

**RETAIL TRADING HOURS AMENDMENT BILL 2009**

*Third Reading*

**MR W.R. MARMION (Nedlands — Minister for Commerce)** [4.47 pm]: I move —

That the bill be now read a third time.

**MR V.A. CATANIA (North West)** [4.47 pm]: There have been reports in the media that the National Party has not opposed the Retail Trading Hours Amendment Bill that will result in the deregulation of trading hours in the state.

Several members interjected.

**Mr V.A. CATANIA:** I put it on record that the National Party does not support this legislation. Those members of the opposition who are sneaking around trying to stir up some trouble by saying that the National Party has supported this legislation are being childish and immature. They are just trying to spread scuttlebutt because we are firm on what we stand for—that is, no deregulation—unlike members opposite who have changed their minds yet again and continue to flip-flop. I am sure that we will see more of that in the future. The National Party opposes this legislation. We will definitely call a division when the vote is taken.

**MR F.M. LOGAN (Cockburn)** [4.48 pm]: I will add a few comments to the third reading of the Retail Trading Hours Amendment Bill. Once again, I thank the minister for the briefing and his comments on the bill. I will pick up where the member for North West left off. He failed to mention that the National Party did not vote against this bill at the second reading stage. The second reading stage is the key stage of the debate on legislation in this house. That is when members make it very clear whether they do or do not support a piece of legislation. Members of the National Party were not in the chamber when that vote was taken. That should be recorded in this house, regardless of what the member for North West has said. Members of the National Party were not in the chamber for the second reading vote. That was either because they support the passage of this bill, or because they are incompetent and could not organise themselves to be in the house for the vote. I will leave it up to the members opposite to —

**Mr J.M. Francis** interjected.

**Mr F.M. LOGAN:** The member for Jandakot reckons they secretly support it!

**Mr J.M. Francis:** I am going for that.

**Mr F.M. LOGAN:** I leave it up to members opposite to come up with the answer as to why the National Party members were not present for the vote on the second reading.

I point out also that when the member for North West—who, as the member for Vasse pointed out very clearly, has the benefit of shopping hours deregulation in his own seat—spoke earlier on this bill, he spoke about how he would be opposing this legislation. He then had the hide to go on 6PR radio the other morning and not only talk about the position that he has taken on this legislation, but also talk about how he is standing up for small business by insisting that a small business commissioner be appointed to ensure that small businesses will be protected. Where did he get that concept of a small business commissioner from?

**Mr V.A. Catania:** Don't you think it's commonsense?

**Mr F.M. LOGAN:** Where did he get the concept of a small business commissioner from?

**Mr V.A. Catania** interjected.

**The ACTING SPEAKER (Mr P.B. Watson):** Member for North West!

**Mr F.M. LOGAN:** Was it from the piece of legislation that I introduced into this house last year? Was it from the outcome of the negotiations between the Liberal Party and the Labor Party that —

**Mr V.A. Catania** interjected.

**The ACTING SPEAKER:** Member for North West, I call you to order for the first time!

**Mr F.M. LOGAN:** Was it from the agreement between the Liberal Party and the Labor Party that sees the passage of this bill in this house?

**Mr V.A. Catania:** Don't you want to support it?

**The ACTING SPEAKER:** Member for North West, you had the opportunity to speak, and you were not interjected on. I expect you to do the same for the member for Cockburn.

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**Mr F.M. LOGAN:** He could have gone back to my second reading speech last year, when I introduced legislation into this house to protect small business. The member for North West, being the lazy character that he is—he will not do any work himself; he will not do any research whatsoever—could have stolen that idea from the legislation that I introduced last year. The member for North West could have picked up that idea from the comments that were made in this house by the minister in his second reading speech and in consideration in detail, and by other members, about the need to ensure that small business is protected by the introduction of a small business commissioner. That is where he could have got that idea from. He then had the hide to go on 6PR and pretend that it was his idea! I mean, what a bloke—and what a joke! What a joke! Let me make it very, very clear for the record in this house: the member for North West has no concept of a small business commissioner.

**Mr V.A. Catania** interjected.

**Mr F.M. LOGAN:** If we asked him questions about it, he would not be able to answer one question about the powers of a small business commissioner. That is how little he knows about it. Let me make it very clear.

**The ACTING SPEAKER:** Excuse me, member. What was the last comment you made, member for North West?

**Mr V.A. Catania:** I beg your pardon?

**The ACTING SPEAKER:** Did you call the member a fool?

**Mr V.A. Catania:** I said I support small business.

**Mr F.M. LOGAN:** Thank you, Mr Acting Speaker.

The Labor Party has been very consistent, ever since the whole concept of retail trading hours deregulation was highlighted by the government following the election of the Liberal government, that, firstly, there should be a staged approach to deregulation; and, secondly, there should be protection for small businesses, and that can come about by way of a small business commissioner. That was why we introduced a bill into the house to provide for the introduction of not only a small business commissioner, but also a lease register. There were a number of other things in that bill. But the two things that have been picked up from that proposed piece of legislation, and that finalised the deal between Labor and the Liberals for the passage of this bill that is before us, were the introduction of a small business commissioner in Western Australia and the introduction of a lease register at each shopping centre in Western Australia.

**Mr R.F. Johnson:** I think you mean the agreement, not the deal. That sounds better.

**Mr F.M. LOGAN:** I think I said “agreement”.

**Mr R.F. Johnson:** None of us does deals!

**Mr F.M. LOGAN:** Is that right? The Minister for Police reckons the Liberal Party does not do deals!

**Mr R.F. Johnson:** We have agreements.

**Mr F.M. LOGAN:** No wonder the minister is laughing! Let it be recorded that the minister laughed heartily!

**The ACTING SPEAKER:** Members, can we get back to the legislation.

**Mr F.M. LOGAN:** Those are two of the things that I want to raise. The first is the failure of the National Party to turn up for the vote on the second reading. The second is the disgraceful way in which the member for North West behaved by pretending to 6PR listeners that he has had something to do with providing protection for small business. The member for North West has never done anything for small business. He certainly has not done anything in this house for small business in terms of providing protection by way of this legislation.

The third thing I want to raise, minister—I did not do this in the second reading debate, but I will use this opportunity—is that given that shops will now be allowed to trade until 9.00 pm Monday to Friday, there will be an increased level of competition between the majors, such as Coles and Woolworths, and the smaller retailers, including IGA and many other small companies that are high-street grocers. As the minister knows, high-street grocers are limited to 13 staff.

**Mr R.F. Johnson:** You're going back to England now! You're reminiscing!

**Mr F.M. LOGAN:** I am sure the Minister for Police, like me, wants to get this legislation passed. If I can give him a bit of advice, as the Leader of the House, it is that he should just listen to the debate, rather than contribute!

**Mr R.F. Johnson:** I was!

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**Mr F.M. LOGAN:** My point is that that limitation that has been placed on IGA and other high street retailers is something that this legislation does not pick up and address. However, that is a matter that we believe should be reviewed into the future, because if we are going to open up the retail market to competition by allowing the majors to trade until 9.00 pm, we will need to allow those high-street retailers to grow in size. Obviously the cap on staff numbers will not allow them to grow. So, with those three points, we support the passage of the bill.

**MR M. McGOWAN (Rockingham)** [4.58 pm]: I will not take long. I want to make a few points in this third reading debate on the Retail Trading Hours Amendment Bill 2009. I want to raise a matter that occurred during the consideration in detail stage. I also want to raise the lack of a vote at the conclusion of the second reading stage. I was actually here, member for Cockburn, when the bill went through the second reading stage. Of course prior to the bill going through the second reading stage we had a speech from the member for North West. In that speech, the member expressed his opposition to the bill. The member for North West was somewhat mauled by the member for Vasse during the course of that speech. The member for Vasse gave him a bit of a hard time and posed a number of questions to him that he could not answer. It was quite amusing. It was quite a forceful mauling, I thought, by the member for Vasse of the member for North West. When it came to the National Party standing up and showing its opposition, as it has said it always will, we had a government minister from the National Party, the member for Blackwood—Stirling, sitting in the chamber, and we had the perennial backbencher—the guy who will be a backbencher for the rest of his parliamentary career, the member for North West—sitting in the chamber during the debate. Neither of them called for a division on the second reading. Both of them were in the chamber, but neither of them called for a division. Therefore, one could conclude from that either they are incompetent or they support the legislation—it is one or the other—because they were both here.

The member for Cockburn gave a very gracious and, I thought, generous interpretation that those members were not in the house. If they were not in the house, one might say, “Okay; how could they call for a division if they weren’t in the house?” When the member for Cockburn showed that generosity of spirit towards the member for North West, I thought he might not have been aware that the member for North West was actually in the chamber and he did not call for a division. I am sure he will in a few moments, because they have been stung by the fact that they did not oppose the legislation at the second reading stage, and perhaps the member for North West has been stung by the mauling he received from the member for Vasse during the debate.

The other point I want to make at this stage is to the Minister for Commerce. During the consideration in detail stage, we put the question to the minister on numerous occasions about when the reforms promised to the small business sector that were pursued and suggested by the Labor opposition would be put in place, and the minister could not answer that question. I think it is incumbent upon the minister to come into this house, at least at this third reading stage, having regard to the debate the other night, and tell us when the small business sector will get what the Labor opposition secured for it as part of the negotiation with the government. The minister will respond to this debate now.

**Mr V.A. Catania** interjected.

**Mr M. McGOWAN:** Does he do this in the party room? Do government members even listen to him in there? Is he as irrelevant in there as he is in here?

The minister will receive these questions from the small business sector. When will those protections be put in place? Considering the minister has now had two days to consider that question, I would love to hear the answer to that question in the minister’s response.

**MR A.P. O’GORMAN (Joondalup)** [5.02 pm]: I will not delay the house for too long. I too have some concerns, and I raised these concerns with the minister during the consideration in detail stage the other night. They were exactly those points about the small business commissioner and the retail leasing register. That legislation needs to come into this place as quickly as possible. I was pushing the minister the other night to give us a time, which he could not do. I then asked whether, when the minister brought that legislation into the house, he would make it an urgent bill so that we could debate it as quickly as possible, without it having to sit on the table for the usual three-week period, which would just extend the time during which small businesses have to worry about their leases and whether they will have recourse through the small business commissioner.

The member for Cockburn has just mentioned the 13-person rule. Once this legislation is passed in this chamber and in the upper house, we will have a situation in which Coles and Woolworths can have as many employees as they want—150, 200, 300, 500 or whatever they want—operating just down the street from small retailers such as IGA supermarkets that are limited to 13 persons on the floor. I think it would be a good move and a show of good faith if, in the upper house when this legislation is introduced, the government puts forward an amendment to remove that 13-person rule so that small businesses such as those IGA supermarkets can operate and deliver a

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service without being restricted by the number of people they have on the floor. Bearing in mind that IGA supermarkets will still be able to operate on Sundays and before 8.00 am, that rule should stay in place for Sunday operation outside those special trading precincts. It is a concern for small businesses and small retailers, and I ask that the minister give consideration to introducing that amendment. If the minister cannot give us a definite date by which the legislation relating to the commercial tenancy commissioner and the retail leasing register will be introduced, I ask him to give us a guarantee that he will make it an urgent bill when he brings it into this place so that we can debate it in the same week and get it passed as quickly as possible.

**MR W.R. MARMION (Nedlands — Minister for Commerce)** [5.04 pm] — in reply: I thank members for their contributions to the third reading debate. The first member to speak was the member for Cockburn, and he raised the 13-person rule. That was debated during the second reading stage, and I made the point that the act will be reviewed next year as part of the statutory requirement, and that is one of the key issues that we will look at. I am prepared to look at it in the meantime anyway. That point was also raised by the member for Joondalup.

The other point raised by both the member for Rockingham and the member for Joondalup was the agreement. The point I made was that we will stick to the agreement. We will bring in legislation containing the three requirements of that agreement as soon as possible. I cannot give a firm time line because it is subject to consultation. The opposition will be involved in that consultation. I certainly, member for Joondalup, will seek that the legislation be given high priority. It is not only members on the opposition side who want to see those three agreements put in place, but also members on this side, who perhaps have even stronger views on that—I am looking at some people nodding now who perhaps have much stronger views. Therefore, I can guarantee that there will be a fair bit of pressure on me from both sides of the house to deliver on those three agreements. With that, I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.