantly clear that members should refer to other members by their correct title. The Speaker should be directing that member over there to do the same.

**Ms A.J.G. MacTiernan:** Even though I do not mind! Keep it up.

**The SPEAKER:** On the point of order that the member for Willagee has made, I accept that he has made a correct point of order. I note that the member for Armadale is quite willing to accept the accolade, if it is an accolade, from the Premier. That acceptance would negate in fact any point of order in respect to whether that is a derogatory comment.

*Questions without Notice Resumed*

**Mr C.J. BARNETT:** In fact I referred to the member opposite as the member for Armadale and candidate for Canning.

Several members interjected.

**The SPEAKER:** Member for Girrawheen and member for Armadale, I would like to get through this question. I think some other people in this place, on both sides, would also like to get through the question. I formally call you both for the first time.

**Mr C.J. BARNETT:** This is a legal arrangement that is in place. We do need to be conscious that the Insurance Commission of Western Australia has a responsibility to pay out in the event of accident and injury.

**Ms A.J.G. MacTiernan:** That was true before the Premier made the commitment.

**Mr C.J. BARNETT:** The member for Armadale did not ask the question. If she wants to ask me a question, please get up and ask me one.

Opposition members interjected.

**The SPEAKER:** Member for Collie-Preston, it might be a nervous reaction, but I suggest that you try to control it in future. I formally call you for the second time; likewise, member for Armadale, I formally call you for the second time.

**Mr C.J. BARNETT:** What is being progressed will lift the restriction on new retail shops of 300 square metres or less so long as they do not form an alternative shopping centre. It requires an agreement, and we are well advanced on getting agreement. From that, we would hope to see a progressive phasing out of that covenant. I also advise that the developer and the Insurance Commission, which built stage 1 of 35 shops, are proceeding with stage 2, which will be a further 60 shops. Construction will start early in 2010, with the second stage open by Easter 2011. There will be another 60 shops in Ellenbrook, which should hopefully meet the needs of the community.

The relaxation of the covenant will mean that people will be able to open shops of 300 square metres or less, and then there will be a further relaxation. That is the responsible way of dealing with this issue. We have worked intensely, on behalf of, and with, the member for Swan Hills, to deal with this properly. I remind members opposite—who smirk on a routine basis—that when they were in government in 2003, they put this restrictive covenant in place, and that has been to the gross disadvantage of the people of Ellenbrook and surrounding areas.