

**RETAIL TRADING HOURS AMENDMENT (JOONDALUP SPECIAL TRADING
PRECINCT) BILL 2009**

Declaration as Urgent

MR T.R. BUSWELL (Vasse — Minister for Commerce) [9.49 pm]: In accordance with standing order 168(2), I move —

That the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009 be considered an urgent bill.

I do not intend to speak for very long in justifying the urgency of this bill. Clearly, this legislation is a priority of the government. My understanding is that it has the support of the opposition, although, of course, as always, we look forward to the opposition's participation in the debate. The government is keen to clear this bill through the house as quickly as it can, so that if the opportunity presents itself, the bill can be considered in the upper house. Because the progression through that place of legislation from this place is the subject of some delays at the moment, the situation is largely unpredictable. However, our view is that we would like this bill cleared through this house, so that, if it is possible, it may well be transmitted to and dealt with by the other house as quickly as possible. Clearly, there is a strong desire in Joondalup, as expressed by the local council; the mayor; and the local member, the member for Joondalup, to have this legislation put in place, and, from our point of view, the sooner we can do it, the better.

MR M. MCGOWAN (Rockingham) [9.50 pm]: Once again, the opposition will support the bill being declared an urgent bill. This will be the fourth time that we have done this in the past three parliamentary sitting days, and it is the second time today that it has happened. It means that the bill has not sat on the table for proper scrutiny for an appropriate amount of time. Although we accept and will support this legislation going through this house, I make the point again, as I expect I will make it on many occasions during this week, that it is an outrage for the government to have on the notice paper 14 separate pieces of legislation for debate. It is way too much, and it shows a haphazard and lackadaisical way of managing the business of this house when the government brings forward 14 separate pieces of legislation in this three-day sitting period of the house. With some of this legislation, the government expects to go through every single stage of debate, not only in an urgent sense, but in succession, so there is no delay between each stage of debate on each piece of legislation. We have just experienced debate on one such piece of legislation. We took some time to consider the mines safety legislation. It will impose a tax on the mining industry of many millions of dollars, on my estimation, over a four-year period—at least \$60 million, \$70 million or \$80 million—and should have received some consideration by the house. This bill also deserves some consideration by the house. It would have been far better if the government had brought it in a lot earlier so that we could give it proper consideration. We had this debate a little earlier today before the mines safety legislation came on. We spent probably four or five hours considering the mines safety legislation, as we should have done. If members had heard the speech of the member for Collie-Preston and the speech of the member for Cockburn, they would know why it should have received that consideration. As I said, 20 pieces of legislation have been passed by this house.

Mr F.M. Logan: Twenty-one.

Mr M. McGOWAN: It is 21 now. I think two of those bills were objected to violently by the opposition. However, 21 pieces of legislation have been passed by this house since 15 September. Therefore, the government cannot argue that there has not been cooperation from the opposition. It would have been far better if, at the beginning of the year, there had been an allocation of perhaps 25 sitting weeks. Then, if we had excess sitting weeks, we could delete them from the diary; if we had too many sitting weeks, we could take them away. It is not a hard thing to do. When three weeks are slotted in, people have to change their diaries and events in their electorates and cancel overseas trips. Even the birth of children can intervene. Sometimes the timing of that particular event can be controlled. All those things are often planned by members of this place. If the government were to allocate a period of 25 weeks, members could plan around that. If there were excess weeks, the government could take out two, three, four or five weeks. That is a much simpler way of managing the business of the house than to allocate 17 weeks at the start of the year, and then add in three more weeks, as has been done, and have this incredible rush to deal with this legislation in the last week of sitting.

Having said all that, we will give this piece of legislation proper and appropriate consideration, as we did with the mines safety legislation. I understand that the opposition will support the legislation. However, I wanted to make the point that there are better ways of managing the business of this house than what has been going on in this place in the past couple of sitting weeks.

Question put and passed.

Second Reading

Resumed from 17 November.

MR F.M. LOGAN (Cockburn) [9.54 pm]: I rise to speak on the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009. The bill, in its structure, is a very simple bill in that it seeks to do a number of things. It seeks to amend section 12 of the Retail Trading Hours Act—this goes to the real content of the bill—by deleting the word “tourism” and inserting instead “special trading”, thereby changing the nature of the precincts, as they are defined in the act at the moment, from tourism precincts to special trading precincts. This is a move that the opposition supports, because it reflects what those precincts are in reality. It does not try to confuse the issue or try to get around the issue of extending retail trading hours by defining them as tourism precincts, but simply calls it as it is; that is, they are special trading precincts.

Clause 5, which amends section 12A, does exactly the same thing; that is, it deletes “tourism” and inserts “special trading”. Thereafter, in subclauses (2) and (3) of clause 5, the bill adds to the definitions in section 12(4) of the act of “tourism precinct”, which will eventually be “special trading precinct”, the area of Joondalup, being the Joondalup special trading precinct for the area prescribed for the purposes of this definition. Subclause (4) basically amends the existing provisions of the act and changes Fremantle and Perth from tourism precincts to special trading precincts. That is really the guts of the legislation. On the face of it, it does not do a great deal. It simply brings about a number of simple amendments. The application of the act is, however, a significant change from the way in which business is done in Western Australia at the moment.

As the minister has already indicated in his previous comments on the urgency of this bill, Labor supports the bill, and we will support the bill. Why? We support the bill because it is in keeping with Labor’s approach to retail trading hours when in government in 2005 and our proposal to introduce trading until 9.00 pm, which was rejected by the then opposition, and the policy that we took to the election in September 2008. I will remind members what the policy said. Members should bear in mind that this policy reflected also the will of the people at the 2005 referendum; that is, we were not simply going back to the previous proposal that we had for nine o’clock trading that was taken to Parliament and rejected; and we then had a referendum, which, in turn, rejected the proposition to extend retail trading hours. It was a reflection of that, but it went to some of the content of what we are dealing with in the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009 tonight; that is, the Labor Party said, during the September 2008 election campaign, that it would increase the standard trading hours for general retail shops from 6.00 pm to 7.00 pm on weeknights, which I will come back to. This bill does not deal with that, but an order that will be issued by the minister, which we will talk about later, will deal with that. We also said that, if elected, we would create a new category of domestic goods shops—shops that sold, predominantly, white goods, furniture or major electrical items—that would be open on Sundays, in addition to standard trading hours for general retail shops. That is still a critical issue that has not been addressed by this bill, and there does not seem to be any intention by the government to address that critical issue at this time, an issue that will continue to be raised by industry players.

The third point of our policy was to create a new outer metropolitan shopping districts that would allow Sunday and public trading in specified locations over and above the existing tourism precincts that I referred to earlier of Perth and Fremantle, being the areas of Midland, Joondalup and Armadale. Labor’s proposed trading hours for those precincts, as stated during the September 2008 election campaign, were Monday to Friday trading hours of 8.00 am to 7.00 pm; Thursdays, 8.00 am to 9.00 pm; and Sundays, 11.00 am to 5.00 pm. There was also a proposal to increase the trading hours in the Perth and Fremantle tourism precincts from the existing seven o’clock, after consultation with the councils in those areas.

The fifth point of the policy that we took to the election was to provide further support for small business employees through amendments to the Commercial Tenancy (Retail Shops) Agreements Act 1985. We have even attempted to do that by introducing amendments to the Commercial Tenancy (Retail Shops) Amendment Bill 2009, which I am sure the government is considering—I hope the government is considering them—and comparing with its own intention of moving amendments to the commercial tenancy act to further protect the interests of small business as a result of the extension of retail trading hours. That was the policy that Labor took to the election in September 2008.

This was the document that was provided to the general public during the election campaign and detailed the Liberal Party’s policy on trading hours. The first four points were simply a criticism of Labor, and the overall Liberal view about deregulation and the referendum. I will quote the fourth point —

- 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).

Mr Troy Buswell; Mr Mark McGowan; Mr Fran Logan; Mr Tony O'Gorman; Mr Albert Jacob; Ms Alannah MacTiernan; Ms Andrea Mitchell

- In general, any deregulation should be done slowly, carefully and in stages, (we are talking about people's jobs and livelihoods).
- Western Australia can be different if we choose a different lifestyle (note Paris does not have Sunday trading).

The fifth point 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.
- For a further step in deregulation the Liberals would want a broad agreement.
- Believe that an extension to weekday trading could possibly be achieved.
- The Liberals will seek to strike the balance between quality of life and commercial reality.

That was the Liberal Party's stated trading hours policy that it took to the 2008 election.

Mr E.S. Ripper: They've got a robust mandate!

Mr F.M. LOGAN: Leader of the Opposition, there was no reference to nine o'clock trading. That was the reason I quoted from that document. There have been plenty of statements made that that was the policy it took to the election, but it was not. What I quoted from was the policy it took to the election. There was no reference whatsoever to nine o'clock trading, although I will say that when questioned about what this means, the now Premier—the then Leader of the Opposition—indicated that he would prefer nine o'clock trading. I am not saying that it was not mentioned.

Mr J.M. Francis: It was mentioned.

Mr F.M. LOGAN: It was mentioned. But that does not mean to say that that was the policy, which, I think, is the difference between the opinions that we have put to the house and to the public, and the government's view. There is a difference. I understand that from the government's perspective there might be a slight difference, but when it comes to actual written policy, which is what journalists go back to, there is a difference between what the government stated in writing and an off-the-cuff statement of what the former Leader of the Opposition would actually like. One is policy; the other is just a statement that they may do something and what their best intentions might be.

Nevertheless, I believe that the bill before us actually reflects a significant proportion of, first of all, Labor's intention, when in government, to extend trading hours to nine o'clock, but also what it took to the last election in September 2008. For that reason, we have indicated that we will support this bill. My point is that I believe that Labor has actually been consistent in its approach and in its support for this bill. I say that by making reference to the last election and to what we were actually saying when in government.

When Labor was in government and it put forward nine o'clock closing and Sunday trading by way of legislative amendment in this house, those people who were in the house—I think Mr Speaker was—will remember very clearly the opposition that was put up to the government's proposals to amend retail trading hours, particularly in the lead-up to the referendum. I have some lovely pieces of documentation with me, one of which was published in the lead-up to the referendum. This is a quote from the minister himself, who stated that he was voting no and no. That was a quote from Troy Buswell, Western Australian Liberal candidate. He said he was voting no and he was voting against any extension to retail trading hours. Amazingly, in the "NO and NO" campaign that was being touted at the time, guess who the member for Vasse was in company with? Right under the member for Vasse's picture on the "We're voting NO and NO" campaign is none other than Kevin Reynolds, secretary of the Construction, Forestry, Mining and Energy Union. Now, that is amazing company for the member for Vasse to keep—himself and Kevin. Right next to him, on the left —

Mr T.R. Buswell: If Kevin's underneath, who's on top?

Mr F.M. LOGAN: I will provide the member for Vasse with that information—maybe the member should not have asked, but I will tell him anyway. The other person voting "NO and NO"—I hope some of our Liberal colleagues sitting on the backbench are listening and remember this when it comes to voting no and no—is Margaret Court, "Committed Christian". She stated, "I'm voting NO and NO". I am listening to determine whether there are any committed Christians sitting up there on the back bench who will be voting no and no when it comes to the extension of retail trading hours, particularly when it comes to extended retail trading hours on Sundays in particular areas. We will be seeing exactly how they vote.

Mrs L.M. Harvey: We will be interested to know how you vote.

Mr Troy Buswell; Mr Mark McGowan; Mr Fran Logan; Mr Tony O'Gorman; Mr Albert Jacob; Ms Alannah MacTiernan; Ms Andrea Mitchell

Mr F.M. LOGAN: I have told members how we are voting. If they cared to listen they would know that we are supporting this bill. It is very clear how we are voting; we are voting with the government.

On the left of this amazing document, which I do believe we should have framed—I might provide it to the member for Vasse as a birthday present one day, just to remind him—is none other than the bearded wonder himself at the time, Dan Sullivan, the then deputy leader of the Liberal Party. He was the leader of the charge on the vote no-no campaign. He was out there with his satchel collecting the money from IGA to ensure that he knocked extended retail trading hours on the head. He was out there collecting the dough; we all know about that, and how much he got for the no-no campaign and the forthcoming Liberal election campaign. Some interesting documents come up. Just for the record, some of the other people on the no-no campaign—this is a walk down memory lane—included Howard Sattler, Bradley Woods, Peter Fitzpatrick and Dee Margetts. The member for Vasse is in fine company here.

Mr T.R. Buswell: Where is Brian Burke?

Mr F.M. LOGAN: I think Brian Burke was on the other side of the paper, hiding away. I think he had his hand up the backs of some of those people on this sheet. Bob Maumill was on this list, and Brad Dunstone, and Jimmy McGiveron, secretary of the Transport Workers Union and another favourite of the member for Vasse. We see Martin Dempsey, another stalwart of the Liberal Party; Sue Walker, the former member for Nedlands; Frank Hough—good old Frankie; and Vincent Tan. For those backbench pastors up there, this is what I would call a very broad church. What was the idea that unified them all? Opposition to the extension of retail trading hours to nine o'clock. That was the thing that solidified all those people on that list. All I am doing is comparing the approach that Labor has taken, which I would argue very strongly is a consistent approach in government and in taking policies to the electorate, with the flip-flopping by former and current Liberal members of this house. I referred earlier to Dan Sullivan, the former member for Leschenault, and his role in getting the support of the IGA —

Mr E.S. Ripper: With the full authority of his then leader, the Premier.

Mr F.M. LOGAN: With the total authority of his then leader, who is now the Premier of Western Australia. I will make reference to another person who figures in the current Liberal government and his view of what was going on at the time. I refer to the *Business News* dated 11 November 2004, which quotes Paul Plowman, who ran the Franchises Against Inequitable Retailing—FAIR—campaign.

Mr T.R. Buswell: Who are you talking about?

Mr F.M. LOGAN: Paul Plowman.

Mr T.R. Buswell: Who is he?

Mr F.M. LOGAN: I think the member for Vasse might know him.

Mr E.S. Ripper: He will be written out of history. Soon the photographs will be airbrushed.

Mr F.M. LOGAN: Exactly—he might be airbrushed out of history very soon, but he is still there employed at the moment, and the member for Vasse knows who he is. The article states —

Mr Plowman said that the WA Independent Grocers' Association had promised the Liberal Party \$200,000 for campaign funds if it retained the status quo.

The status quo at the time, of course, was no extension to retail trading hours. When I refer to the role that the Liberal Party played in the IGA campaign to oppose the extension of retail trading hours and the support that was promised, I think there is a person very close to the Liberal Party at the moment who knows a lot about what happened in the previous opposition to retail trading hours. Next time I go into IGA at Shenton Park, I had better not see the member for Vasse there. I will finger him if he is down there in Shenton Park.

I take members back to the issue of consistency and the views that have been expressed on retail trading hours compared with the bill that is before the house. I refer to *The West Australian* of Thursday, 26 June 2003, which states —

Opposition Leader Colin Barnett said the party room had yet to discuss the Government's move but he would not support the Bill if it was bundled with plans to extend weeknight shopping.

That is exactly what occurred. Basically, the Leader of the Opposition at the time was opposed to the extension of weeknight trading hours. Members should remember what was actually said before, and members of the public should remember what has been said before and compare it with what is being said now. Grahame Armstrong in *The Sunday Times* was far more scathing about Mr Barnett's position. He wrote —

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Mr Barnett, at times, looks and sounds like an opportunist and a hypocrite.

...

Take shopping hours. The Liberal Party's ethos is free enterprise, yet Mr Barnett's position is to oppose further deregulation of shopping hours

Some other extraordinary contradictions come to light when we go back and look at previous positions of the deregulationists.

Mr T.R. Buswell interjected.

Mr F.M. LOGAN: We have got to go back and review history, member for Vasse.

Dr G.G. Jacobs: Get on with it!

Mr F.M. LOGAN: No, we will not get on and do anything of the sort. We have to go back and look at history, just to ensure that we learn by our mistakes and that we do not continue to repeat the same mistakes of history. I am just trying to help here. In my little researches about who said what at the time, I found an extraordinary report in *The Australian* of Saturday, 5 February 2005. Member for Vasse, guess who was promoting the extension of retail trading hours in Western Australia and supporting the position being taken by the then Labor government? None other than Peter Costello.

I know that the Premier has a great relationship with the former federal Treasurer. Clearly, the Premier of the day must have some impact on federal members, because here was the Treasurer of the federal party supporting the Western Australian Labor government's position when he said in an article in *The Australian* —

“On the east coast, in the major states, there has been deregulation. The experience, I think, has been a good one,” the Treasurer said.

“People have been able to get access to shopping. If they are working late at night, they can get access at night after coming home from work. If you've got a need to get something on Sunday, you can go out and get it on a Sunday.

Who does that sound like? Only recently I heard those statements being made in this place by the Premier. The statements I am quoting here were made in 2005 by the then federal Treasurer. What was the response of this state's then Leader of the Opposition to those comments by the Treasurer of the day? According to Kathryn Shine and Nigel Wilson of *The Australian*, the response by the then Leader of the Opposition was a very angry one. The article states —

His comments —

That is, the comments by Mr Peter Costello —

provoked an angry response from Mr Barnett, who has opposed longer trading hours, indicating he will vote no in a referendum held with the election on February 26.

Mr Barnett said of Mr Peter Costello—and they were wise words—that he should butt out of it and keep his nose out of Western Australia's affairs.

Mr C.J. Barnett: He came into our campaign uninvited, and got on the plane and flew out. I have had various explanations on what that was all about from a number of federal members from New South Wales and Victoria.

Mr F.M. LOGAN: Federal leaders tend to do that.

Mr C.J. Barnett: It was a remarkable show of support, and I did not lay eyes on him during his 10 or 12 hours in Perth.

Mr E.S. Ripper: I personally congratulated him.

Dr J.M. Woollard: Is the member supporting this bill? He has already taken 26 minutes and it is now 10.20 pm and he is still carrying on.

Mr F.M. LOGAN: Does the member for Alfred Cove want to go home to bed? She can go if she likes.

Dr J.M. Woollard: Some members get six hours' sleep from the time they get home on a Tuesday night and then come back for committee meetings. It takes them an hour to get home and an hour to get back.

Mr F.M. LOGAN: Boohoo—welcome to politics!

The SPEAKER: We have an entirely different issue before the house. I know that the member for Cockburn would like to return to this bill.

Mr Troy Buswell; Mr Mark McGowan; Mr Fran Logan; Mr Tony O'Gorman; Mr Albert Jacob; Ms Alannah MacTiernan; Ms Andrea Mitchell

Mr F.M. LOGAN: Thank you, Mr Speaker, for defending me against the outrageous comments of the member for Alfred Cove.

I am dealing with the bill and I am putting to the house the consistent approach that Labor has taken to this bill compared with the statements that were made by government members when similar legislation was brought before this house. I think that members opposite would expect us to do that. Surely they would not expect us to let them get away with debating the bill without commenting on statements that they made in this house that were directly opposite to what is in this bill.

Mr C.J. Barnett: In fairness to me, the member should look carefully at what I said on the issue. It is a matter of fact that at that stage there was a majority of members in the Liberal Party party room who did not support deregulation. I was not one of them, but I was the leader and accepted the party's position. If the member researched further back, he will find a debate between me and the then Premier, Peter Dowding. I think it was on *The 7.30 Report*.

Mr F.M. LOGAN: With due respect to the Premier, as the then Leader of the Opposition, he played it very carefully in not only opposing the referendum but also making clear from time to time his support for the deregulation of retail trading hours. I accept that there is no doubt that even during the debate in this house the Premier's comments were in support of further deregulation of retail trading hours.

Mr C.J. Barnett: Sometimes in politics one gets snookered.

Mr F.M. LOGAN: That is correct. The Premier made some statements that indicated that despite his heartfelt intent for a review of the Retail Trading Hours Act, he had to go along with the party's view, which was to oppose further changes to the act and the extension of shopping hours.

The point I am making is that the opposition is supporting the bill, but I am highlighting some of the comments that were made when Labor, in government, tried to do a similar thing. I am putting to the house that we are taking a consistent approach, and I have highlighted that approach by referring to various policies and the comments that were made in previous debates, and that is a fair and appropriate thing to do.

I will move on to a serious issue that goes to the heart of the bill; that is, the whole concept of what the bill is about. What is the bill about? It is not only about allowing people to shop a greater number of hours; it is effectively a bill that is trying to introduce greater competition into the industry. It not only deals with retail trading hours, but also, by extending retail trading hours, it is in essence encouraging a greater mix of shops and level of competition in the marketplace. Therefore, we hope that with a greater level of competition, a reduction in prices will follow and that will be of benefit to all.

Mr J.M. Francis: More jobs.

Mr F.M. LOGAN: Yes, more jobs.

Mr J.M. Francis: So why not Joondalup? What is so different at Joondalup?

Mr C.J. Barnett: First and foremost this bill is about giving consumers choice. That comes first regardless of the state of competition or prices in the marketplace. The first thing is consumer choice.

Mr F.M. LOGAN: I will pick up on the Premier's point about choice. A choice only comes about when one actually has the choice. That choice comes when we have the number of players in the marketplace to actually have that choice between.

I draw the house's attention to some of the comments by Professor Frank Zumbo of the University of New South Wales, who is a specialist in competition policy, particularly in the area of consumer affairs. I will quote some of the points that Professor Zumbo made on trading hours and the issues of choice and competition. He stated —

So the issue of **extended trading hours** has raised its head again only to be (again) **dismissed because of a lack of numbers in Parliament**.

This has become **a sad cycle of debate** and ultimately stalemate.

...

Small businesses oppose deregulation of retail trading hours, big businesses and their shopping centre mates want more trading hours, and consumers have mixed feelings.

That sums up the situation facing Western Australia. Professor Zumbo also said —

Now, extended trading hours may give consumers some greater convenience **but longer trading hours won't on their own lead to more competitors or cheaper prices**.

Mr Troy Buswell; Mr Mark McGowan; Mr Fran Logan; Mr Tony O'Gorman; Mr Albert Jacob; Ms Alannah MacTiernan; Ms Andrea Mitchell

Professor Zumbo highlights that what should be concentrated on is not only the extension of retail trading hours; that is only one small part of the component of reaching greater competition and more choice in the marketplace. Professor Zumbo refers to a number of things that can and should be done to achieve those ends. Restrictive covenants on shopping centres is one of the key points that he made.

When Professor Zumbo was in Perth recently, he quoted the restricted covenant in place in Ellenbrook as a classic example of the ability of the major grocery trading houses to restrict players coming into the market. That is not unusual. He pointed to a significant number of examples of restricted covenants in Western Australia and around the country that basically keep the other large grocery retailers out of those shopping centres, thereby constraining competition and choice.

We heard just a minute ago the Premier say that this bill is all about choice. He is right: it is about choice, but a change in retail trading hours by itself will not bring that about. There have to be other changes to the structures in and around the market that will allow greater choice and greater competition. A restrictive covenant over a shopping centre is one of the provisions that has been identified. Another provision that he identified is restrictive zoning laws that prevent the entry of new competitors to both major supermarket chains and major shopping centre landlords. Those provisions are the two critical provisions that Professor Zumbo believes are absolutely necessary if the government is to achieve the stated ultimate aims of greater choice in the marketplace, cheaper prices and more competition. The issue being put forward is not simply extended trading hours; that is only a small component of the argument.

The reality of what we are facing is that although this bill brings about an extension of trading hours only to Joondalup, there will be, in conjunction with the bill, further changes by regulation and ministerial order to the way in which shopping will take place in Perth. Those further changes will extend the current boundaries around the city of what was deemed to be Perth to Subiaco, Mt Hawthorn, Victoria Park and South Perth. The trading hours in these areas will be extended to 9.00 pm Monday to Friday and from 11.00 am to 5.00 pm on Sunday.

People may believe that Professor Zumbo is wrong and that there will be some magical change in the way in which shoppers will shop in those areas simply because of an extension to retail trading hours. Unfortunately the reality is that that will not be the case. Those areas will probably be more lively places and there will probably be significantly more shopping on Sunday—I agree on Sunday. However, I put it to the house that there will be no change to the way shopping is undertaken by consumers in their willingness to go out and spend any more money than they currently spend between Monday and Friday until 9.00 pm. The other reality check that we need is that the shops in those areas will probably not open. That is unfortunate for consumers but it is a reality in the economics of running a small business. The shops within the current boundaries of Perth precinct are able to open until 7.00 pm now but they simply do not. An extension of those hours to 9.00 pm will not encourage them or provide an incentive to them to remain open.

Mr J.M. Francis: That is what the regulations are about.

Mr F.M. LOGAN: The question of what the regulations are about is not the issue we are dealing with here. The issue is about choice, competition and cheaper prices. That is the endgame. That is the objective. Forget about the emotion of what the government is putting up; that is the objective at the end of the day. Cut out all the waffle on the way and go to what the whole point of this is about. The reality is that it is not going to occur. There may be some movement on Sunday; I agree with the Treasurer that when the majority of people talk about extended trading hours they want the opportunity to go out on Sunday afternoon and do some shopping for larger purchases.

I put it to the house that Labor has remained very consistent in its approach to retail trading hours. We do not disagree with the ethos of what has been put forward by the Liberal Party in this bill; that is, to extend trading hours to Sunday in Joondalup. We do not disagree with the proposals that will be put forward—not in this bill, but by way of ministerial order and regulatory change—to extend trading hours to 9.00 pm in those special trading precincts including, I am advised by the minister, Joondalup as well. The minister has indicated that the government is seeking to take a consistent approach to trading hours across those special trading precincts. However, as Professor Zumbo has indicated, these changes will not bring about the objective of achieving greater choice, more competition and cheaper prices, which was stated by both the Liberal government and Labor when it was in government and now in opposition. It just will not do that. To dress up these shopping hours changes by suggesting in any way, shape or form that they will bring about that change in culture or that change in the nature of the economy is misleading consumers and misleading the Western Australian public. For all the emotion that goes around this debate, the extension of trading hours will be simply a choice for the retail shops themselves as to whether or not they open. There will be no benefit of choice for consumers because, unfortunately, the state of the economy at the moment and the cost pressures facing small business means they

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will choose to not open. That is a sad fact that all of us in this house must face. Having said that, the opposition supports the bill.

MR A.P. O'GORMAN (Joondalup) [10.37 pm]: I will not go over the issues the member for Cockburn raised about the Jekyll and Hyde nature of this debate that has been going on for quite a number of years. I think we all as members have changed our position, and we now have this bill in front of us in the house. Essentially, the bill is seeking to do two things—one is to change the name of a tourism precinct to a special trading precinct and the other is to include Joondalup as a special trading precinct. That is something the City of Joondalup has been pushing for for some time. I had an issue with calling Joondalup a tourism precinct, as I did not believe that accurately reflected the nature of the move there. There are actually no tourist destinations whatsoever in Joondalup central business district and the area that is proposed as the special precinct. There are a couple of coffee shops.

Mr A.P. Jacob: That is good coming from the local member!

Mr A.P. O'GORMAN: Listen! The member for Ocean Reef should just sit back in his seat for a minute. There is tourism over on the coast but it is not proposed that the special trading precinct will bring in Joondalup Resort. Be honest about it. The bill is not about tourism; it is about deregulating trading. That is what the minister has agreed to do with this bill by removing “tourism precinct” in the Retail Trading Hours Act and replacing it with “special trading precinct”.

He has recognised the truth in this issue and that is the only issue. Joondalup is a fantastic place. I encourage every member of this place to go there and play a round of crazy golf at Botanic Golf and visit Yellagonga Regional Park. They are tourism facilities.

Mr A.P. Jacob interjected.

Mr A.P. O'GORMAN: Hang on! We are talking about tourism destinations. If members go to Joondalup and visit Yellagonga Regional Park, Joondalup Resort or Botanic Golf, they will experience true tourism facilities. People go there for the experience; they do not go there to shop. That is why, given the wording of this bill, I can still support it.

The other thing is that Joondalup has long been considered the second central business district of the metropolitan area, but in name only shall we say. This bill, which provides for only Joondalup, seeks to bring in that trading precinct. Unfortunately, and quite rightly so at this point, the minister has not included in the bill the parameters of that trading precinct. When the minister makes his reply I hope he will provide some of the boundaries. I understand the boundaries include Joondalup Drive to Ocean Reef Road, as far as Moore Drive and Winton Road and the commercial precinct within Joondalup and the Joondalup CBD, incorporating Lakeside Shopping Centre, Boas Avenue and Grand Boulevard and surrounding areas. That is my understanding of where the precinct should extend—nowhere else.

When I started talking to small businesses in the area about deregulation of trading hours, they started giving me indications that trading on Sundays was their preferred option rather than extending weeknight shopping hours to nine o'clock.

Dr M.D. Nahan: Eighty-five per cent said they didn't support it last time.

Mr A.P. O'GORMAN: That is right, 85 per cent did say that in 2004.

Dr M.D. Nahan interjected.

Mr A.P. O'GORMAN: The member should keep quiet for a minute. I will give him the results of my current survey. Something he has probably not done is consult his electorate. I did not get the same grade A response that I got last time, so my guess is that people are less concerned about it. We identified age groups in that survey, but I will not go into what the specific age groups wanted. One significant response surprised me. Mostly when we talked to seniors in our community they were pretty happy with the way things were, but the survey showed that 68 per cent of people over 61 actually supported Sunday trading. That was quite a surprise to me, but that is how it is and that is the way to go. We respond to our electorates and that is what I think I have done. If the member for Riverton wants me to dump the surveys on his desk, I will because that is what the response was.

Dr M.D. Nahan interjected.

Mr A.P. O'GORMAN: I do not think it was. Once again, the member for Riverton works with models; he should go and play with his models. I work with my constituents. If the member for Riverton tells me that he has

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worked well in his electorate and is re-elected twice, he can tell me about it then. But for now, he can keep his mouth shut and let me get through what I want to say.

Dr M.D. Nahan interjected.

Mr A.P. O'GORMAN: Eighty-five per cent of respondents were against it at the time. The member for Riverton is 90 per cent idiot and 10 per cent half here. Why does he not just back off?

Withdrawal of Remark

Mr J.M. FRANCIS: Mr Speaker —

Mr A.P. O'GORMAN: I will withdraw my remark. Members in the veggie patch are very touchy tonight!

Debate Resumed

Mr A.P. O'GORMAN: I have spoken to my retailers in Joondalup. As I said, when I spoke to them about deregulation previously they indicated that their preference was for Sunday trading rather than mid-week extended hours.

Mr A.P. Jacob interjected.

Mr A.P. O'GORMAN: The Joondalup Business Association now says it does not support it. I do not rely on organisations on their own; I go and talk to people as well. The JBA does not support it, right?

Mr A.P. Jacob: I spoke with them a month ago and they told me they supported it.

Mr A.P. O'GORMAN: I have also spoken to some retailers—some very large retailers, and some very successful retailers, who have been in Joondalup for as long as I have—and they totally disagree with any deregulation in the Joondalup area. One particular retailer—I will not name him, because I have not consulted him to do that—says that if this comes in, he will probably put his business on the market and go. I reckon he is probably doing all right; he is making \$10 million or \$12 million a year in turnover.

Mr B.J. Grylls: Have you made him an offer?

Mr A.P. O'GORMAN: The member probably could not afford his business, I can tell him that!

There is a significant move in Joondalup for support for this bill. That is why we are supporting it. I have done a survey of my residents, and what has come back is that the majority of those residents are in favour of Joondalup —

Mr B.J. Grylls: How many responses did you have this time?

Mr A.P. O'GORMAN: As I have said, this time I had a very weak response compared with last time.

Mr B.J. Grylls: How many?

Mr A.P. O'GORMAN: It was just under 300. Last time, I had well in excess of 500. So it is a bit different. That is what we do in politics. We respond to our communities. I am responding to my community. I hope the minister will give us some indication of the boundary. I also hope the minister will give us some indication about Armadale and Midland, because they are two other areas that we think are strategic within the metropolitan area. They are regional centres, just like Joondalup. They are not as important as Joondalup—sorry, member for Armadale; I consider Joondalup more important.

Ms A.J.G. MacTiernan: You do not know how wrong you are!

Mr A.P. O'GORMAN: I would like to see this extended to Midland and Armadale. That would give us a good selection right around the city, so that everyone from all sides of this argument—there are not just two sides; I think there are many sides to this debate—will be able to see exactly how it plays out for people right around the metropolitan area. We will be able to see whether our small businesses can cope with the extended trading hours, and we will be able to see whether our big businesses keep their commitment and stay open for those hours. My guess is that some of these businesses will not stay open if they are not getting a lot of trade through the door.

The other funny thing that I found in my survey was that we also asked people whether they intended to spend more. We had nearly 70 per cent of people aged over 60 years say that they wanted extended trading hours. But when we got down to asking people whether they intended to spend more, only 30 per cent of the people said they intended to spend more. That is not going to be enough to sustain many of the businesses. But that is what people in Joondalup want, and we will support it. Some of the businesses have come to see me. The man who owns the fresh vegetable market told me that when he has finished trading on a Saturday, whatever vegetables he may have left over, he has to pack away and put into a coolroom, and if they are not quite as fresh, sometimes he loses stock over the weekend. He would like to have the option of selling those vegetables on a Sunday. I had

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similar approaches from the fishmonger and the butchers and other such people. There is a shift, because previously when I have spoken to those people, they were deadset against it.

The other thing people are concerned about is commercial tenancies. As the member for Cockburn has mentioned, the belief of people in commercial tenancies, and our belief, is that this bill will not adequately protect them. Certain things will need to be done in the commercial tenancies area to ensure that there is greater protection for small businesses. I think we all recognise that this state is built on small businesses. We need to maintain those small businesses. I am talking about not only the small businesses that are networked around the country, but also the independent small businesses that start with an idea of their own and build that up into a viable operation. This bill deals with only a very small matter. It does not even mention trading hours, because under proposed section 12A, the minister can already set the hours for trading precincts, or, as they are at the moment, tourism precincts. No hours are mentioned in this bill. This bill simply declares Joondalup as a special trading precinct and changes the tourism precincts of Fremantle and Perth to special trading precincts. That is probably the best way to go. As I said, it recognises the significance of Joondalup as a regional centre. Midland and Armadale will also be recognised later next year. We would probably support the bill if the government moved an amendment to recognise Midland and Armadale now. It is a good thing that we have a good spread around the metropolitan area so we can gauge public opinion and the effects and benefits on business. We will be supporting this bill.

The Mayor of Joondalup would be very concerned if an open slather approach was taken to deregulation of trading right across the metropolitan area. It would mean that Joondalup would not have those benefits. He would be fighting. We all know that he is a member of the Liberal Party and a strong advocate for the government's cause in the northern suburbs.

We will be supporting this bill. I will be proud to be out in the community telling people how good Joondalup is and that the place they need to shop at on the weekend is the special trading precinct between Ocean Reef Road and Moore Drive roughly, if that is what comes out in the regulations when the minister draws them up.

MR A.P. JACOB (Ocean Reef) [10.52 pm]: I will speak on the Retail Trading Hours Amendment Bill 2009 very quickly. I am delighted to finally see the bill make it to this house today. I have a long history of supporting this change for Joondalup. It is fantastic to finally see it in this house. I strongly commend the bill. I hope to see it move expeditiously through this place. I am particularly delighted that it was declared an urgent bill. It provides an opportunity to remove one of the longstanding impediments to the advancement of Joondalup as Perth's northern satellite central business district. I feel privileged to have been on the whole journey of this matter. However, it has taken far longer than I thought it would to come before us in Parliament. Some members may be interested to know that I was the original mover of the motion at the City of Joondalup in April 2007. I was one of the proponents of the motion, which was followed through in subsequent years and is now before us nearly three years later.

My involvement in this cause goes back to late 2006 when the newly-elected council first raised the possibility of the City of Joondalup proposing this matter with the then state government. However, this process was really initiated by the then acting Premier, the now Leader of the Opposition, in January 2006 when, in concluding a media statement, he said that it might be possible to consider whether, consistent with the referendum, there was significant support for any local interim measures such as tourism precincts. Tourism precincts were originally created for Fremantle and Perth by ministerial directive in 1995 through then Minister Foss. The designation permits full retail trading according to ministerial directive. The announcement by the then Leader of the Opposition went on through the council process and led to Joondalup City Council seeking tourism precinct status, which is now before us as special trading precinct status. The City of Joondalup sought to do this for four main reasons. Firstly, the Joondalup CBD was always intended to be the second city centre within Perth and tourism precinct status would support this. Secondly, the city's program of events, which it mainly runs in summer and often in the evenings and after hours, would be greatly complemented by extended trading. Thirdly, it would complement the business-friendly infrastructure that is already available in the City of Joondalup and would help to establish our CBD as the major retail hub in the northern corridor consistent with the ongoing plan for what we hope to see the City of Joondalup become.

Ms A.J.G. MacTiernan: Member, are you concerned about what's happening at Whitfords? That's going to undermine your aspirations for Joondalup.

Mr A.P. JACOB: One thing I will say is that most of the debate strayed into entirely separate issues. I would like to focus on the Joondalup CBD precinct at the moment.

Ms A.J.G. MacTiernan: That's right but your government's policy on Whitfords is the thing that is actually going to undermine Joondalup.

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Mr A.P. JACOB: As I said, I do not wish to stray into the debate on 9.00 pm trading in general. Either way, this bill was going to come before the house. This bill was particularly focused on the possibility of Sunday and extended weekend trading in the Joondalup CBD.

The final reason that the City of Joondalup sought tourism precinct status—or special trading precinct status now—is that Joondalup is the centre for regional economic growth in the northern corridor, with a consistently high percentage of population growth that is matched by increasing economic investment in the region. Until earlier this year, I represented the southern region of this precinct, so I took a particularly keen interest in this issue when it was first raised in late 2006. I will be really honest with the house. Back then, I did not go into this argument with any set position. I went into it with an open mind and was willing to consider all the issues. Through that process, I came to the firm conclusion that this designation would be of fantastic value to our satellite city of Joondalup. This was clearly also the view of nearly all my colleagues, with only one councillor out of 13 elected members voting against the motion. That person is no longer an elected member, and tended to vote against everything that the Joondalup council put forward anyway. Therefore, I say that that represents as near a unanimous vote as there would ever be on the Joondalup council.

Support for this move has come from people in many areas of the community with whom I have discussed it. I will raise one of the suggestions that came from one of my constituents, who asked whether we could also give the City of Joondalup daylight saving status.

Mr A.P. O’Gorman interjected.

Mr A.P. JACOB: That is right. Residents have asked me about it. I said that we probably could not do it, but it would be nice if we could, given the incredibly strong support that we also had in the area for daylight saving.

Mr E.S. Ripper: Do they want it to be a republic as well?

Mr A.P. JACOB: Do not tempt me!

I congratulate the minister on the change of name in the bill from “tourism precinct” to “special trading precinct”. I agree that this far better reflects what the bill is about. I believe the term “tourism precinct” was a little deceptive when it comes to what the bill actually means. That is not to say, however, that I do not think we should explore the possibility of such a thing as a tourism precinct or that I do not think that consideration should be given to Joondalup being classified as some form of tourism precinct. I believe that there would be a lot of value to the region in exploring a way in which some sort of special tourism status could also be conferred upon the City of Joondalup. Along with retail trading, this was a big reason for the then council’s support of this proposal.

I strongly support the provision of a special trading precinct for the Joondalup central business district, but I also believe that the classification of Joondalup as a tourism precinct could reflect some of the unique features and attractions of the area. This can be seen first and foremost in the fact that the City of Joondalup has the second most visited tourism destination in the state of Western Australia, that being the Hillarys marina. It also has the best golf resort in Australia in the Joondalup Resort, which is an award-winning —

Ms A.J.G. MacTiernan: You haven’t been out to Araluen?

Mr A.P. JACOB: I have been to Araluen, but I prefer the Joondalup Resort. Joondalup Resort has been the best golf resort for three years running in the past five years, I think. That is a statistical fact. Yellagonga Regional Park is a particular favourite of mine.

Several members interjected.

Mr A.P. JACOB: It is magnificent. I will disagree with the statements that I read in “Inside Cover” earlier tonight. It is a fantastic ride on the dual-use path around the park.

Several members interjected.

Mr A.P. JACOB: I am not actually the member for Joondalup, but I will defend the Joondalup CBD. I think it has an awful lot of potential. When we look at the Perth CBD and its classification as a tourism precinct, I think we would struggle to say that it has any particularly strong tourism destinations beyond that which Joondalup has. Joondalup also has the potential to continue to develop in that respect. I will also say that, within the City of Joondalup, my electorate has some of the best tourism icons in Western Australia. I believe that, in iconic status, Mullaloo Beach gives Cottesloe a run for its money.

Mr A.P. O’Gorman: It is way ahead of it!

Mr A.P. JACOB: It is way ahead of Cottesloe. I thank the member for Joondalup. Unfortunately, Burns Beach was closed recently. I am really hopeful that in the future we will have the Ocean Reef marina, which will make Hillarys marina pale in comparison.

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I believe that in many ways this bill is the City of Joondalup's moment. I think it is a bit unfortunate that a lot of the debate strayed into the debate on another bill that is in this house. That is why I want to focus on the area of Joondalup and say how fantastic the City of Joondalup is. I strongly encourage the minister to explore at some point in the future a way in which we can encourage Joondalup's status as a tourism precinct as well as a special trading precinct.

Mr J.E. McGrath: What about the Ferris wheel?

Mr A.P. JACOB: I will not comment on the Ferris wheel!

I will pick up very briefly on an interjection from the member for Joondalup. I also read the Joondalup Business Association's comments on the front page of the local paper. I found that particularly disappointing. I was conducting my own consultation prior to supporting this bill and it was the main business group that I first spoke to. It assured me that it supported it.

Mr A.P. O'Gorman interjected.

Mr A.P. JACOB: Within six weeks—that surprised me. But that is how it happens.

In closing, it is fantastic that we are finally here to see this come to fruition. I am led to believe that the bill will be supported. I thank the opposition for that. I do not think the opposition would dare oppose this legislation. I strongly commend this bill to the house. I hope to see it moved through this place as quickly as possible so that, as I said at the beginning of my speech, we can remove one of the longstanding impediments to the advancement of Joondalup as Perth's northern suburbs satellite central business district.

MS A.J.G. MacTIERNAN (Armadale) [11.01 pm]: It is with great pleasure that I support the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009 as it is the implementation of Labor policy. Labor went to the last election with a policy on trading hours. It included the recognition of the importance of allowing Sunday trading in our three strategic regional centres, as they were then known, in the metropolitan planning scheme. It is really important to reflect on the nature of the development of these three regional centres. In the member for Ocean Reef's contribution he used the term "satellite city". I do not think we would necessarily use that term. The concept of Joondalup was a very good one. I think the concept, in its original formation, came in the days of Sir Charles Court's government. A lot of effort was put into the development of that northern precinct and an understanding that we needed not a satellite, but, rather, an anchor out in the northern suburbs. The satellite concept is probably a discredited one. That was the concept we saw in South Australia. The concept that we had in Western Australia, with Joondalup, and later with these other centres, was very much one of an anchor to provide an area some distance from the Perth CBD as an alternative so that we could create employment, education and recreational opportunities in a node other than the CBD. It is very important to have that anchor.

One of the things that I came to appreciate during my time as the Minister for Planning and Infrastructure is that this stuff takes a long time to work. There is an argument that maybe the Joondalup Development Corporation was abandoned too early. I think it was there for 10 years or maybe more, but to do this big job of urban planning and to make it happen, to really get the implementation of those ideas, takes longer than 10 or even 15 years. It really takes a couple of decades to get that right. One has to be patient. One has to in fact quarantine certain land and say, "We can't get the intensity of development at this stage but we will quarantine that land and maybe allow it to be used as a car park or some interim use in the meantime." We need to recognise that after a time when we reach a critical mass of activity, we can get the scale of development that we need to make that work.

It has been a struggle in Joondalup; in part because we maybe did not appreciate how long it would take. I think now, looking at the experience of the East Perth redevelopment, the Subiaco redevelopment and what has happened in Bunbury, we are getting a greater appreciation of the time scale that is needed to really make things work properly. Certainly in the development of the Labor policy that we went into the last election with, it was recognised that we needed to beef up the capacity of these strategic regional centres, these anchors, to be able to compete and attract business and attract the right mass of retail opportunities to create jobs and diversities. That was a policy that was very much rooted in a real understanding of the planning issues and the realisation that we could not just zone something as a strategic regional centre and it would happen, but that governments actually have to drive this and put in place the regulatory regime and public sector investment to leverage private sector investment to make it happen. It is important that we make it happen. It is important that we have strong strategic regional centres that ensure that we have job, recreational and educational opportunities near where people live. We cannot continue with this fried-egg-style planning policy, in which we have this great yolk in the centre and the rest is an undifferentiated eggwhite.

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Mr J.M. Francis: We're going to have an omelette!

Dr M.D. Nahan: No, we're going to have scrambled eggs!

Mr J.M. Francis: No, not scrambled eggs—just different eggs. Member for Armadale, seriously, I know it's late, and I am a little bit slow —

Ms A.J.G. MacTIERNAN: Perhaps a Spanish omelette!

Mr J.M. Francis: — but what is so special about Armadale that is not special about Cockburn?

Ms A.J.G. MacTIERNAN: Part of the problem with the “Directions 2031: Draft Spatial Framework for Perth and Peel” policy that was introduced is that it seeks to break down entirely these hierarchies of centres. If we do not have hierarchies of centres, we do not get the critical mass for which we need to minimise the transport task and to maximise the capacity for people to have something in their region where we can create those opportunities for employment and recreation facilities, and to make it possible to provide decent public transport. Without these intense nodes of activity, we will not be able to deliver an effective public transport system that will service our community.

All these policies are interrelated. The shopping policy is related to the centre of hierarchies and the public transport policy, with the aim of ensuring that we have got activity spread throughout the city, and that we predetermine a range of centres that will have that critical mass of activity. This is the issue I raised about Whitfords shopping centre: one of the complexities now is that bigger department stores are allowed to go to Whitfords, which will, in turn, undermine Joondalup's capacity to function as a strategic regional centre. The vision for Joondalup was to have a lot of medium, or even high-density, housing, but there must be street life to attract that, and it is the same with Armadale and Midland.

Mr J.M. Francis: But when you fall out of the cast of that streetlight, what will happen when Armadale is allowed to trade? Obviously, you support Armadale trading, but the member for Cockburn doesn't support Cockburn trading, so it can't. What happens to the guy who owns the JB Hi-Fi in Cockburn Gateway who used to sell 20 big-screen televisions a day on a Saturday but now he only sells 10 and is laying off staff because people are going to Armadale on a Sunday instead of buying them there? You are creating jobs and growth in your area at the expense of another.

Ms A.J.G. MacTIERNAN: That exists under the current situation, because Perth, Fremantle and, sort of, Rockingham can already trade.

Mr J.M. Francis: Rockingham is only during school holidays.

Ms A.J.G. MacTIERNAN: Therefore, it is sort of happening already. The question is: how do we get the best balance and how do we leverage off these shopping hours to serve bigger purposes, which are to spread activity across the metropolitan area? Currently we have Perth, Fremantle, and bits of Rockingham; that does not make sense. We have got three other major corridors.

Mr J.M. Francis: And Cockburn as well.

Ms A.J.G. MacTIERNAN: It is a somewhat difficult question, because Fremantle is trading. Therefore, if Cockburn was approved, it would have a very real consequence for Fremantle. The government has to think about that. All the planning laws that we have create restrictions; that is the nature of planning laws. However, these strategic centre policies aim to allow some centres to create that critical mass. As I say, we have Perth, Fremantle, we sort of have Rockingham and we have Mandurah down the other end. It is pretty obvious that there are three corridors that do not have a fully developed retail anchor. There are a number of disadvantages with that in that it reduces the attractiveness of those centres generally in not only their commercial operations, but also the other investment that will come in if we develop that critical mass, such as denser housing around that city centre because we want to create a street life and to attract more private sector investment, which is what we have been working very hard to do in those three centres. Joondalup has the Joondalup Development Corporation, Midland has the Midland Redevelopment Authority, and Armadale has the Armadale Redevelopment Authority, all of which are designed to try to enhance and strengthen these anchors on the edge of those corridors.

I want to raise another issue too. Certainly, I think Sunday trading for these centres makes sense. We feel that we can certainly support that because we went to the election and said that if people vote for us, they will be voting in favour of Sunday trading in these particular centres.

Mr J.M. Francis: Would you agree, though, that as a result of your policy, where you have —

Ms A.J.G. MacTIERNAN: And your policy now! It is a bipartisan policy.

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Mr J.M. Francis: We are bound by you, but as a result of your policies —

Ms A.J.G. MacTIERNAN: No, you are not bound by us. We are not the government. Unfortunately, as members opposite often point out to us, we do not have the numbers in this place, so the government is not bound by us.

Mr J.M. Francis: I do not want to sound like a cynic, but I will tell the member what the people in my electorate think, and correct me if I am wrong or they are wrong. They think that three areas will get this because the three Labor members in those electorates support it, but the ones who do not support it, like the member for Cockburn, will miss out. But would the member agree then —

Ms A.J.G. MacTIERNAN: I can assure the member that that is not how that policy was developed. Why would the member for Cockburn not support it?

Mr J.M. Francis: That is an excellent question because I am waiting for him to do his backflip on this, because I will tell the member one thing —

Ms A.J.G. MacTIERNAN: I have explained to the member that what we were trying to do and what we were looking at was how we have to drive the development of these anchors. It is not easy; merely zoning spaces and areas does not deliver it. We actually must do a lot more to drive the development and to make these strategic regional centres strong enough to compete with the Perth central business district. It is actually a big and difficult task, so we agreed that we would support these three strategic regional centres, which would then give us a spread across the metropolitan area. Each of the four corridors would then have an anchor that was able to sustain Sunday trading and, one would think, attract bigger retail enterprises to their centres.

I must say that there is a great deal of concern, certainly in my area, about weeknight trading. The concern is not ideological; it is simply a straightforward business proposition; that is, people in the suburbs do not by and large shop after seven o'clock at night—they do not. From seven to nine o'clock on Thursday nights the shops are dead throughout Armadale, Kelmscott and Westfield. The worst trading period is the late-night shopping night. If we institute late-night shopping every night of the week, it will be very, very difficult for these enterprises because they simply do not make any money out of it.

Mr J.M. Francis: So, they do not have to open, but that is not the point.

Ms A.J.G. MacTIERNAN: I would like to see the supporting legislation that the government will introduce that will give those businesses the protection not to have to open. We know that pressure is applied, and that fundamentally this is being driven by Coles and Woolworths.

Mr C.J. Barnett: It is not.

Ms A.J.G. MacTIERNAN: Who is driving it then?

Mr C.J. Barnett: It is being driven by us wanting to give consumers a choice about when they shop. It is as simple as that.

Ms A.J.G. MacTIERNAN: We talk about choice, but I think it is really interesting that in the Melbourne central business district—the great Kennett wonderland of deregulation—we do not find a single shop open after six o'clock on any night other than Friday night. Not enough people want to shop. We have to understand the realities of how shopping centres work, and how they are all geared around the major tenant. Everything in the way that those businesses are structured is related to what makes Coles and Woolworths happy—what do Coles and Woolworths want? If we are to have any extension to weeknight trading we must make sure that there are ironclad guarantees for shop owners and, quite frankly, the government will not be able to deliver that. If the shopping centre says it wants a business to open because Coles and Woolworths want to open and the small business determines not to do so, it might not be possible for that business's lease to be terminated, but when the lease comes up for renewal and it is in the hands of the shopping centre owner, there will be 1 001 ways, and every excuse imaginable will be used, to not renew the lease. That will not happen in every case, but we know that the small store owner is very much a secondary business for these shopping centre owners. They need their anchor to be happy, and their anchors are almost inevitably Coles and Woolworths. That is just the reality of how power is structured within the shopping centres.

Having said that, the Labor Party is pleased that its policy of extending Sunday trading to these strategic regional centres is being embraced. The minister will be aware that I wrote to him over a year ago and suggested that he might like to consider giving Sunday trading to Armadale. It is certainly not as if we have been reluctant parties to this. It is a good move, and it probably makes economic sense. To have Sunday trading across the entire metropolitan area might not make economic sense; however, it serves the end of delivering a range of choice

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across the metropolitan area and not just in the central area and the south west corridor. It extends that choice to the northern corridor, and hopefully we will see it extended to the north east corridor and the south east corridor.

Mr J.M. Francis: Honestly, all politics aside, in the next couple of months—to you too, Leader of the Opposition—when you're heading south down the freeway and you've got five minutes to kill, get off at Cockburn, have a look on both sides of the railway line and come back and tell me why Armadale and why not Cockburn. What is so different?

Ms A.J.G. MacTIERNAN: I have just explained that to the member and he obviously was not listening. It is not that the Cockburn argument is entirely indefensible, but we also have Fremantle and Rockingham, both in the south west corridor. The south east corridor, the north east corridor and the northern corridor have nothing.

[Member's time extended.]

Ms A.J.G. MacTIERNAN: That is a difference. It is a complex issue. In the fullness of time, Cockburn will emerge as a strategic regional centre, but it is not there yet. We have to manage the consequences of this. It would have real ramifications for Fremantle if we were to do this.

As I say, there is nothing new about restrictions. All planning law is about restrictions; all planning law is about creating environments in which we can deliver a particular outcome. We know and understand that we have to develop critical mass in these anchor centres if they are to fulfil the objectives of the planning scheme—that is, to ensure that opportunities for employment and recreation are spread right throughout the metropolitan region. If those opportunities are too diffuse, we will lose them. This is an evolutionary thing. In 20 years it might be entirely different. The very sensible way to proceed at the moment is to create these extensions in Joondalup, Midland and Armadale. They will create stronger centres, they will spread opportunities throughout the metropolitan area and they will create opportunities for these strategic regional centres to fulfil their planning objectives within the metropolitan area.

MS A.R. MITCHELL (Kingsley) [11.21 pm]: I rise to support the legislation, and I will do so very briefly. It is important that we recognise that this approach by the City of Joondalup occurred quite a while ago; it did all the hard work back in 2008. I take this opportunity to recognise the member for Ocean Reef, or as he then was, Councillor Jacob, who on 24 April 2007 moved that the council move to gain this tourism precinct and to support the growth and development of the City of Joondalup, which my electorate falls within, although the shops in my electorate will not be able to afford themselves of the benefits of this trading precinct. Having said that, it is absolutely imperative that we have a major trading precinct in the northern suburbs. I am sure that many people do not really understand the size of the growth that has occurred in this area in recent years. Most people will have driven through Armadale at some stage to go south or down to Albany or through Midland at different times to go east. But because the road north to Geraldton does not go through Joondalup, not many people truly understand the growth of this area and how important this northern city centre is to the future of Western Australia.

I can understand that some people would ask why people would go to Joondalup for tourism, even though aspects of the area are very much tourism focused. Once again, I commend the City of Joondalup for the marvellous way that it has planned and used its events, markets and festivals to encourage people to attend activities in the centre. It is not just buildings; it is activities. Certainly, making this area a trading precinct will facilitate further the effectiveness of the vision that the city had many years ago. I will also provide an explanation for those people who have not been to the area because they will not quite understand it. I am not talking about a shopping centre, although there is within the proposed trading precinct a shopping centre, the Lakeside Joondalup Shopping Centre, that has the normal shops that people would expect in that type of environment. The proposed boundaries of this trading precinct that have been mentioned by the Treasurer will certainly encapsulate a much broader range of retail shops. There are fashion shops in the shopping centre, but people can drive along Joondalup Drive and out to other areas to purchase just about anything. It really gives the people who want to buy something specific or just have a wander a great opportunity to see everything they could possibly want to see. I do not think the Perth trading precinct or the Fremantle trading precinct provide those opportunities. This area is rather unique and will set the standard for a trading precinct. I certainly commend the concept of tourism precincts. Although I believe that Joondalup could have done that, the trading precinct covers it better. The retail industry is the largest industry in Joondalup and the surrounding area. It does not have a lot of light industrial industry. This is a great opportunity for that industry to grow as the feature industry of the area, which will benefit the entire area. The retail industry will excel and attract other businesses to the area that have not been attracted to the area previously. These opportunities will see growth in the northern regional centre become even more expansive. It will be done quickly and well. I conclude by saying that although the retail trade in my electorate will not be able to benefit directly, my constituents will be able to

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access the trading precinct in Joondalup. The shops in my electorate look forward to having those opportunities in the future.

MR T.R. BUSWELL (Vasse — Minister for Commerce) [11.26 pm] — in reply: I will make a couple of comments to close the second reading debate on the Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009. In doing so, I thank those members who have made a contribution, including the member for Cockburn in his very inaccurate 41-minute rubbery reflection on the history of retail trading. I do not intend to incite his passions by correcting some of his errors, suffice to say that it would be fair to say that in this place many members have held many views over an extended time and perhaps that is what we are seeing. What matters, of course, is the view is that brought to the chamber when the vote is taken. I am pleased to note the opposition's support for the bill.

I will touch on a couple of matters that were raised. The member for Joondalup, who is not in the house, sought some information from me about the parameters of the Joondalup boundary. The City of Joondalup has made its submission through its wonderful mayor, his worshipfulness Troy Pickard, who is a great ambassador for the region and a great young individual—well, he looks young anyway! I will take members on a virtual tour of the proposed boundary. The boundary runs north down the Mitchell Freeway past Ocean Reef Road. That is where the precinct starts. That is the south-western corner of the precinct. Proceeding north on the Mitchell Freeway to Moore Drive, one would take a sharp right-hand turn and proceed down Moore Drive to the intersection of Joondalup Drive. Joondalup Drive goes past Arena Joondalup, which is the home of the mighty West Perth Cardinals. One would turn left on Joondalup Drive and proceed in a general northerly direction and meet a T-junction with Lakeside Drive. One would take a right-hand turn and continue south down Lakeside Drive. That is the eastern boundary. That goes around and back to Joondalup Drive, at which stage one would turn left and head south down Joondalup Drive and back up Ocean Reef Road. That is loosely what his worshipfulness, the mayor of Joondalup, is chasing. There will be a process to determine that. We will have to travel with our staff from the Department of Commerce and ensure that all those boundaries are appropriate. That will ultimately be brought forward by regulation. The important thing is that the regulation is an instrument that can be reviewed by the house. That is entirely appropriate in this case. We will use that boundary as a basis for the special trading precinct. The government does not desire to deviate from that, unless matters arise during the on-the-ground visitation.

The members for Cockburn, Joondalup and Armadale raised the issue of commercial tenancies. A bill to deal with that will be introduced into Parliament in the first sitting week of next year. The legislation will move through the internal committee processes on our side and we will make sure that the opposition is fully briefed on that bill. That matter will be dealt with by the government early next year. In addition to that, the government will also give consideration to Armadale and Midland. I assume I will meet with Mayor Charlie Zannino from the City of Swan and the relevant representatives from the City of Armadale early next year to understand the arguments and considerations they wish government to take note of. It is important to understand that, as the Premier has always said, we intend to proceed slowly and carefully on the path to regulatory reform in retail trading. We do not intend to open the floodgates. It is still our very strong desire for the Labor Party to support our very generous concessional offer of 8.00 pm closing for weeknight trading. I know it is something the Leader of the Opposition wants to support. It is still there on the notice paper, Leader of the Opposition.

Mr E.S. Ripper: What about the Small Business Development Commission; are you keen on that?

Mr T.R. BUSWELL: We are pretty keen to advance genuine reform. We put nine o'clock on the table, but the Leader of the Opposition offered only an extra four hours a week. That is not reform; it is not even a speed bump on the road.

Mr E.S. Ripper: You can have that tomorrow.

Mr T.R. BUSWELL: We will not accept something that is not even a halfway-house option. Our request is that the Leader of the Opposition give consideration to weeknight trading hours being extended to 8.00 pm. We will give him a bit of time before we introduce the bill, which we think is a valid step in the reform process. In this term of government, it would give us quite a tidy outcome, as I think the Premier more than adequately outlined to the house last week—an outcome whereby there could be weeknight trading till 8.00 pm across the metropolitan area and the expanded zones in Perth and Fremantle. I will be meeting next week with the new Mayor of Fremantle, the chief executive officer of Fremantle and the member for Fremantle to look at the footprint there. With extended hours in possibly Armadale and Midland, in addition to Joondalup, it would give us a tidy outcome for our first term of government. We will await with interest to hear the Leader of the Opposition's responses. Our hope is that, as we move out of the cloudy haze of the member for Belmont's first full year as Leader of the Opposition into the bright new future of 2010, he may awake in the new year with a

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different view. He may rid himself of that growth under his nose and think that a bright new dawn has emerged, and embrace some change. But we will wait and see what happens.

Mr F.M. Logan interjected.

Mr T.R. BUSWELL: That is a matter for further discussion. I do not want to talk for too long. I think the house has debated this matter in a thorough and robust matter.

However, there is one point I wish to make. The member for Cockburn talked about the choice of retailers to open or not to open. I think that is very important. We are confident that the amendments we will make to the commercial tenancy regime will give smaller retailers the protection they need. Yes, this is a bill that will involve changing behaviours from business. More importantly, this is a bill that will give consumers choice. The member for Cockburn said that, in his view, this was not about consumer choice.

Mr F.M. Logan: I said that it was about choice.

Mr T.R. BUSWELL: That was my recollection of his comments. Our view is that it is about consumer choice. I will not get my shopping basket; its contents have been largely consumed. In fact, my sons are eating the Weet-Bix at home at the moment. I am saving the toilet paper for one of the famous Liberal Party raffles; I think we will get a hefty premium for it! This legislation is about choice. It is about as simple a choice as this: a consumer who turns up at the Lakeside Shopping Centre in Joondalup—the subject of this bill—at one minute past six cannot go into the shops; he cannot go into the IGA in Joondalup, which I understand is a fantastic shop, as I am sure the member for Joondalup will agree. He cannot go into Woolworths at Joondalup; he is forced by the heavy hand of government to shop somewhere else. It is our view that consumers should have more choice. To extend shopping hours to eight or nine o'clock, as will be the case in Joondalup in the first instance, is to provide a retail trading regime reflective of contemporary life in Australia. At the end of the day, we are trying to provide consumers and retailers with a contemporary framework within which they can make the arrangements that customers and suppliers have always made. Various factors will influence that in different areas.

The member for Armadale talked about the fact that in Melbourne, a lot of the shops do not open even though they are allowed to open. She is right. When I was in Sydney recently, I strolled down that big, long street—Oxford Street. It was a very interesting experience. I saw people lining up at 10 o'clock in the morning to go into a nightclub! We do not have that in Busselton! There were areas in Oxford Street where all the shops were closed. But I then walked along the road for another half a kilometre, and there were areas where all the shops were open. Why? It is because the owners of those shops have obviously, through this marvellous mechanism called patronage and the forces of the market, decided that that is a good time for them to open, because that is when their consumers are in the habit of coming to shop there. That is great. That is how the system should evolve in this state. I accept the premise, and it is our position, that we are not necessarily about radical reform. We are about slow and careful reform. Mr Deputy President, in commending this bill to the house —

Dr E. Constable: Deputy Speaker!

Mr T.R. BUSWELL: Mr Deputy Speaker, my apologies! I have elevated myself to the upper house! I only hope that that is not my Christmas card that the Premier is scrawling in!

Mr C.J. Barnett: What makes you think I was going to send you a Christmas card?

Mr T.R. BUSWELL: I got one last year, Premier!

Mr E.S. Ripper: This year, you will be delivering the midyear review, so no Christmas card for you!

Mr T.R. BUSWELL: The Leader of the Opposition will be surprised by what will be in that midyear review!

Anyway, I think this bill is reflective of the government's intent—a slow, careful and well-planned approach to unwinding a retail trading regime that no-one would argue is anything other than complex, convoluted and confusing.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr T.R. Buswell (Minister for Commerce)**, and transmitted to the Council.