

RETAIL TRADING HOURS AMENDMENT BILL 2009

Second Reading

Resumed from 18 August 2009.

MS R. SAFFIOTI (West Swan) [8.29 pm]: The Retail Trading Hours Amendment Bill 2009 seeks to extend weekday trading hours to 9.00 pm. I wish to canvass a number of issues tonight, particularly the government's approach to this bill. As I said when speaking on the Retail Trading Hours Amendment (Midland Tourism Precinct) Bill 2010, the proposal to extend weekday trading to 9.00 pm was not taken to the election by the Liberal Party. During the election campaign the government talked about extending trading hours but never specifically said that it would extend trading hours to 9.00 pm. When the Premier brought this issue into the public arena over 12 months ago, the Labor Party had to decide on its position. Labor took a policy to the election that it would support 7.00 pm trading on weekdays. Public comments have been made since then, trying to entice Labor to agree to extend weekday trading to 9.00 pm. That is where we are at now. As part of that package, we agreed to a number of other things, which are not contained in this bill. I think that is a problem. Labor also wanted to ensure that small business would be protected as part of this package of reforms. For example, that included the appointment of a small business commission or small business commissioner. That is missing in this bill. I would like the Minister for Commerce to tell us how he intends to bring those reforms back to this chamber. There is also the issue of lease registers and trying to increase the transparency of lease agreements, in particular in shopping centres. That is another issue that I believe needs to be brought back to the house. As we heard last week from the member for Joondalup, he has already discovered situations in which smaller retailers will face increased costs when negotiating new leases for shopping centres. The two issues of the small business advocate and lease registers need to be brought back as part of this reform. I am surprised that we are debating this bill without the other parts of the agreement that were reached between the Premier and the Leader of the Opposition.

As I said, there are significant issues affecting retail trading hours in this state. I do not agree with the approach taken by this government, which has been trying to force the opposition into particular stances, particularly when the government could not negotiate with the National Party. We have a situation in which the government, through public statements, has created uncertainty and confusion around the metropolitan area. Retailers in the areas of Midland, Armadale and Joondalup will be allowed to trade until 9.00 pm, but the other key facets of the agreement that was struck between the Premier and the Leader of the Opposition have not been brought to this place.

There is significant confusion about boundaries, as the member for Cockburn outlined. There are issues about how the boundaries have been set and the process in the future. There was the issue of the boundaries in Perth and Fremantle, which kept expanding, pressuring Labor to reconsider its stance.

As I said, there are a number of issues that I want to go through again. The first relates to the 13-person rule. I do not think it is good enough for the government to say that it will consider that rule next year. The reforms it is bringing in now will cause six to 12 months of significant uncertainty to businesses throughout the community. Businesses will be restricted from increasing the size of their business over the next one to two years. They will be unable to compete with bigger stores such as Coles or Woolies, which are able to open until 9.00 pm on weekdays and on Sundays in some cases. The 13-person rule is a significant issue that has not yet been addressed either in public discussions or in this bill. There was some debate in Parliament but I do not think we have seen any serious analysis of what impact it will have in the community. The issue has been brought to my attention by some local retailers and also by owners of the Wembley IGA, who have written to the Minister for Commerce and other people in the community. Stores that wish to open are restricted to 13 persons working in that store. As I said, we need to address that issue; otherwise, we will have situations where the medium stores who want to get bigger will not be able to do so. We need to promote competition. In this situation we will limit competition by not allowing these 13-person stores to get bigger so that they can compete.

Ideally, if the government took this reform seriously and did not try to play politics with it from day one, there could have been a proper process of consultation and reform. Again, the government chose to play politics with this issue without giving proper consideration to the concerns of business and consumers in the metropolitan area. There should have been a proper process of reform with consultation, in particular, with business, primary producers and the wider population. The 13-person rule needs to be addressed with some urgency. It should not be subject to another process at the end of this year. In his reply, I ask the Minister for Commerce to explain what review will be undertaken at the end of this year that will pick up the 13-person rule. It is amazing that it has not been included in these reforms. I think it is a sensible approach. Most people would agree that if the act is amended in Parliament five times, all the issues affecting the Retail Trading Hours Act should be incorporated in one fell swoop instead of bringing in legislation bit by bit, thereby creating more confusion and uncertainty.

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The other issue that I want to canvass again—I mentioned this in my speech last week on the Midland bill—relates to the need to ensure that there is competition in the grocery marketplace. As I said, I come from an orchard background. My parents were orchardists and still sell fruit to the markets. Growers need a strong and diversified market in which to sell their produce. This issue should be looked at seriously by this government. There is some legislation in other states that promotes greater transparency in the marketplace when selling produce, ensuring that primary producers are not squeezed out of the market. As I said, this particularly relates to the smaller producers. The larger producers, by way of operation, reach agreements with the major retailers and they are able to supply a volume of product at a particular standard and to a regular timetable. Smaller producers do not have that ability. They are often disadvantaged by the two majors in the grocery market. I believe that the two majors have improved their effort over recent years, particularly when buying local. The Buy West, Eat Best campaign was initiated by the former government under the previous Minister for Agriculture and Food and has been carried on by the current Minister for Agriculture and Food. It is a very good promotion. It informs the public. Members of the public want to be able to buy local; they just need the information about what is local. I believe that has helped promote Western Australian produce and has also helped support Western Australian producers. I believe that the majors need to keep ensuring that they buy local and that they support local industry. I also believe that having a diversified, strong and competitive grocery sector allows smaller producers into that market.

Another issue I want to talk about is small business, particularly in shopping centres. I believe we should be looking at a package of reform. I am disappointed in how this has played out; that is, legislation being brought into the Parliament bit by bit, statement by statement being made by the former Minister for Commerce and current member for Vasse, and the Premier on how they have done this reform. It has been ugly —

Mr T.R. Buswell: It has been the “roast them slowly” strategy!

Ms R. SAFFIOTI: Maybe the member should have agreed to deregulation a number of years ago instead of being the poster boy for the stop-the-deregulation —

Mr T.R. Buswell: We all have our damascene conversions. I have heard you've had a couple!

Ms R. SAFFIOTI: We would have if we had the numbers! The fact is that the member for Vasse knows that the Liberal Party opposed deregulation; it opposed this exact reform.

Mr T.R. Buswell: We had some terrible barneys in the last Parliament; awful. Fortunately, a more enlightened bunch is now here.

Ms R. SAFFIOTI: We know the Liberal Party opposed this exact reform before the 2005 election. Retail trading until 9.00 pm was introduced by the Labor Party and the Liberal Party opposed it. We all know it opposed it. Then there was the 2005 campaign. We all know the relationship between some of the members opposite and some of the opposition regarding retail deregulation. Again in 2005 we saw the Liberal Party work with those opposing reform to knock off the referendum result. This is why it is about five years since then and the Liberal Party has now changed its mind and brought in a 9.00pm —

Mr T.R. Buswell: It is a new, enlightened age!

Ms R. SAFFIOTI: The poster boy for the no campaign!

Mr T.R. Buswell: You know what—I did not get one cent from IGA in that campaign, unfortunately!

Ms R. SAFFIOTI: Did the Liberal Party?

I believe there should have been a package of reform that would have included issues to do with small business. I am surprised that the Liberal Party, which is meant to promote small business, did not bring, as part of this reform, packages such as a small business commissioner or small business advocate, transparency of tenancies, or assurances that smaller retailers be given more protection and more assistance to negotiate with landlords. These are all issues that should have been brought in as a package.

Mr M. McGowan: Where is it; that is the question?

Mr T.R. Buswell: We are moving forward on that.

Ms R. SAFFIOTI: Minister for Commerce, can we have a timetable on when the other three elements of the package will be introduced into Parliament?

Mr W.R. Marmion: I will let the member know in my reply to the second reading.

Ms R. SAFFIOTI: What we are looking at is the other parts of the agreement, which is a small business advocate —

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Mr W.R. Marmion: We are running with the commissioner.

Ms R. SAFFIOTI: — the lease registers and the issues relating to whitegoods and electricals.

Mr W.R. Marmion: Whitegoods and household consumables.

Ms R. SAFFIOTI: Whatever the definition is.

Mr T.R. Buswell: That is everyone except Coles and Woolies.

Ms R. SAFFIOTI: I do not think that is the case.

Mr T.R. Buswell: Don't you think so?

Ms R. SAFFIOTI: No. Those opposite are the government. It depends upon what definition is brought in. That was not the intention. That was consistent with the Labor Party policy we took to the last election.

We support the bill, but we support it on the basis that it is part of a package of reform and it includes measures to protect small business, including the establishment of a small business commissioner. As part of our support I believe we need to hear from the Minister for Commerce about the timetable and the processes by which the other measures will be introduced into this place.

MR V.A. CATANIA (North West) [8.44 pm]: It was interesting listening to the member for West Swan. She makes a lot of sense in talking to the Retail Trading Hours Amendment Bill 2009. A lot of the concerns raised by the opposition relate to the way small business could perhaps suffer under this extended trading hours proposal. As I have said in this place before —

Mr T.R. Buswell: Shops are open in Carnarvon! Woolies is open in Karratha!

Mr V.A. CATANIA: Member for Vasse, I am happy to go into it again. I feel I need to repeat myself constantly in this place to get that message through. When we talk about extended trading hours, everyone in this place would support extended trading hours provided that there were changes to the Trade Practices Act to limit the market share. I think a few members in this place have harped on that it is done in the US and it is done in the UK. In those countries they have limited market share. The effect of limiting market share means that there is a bit more of an even playing field.

The member for West Swan raised the issue of growers, particularly in Carnarvon. The growers are basically dictated to by the majors, Coles and Woolworths. They dictate to the growers how much they will be paid to sell their produce. The price to produce the growers' product, whether it be table grapes or stone fruit or whatever, these days has gone up through fertilisers, water and so forth. The price the growers sell that produce to the markets, which eventually goes to Coles and Woolworths, has decreased. There is a great issue for growers: production prices are increasing and the price paid for produce to be sold on the shelves is decreasing, yet the price consumers pay is increasing. I think that is something that needs to be looked at. I know that the Australian Competition and Consumer Commission has not really gone into it but it is something that it should be looking at to try to ensure that growers are not ripped off.

The member for Vasse raised a good point about what happens in Carnarvon and Karratha. As I have said before in this place, Coles and Woolworths in Karratha, and Woolies in Carnarvon, have extended trading hours. People go there and support that. There are a lot of reasons—there are the shift workers and so forth. Members have to accept that. However, when the clock ticks around to 5.30 pm or 6.00 pm, the small businesses in shopping centres shut. In the Karratha shopping centre, Coles is at one end and Woolies is at the other, and there are two gates that close off the shopping centre for the rest of the small businesses. There is the opportunity for them to open. There is currently opportunity everywhere in WA for small businesses to open at any time.

Mr T.R. Buswell: Not in the city.

Mr V.A. CATANIA: This bill affects only a small number of retailers—that is, the bigger chains. The opportunity is there for small businesses to open extended hours. They do not open those hours. Why? Because there are obviously increased costs associated with that. At the end of the day the market is not there for it.

Mr T.R. Buswell: People can go shopping in Carnarvon and Karratha but not in Perth—where is the justice in that?

Mr V.A. CATANIA: No; what I am saying is that Coles and Woolworths are the only ones that remain open after the normal trading hours. The larger retail chains dominate the retail market. As I said, in Perth it is limited because of our Retail Trading Hours Act, which is probably going to change, but overall in the country Coles and Woolworths dominate the retail chain by 83 to 84 per cent. The only way to tackle that is to change the

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Trade Practices Act. I have already said in this place that I am happy to support extended trading hours if the market share by multinationals is limited.

Mr T.R. Buswell: How do we do that? What is the technical approach? Where has it happened in the world?

Mr V.A. CATANIA: In America.

Mr T.R. Buswell: Give me one example.

Mr V.A. CATANIA: In America. Hear me out!

Mr T.R. Buswell: Give me one example in which a retail trader has been prosecuted in the USA under any sort of antitrust laws.

Mr V.A. CATANIA: Their antitrust laws have limited the market share of the major retail chains.

Mr T.R. Buswell: Give me an example. Microsoft was, but I did not see Wal-Mart or Woolies being prosecuted. No-one has been! What is the breakdown of the market share?

Mr V.A. CATANIA: It was 51 per cent for the multinationals in America and it has been reduced to 25 per cent. We should be considering getting them down from 83 per cent to around 50 per cent.

An opposition member interjected.

Mr V.A. CATANIA: I am trying not to react to the opposition's constant childish remarks, which I find members opposite make in this house every time I stand up. It is interesting that the opposition talks about the state being confused about trading hours. The state is confused by both sides of the major parties, which chop and change.

Mr W.J. Johnston: You and I were elected on exactly the same platform.

Mr V.A. CATANIA: But the member for Cannington is changing his mind now.

Mr W.J. Johnston: You've changed your mind too.

Mr V.A. CATANIA: The member for Cannington has changed his mind about closing from seven o'clock to nine o'clock.

Mr W.J. Johnston interjected.

Mr V.A. CATANIA: I have not changed my mind. The opposition likes to say that the state is confused. It is confused; it is confused by both major parties trying to politically point score over an issue that has been around in this state for some time. I remember in the early 1990s when the trading hours debate was fired up. Here we have the Liberal Party with a view and now the Labor Party, some of whom believed nine o'clock was a good idea, some who believed it should be seven o'clock and some who believe in the status quo in line with the result of the referendum held in 2005.

Everyone talks about leadership. I think the Leader of the Opposition is definitely there for the long haul. It looks as though he has won on this issue and has been able to convince his colleagues that nine o'clock closing is the best way to go. I am happy to have extended trading hours but we must limit the market share of the multinationals.

Mr T.R. Buswell: Give us an example of a UK store where that has been applied. There's none.

Mr V.A. CATANIA: I do not have the name of one on me. But the member for Vasse must agree that to create a level playing field we must allow the smaller chains to compete with the multinationals. We must limit their market share.

Mr C.C. Porter: If you got the government to drop the market share arbitrarily, what would you say to the thousands of Australian shareholders with respect to their net value in the market?

Mr V.A. CATANIA: We would not expect their value to drop. It would not actually drop. I do not have the case to quote, but in America —

Mr C.C. Porter: If you took half their market share —

Mr T.R. Buswell: You put both hands on the desk. What is their market share at the moment?

Mr V.A. CATANIA: The market share of the multinationals is about 64 per cent.

Mr T.R. Buswell: Who owns IGAD; is that a foreign company?

Mr V.A. CATANIA: The IGAs.

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Mr T.R. Buswell: I am talking about the IGAD, the distribution company that makes all the money for IGA. Is that a foreign company? Who owns it? It's a South African firm. Where are you coming from?

Mr V.A. CATANIA: The member for Vasse will have an opportunity to get up and talk about it. The fact remains that —

Several members interjected.

Mr V.A. CATANIA: Every time I speak, opposition members like to open their mouths and say childish things. They do not like it when the facts are on the table about their voting intentions and how they are divided on this subject.

Mr W.J. Johnston interjected.

Mr V.A. CATANIA: The member for Cannington originally wanted the status quo, but now he has changed his mind.

Mr W.J. Johnston interjected.

The ACTING SPEAKER (Mr J.M. Francis): Member for Cannington and member for Vasse, I will not call you at this stage, but you have had your fun and I want to hear the rest of the member for North West's comments in silence.

Mr V.A. CATANIA: Thank you, Mr Acting Speaker.

As I said, the only way I will support extended trading hours is if we limit the market share of the multinationals. The member for Vasse should perhaps do some investigation into what happens in the United Kingdom and America where they limit market share to enable everyone to have an even playing field when it comes to the grocery market. As I said, the biggest problem in my electorate in Carnarvon is for the growers. Costs are escalating, yet the price of their produce is going down. The end result is that consumers pay a lot more for something that the multinationals are buying for much less. I would like to see the Australian Competition and Consumer Commission investigate to find out how that is happening.

As I said, yes in my electorate we do have extended trading hours; yes, it is good for the people of the Pilbara because it is flexible given the extended hours worked by the workforce there. Small businesses are the ones who get hurt and who suffer when the two gates on either side of the shopping centre close and do not open again because there is no passing trade.

I put on the record that I will not support this bill because I think it will harm small business and it will not provide a level playing field.

MR D.A. TEMPLEMAN (Mandurah) [8.55 pm]: I think I might have spoken before on this. The last time I spoke on this issue I recalled the period I was growing up in Northam when the butchers used to take the meat off the trays before 12 noon on Saturdays so that we could not buy our snaggers after 12 noon on a Saturday. We have had an interesting debate tonight. I love seeing before us the chasm that exists between the National and Liberal Parties exemplified by the debate between the member for Vasse and the member for North West.

One of the important things about this bill is that it causes a lot of passion among people. My family are in the chamber tonight in the Speaker's gallery. My sister is probably the most avid retail trading enthusiast of all. She would love to see trading every night until midnight.

Mr W.R. Marmion: So would my wife.

Mr D.A. TEMPLEMAN: I have to be very careful with the words I choose because she was very keen to speak tonight, but she is not allowed to! If we were playing basketball, I could call for subs. Sub off Templeman and bring on Jones! It is an interesting issue. It is probably one of those very interesting divisive issues because people are very passionate about wanting the flexibility to be able to shop when they want to shop. I think that, in reality, particularly in the past decade, the nature of working hours has changed. People are working much more flexible hours than they used to and there are now many working families, to use a very well travelled cliché perhaps. We see many people pour out of the city and head down to the southern suburbs. If they are going down to the regional city of Mandurah, they are heading home around 6.00 pm. Of course, the current retail trading hours do not allow them to shop in the major centres after 6.00 pm.

I think we have come to perhaps a reluctant compromise in some respects, because there are concerns I think for small businesses in terms of whether the proposed changes will provide for them and be of any benefit to them. If we go to 9.00 pm closing, the question will arise of what that will mean in some of the major centres. Will it mean that we will see only the main retail supermarkets open and small businesses close? I do not know what the member for North West experiences in places like Carnarvon and Karratha. But I suspect that a lot of the small

businesses in the shopping centres there would probably close before 9.00 pm and that the shops that were open would be mainly the big supermarkets, which are catering for people's needs after the normal 6.00 pm close.

I believe we need to be cautious about the impact of this bill on small businesses. That will be the case particularly when we have the next big debate, which of course will be about Sunday trading. In my electorate of Mandurah, which is, of course, a regional city, as many people in this Parliament know, we have a very interesting situation at the moment with Sunday trading. We allow Sunday trading on some Sundays of the year, but not all. It can be a little confusing. I was very against any Sunday trading extension when I was a councillor of the City of Mandurah. But I must admit that over the past 10 years or so there has been a demand for greater flexibility in trading. I know that Centro Properties, which runs the major shopping centres in the City of Mandurah, is very keen to make the situation with Sunday trading more consistent. At the moment, Sunday trading runs from the beginning of December through to the end of April. Sunday trading also runs on the weekends of the school holidays. So it is a bit confusing. People sometimes make their way to Mandurah on a Sunday only to find that the shops are not open because of the particular period of time that we are in.

Mr W.R. Marmion: That has happened to me, member for Mandurah!

Mr D.A. TEMPLEMAN: The Minister for Commerce goes to Mandurah to visit his parents there, of course.

Mr W.R. Marmion: I have gone there to go shopping and have found that the shops are not open.

Mr D.A. TEMPLEMAN: Yes! We have heard about the minister coming to our city! We have had a number of people make reports about how the minister has been lurking around the central business district of Mandurah, and we wonder what he is doing there! I am concerned!

Mr F.M. Logan: Didn't that lead to those riots there the other day?

Mr D.A. TEMPLEMAN: No! We do not want to go onto that, because, if we do go onto that, I may have to tell some home truths, and that would not be appropriate at this time! As members know, I am well known for sticking to the point of an argument and a debate. I do not meander off anywhere.

Several members interjected.

Mr D.A. TEMPLEMAN: No, I do not, member for Kalgoorlie. I like to stick to the point.

The ACTING SPEAKER (Mr P.B. Watson): Member for Mandurah, I am sure you will get back to the point!

Mr D.A. TEMPLEMAN: I will indeed, Mr Acting Speaker.

It is important also to look at other cities that have gone down this track. I think we should look at that very closely. There are cities in Australia that have extended trading hours until nine o'clock. But if we visit those cities, we find that a lot of the shops are not open after six o'clock. That is the case even in some of our premier cities, such as Melbourne and Sydney. If we go to those cities and we want to shop at Myer—not that I shop at Myer, as members can probably tell by the type of suits I wear—

Mr C.C. Porter: So you are a DJ man?

Mr D.A. TEMPLEMAN: Oh no! I would not like to expose my preferences there! If we want to shop at Myer in Sydney after six o'clock—

Several members interjected.

Mr D.A. TEMPLEMAN: Target is probably more appropriate, or Roger David—those sorts of man-o-man places!

Mr M. McGowan: The Salvos!

Mr D.A. TEMPLEMAN: They have some very good suits, particularly when there has been a spate of deaths in the city—we can pick up a very cheap suit! I am being diverted by the member for Rockingham. He is very cruel. But I think it is important to note that if we go to Sydney and we want to shop in some of these very upmarket places, they actually do not open after 6.00 pm. That is despite the fact that extended trading is allowed in Sydney.

I think we should have some concern for the small operators. We should ask what the research in some of these places has shown. I have not seen the latest research. But I am sure it would demonstrate some very interesting trends. I understand that the New South Wales and Victorian experience shows that no retailers other than the main competitors of Coles and Woolworths will change their opening hours even when the extension to trading hours is legislated for.

So we are at an interesting stage. I love to see the chasm of debate that goes on between the flimsy government coalition—it is very flimsy at the moment from what I can see—

Mr D.T. Redman: It is not a coalition.

Mr D.A. TEMPLEMAN: Oh? It is not a coalition?

Mr D.T. Redman: No. It is an alliance.

Mr D.A. TEMPLEMAN: It is an alliance!

Mr P.C. Tinley: An axis of power!

Mr D.A. TEMPLEMAN: An axis of power! Of course I could go on and talk about the axis of power, but I will not go into that.

I am very interested in hearing other points of view in this debate. I look forward to hearing more. I am sure the member for Kalgoorlie has a very important contribution to make. He is pivoting in his seat. I noticed that he was very keen to get up and beat me to the call. But I am much faster than he is! I am very interested to hear the member for Kalgoorlie's point of view, because he is, of course, a very well-known shopper. He likes to get out and about, I hear. In fact, I could tell members the wonderful story of how we went to Kalgoorlie once with the member for Kalgoorlie —

Mr J.J.M. Bowler: And the member for Albany.

Mr D.A. TEMPLEMAN: Am I allowed to tell that story, member for Kalgoorlie? Is it appropriate at this time?

The ACTING SPEAKER (Mr P.B. Watson): No!

Mr D.A. TEMPLEMAN: Perhaps not! I will save it for another day when we are trying to waste a bit of time before we go home at 10.00 pm.

Several members interjected.

D.A. TEMPLEMAN: I was going to say I hope he has paid it, but I will not go into that!

I am very keen to listen to the member for Kalgoorlie. I love listening to the member for Kalgoorlie. I love hearing his dulcet tones, particularly when he is talking about issues such as retail trading, because he is probably the eminent expert in retail trading, given his background in broadcasting and local sport. I am sure the member for Kalgoorlie has had to duck into the local IGA or Woolworths to buy the oranges for half-time. So I am looking forward to the member for Kalgoorlie's contribution. It will be one of the most memorable speeches in this place, I expect. He is renowned for that.

So, with that small contribution of 11 minutes, I must say that we need to be very careful about what the impact of this legislation is going to be. We certainly need to listen to small businesses when these changes take place so that we can look also at what needs to be done to help protect small businesses into the future.

MR J.J.M. BOWLER (Kalgoorlie) [9.07 pm]: These questions are weighing heavily on me. In the past, there has been no doubt that I have strongly opposed any further deregulation of trading hours. As the member for Mandurah has said, I come from a strong sporting background. I am not that good at sport, but I appreciate the great Aussie weekend tradition of sporting life and family life, particularly in country towns, where sport and family life play a very important role. But I am also a realist. So I rise to say that I will be supporting the Retail Trading Hours Amendment Bill. That may surprise some people. I have turned in my opinion on this matter. As I have said, I am a realist. What we have in Perth now is a patchwork of opening hours. That has created a very unfair imbalance between various areas of Perth that cannot be sustained. So I suppose that this effort to provide extended trading hours in some areas but not others is having the desired effect that in the long run there will be a standardisation of trading hours in the metropolitan area. That is something that, as I have said, historically I did not support. However, particularly in my electorate, the status quo will remain. I therefore wonder whether it would be fair for me, as a country member, to say to the metropolitan members on both sides of this chamber that I am going to tell them what is good for them and what is not good for them. Those members are obviously united in supporting this legislation. As I have said, this legislation does not affect my electorate. Therefore, I wonder whether I should be saying that this does not affect my electorate, but I am going to oppose it because of some historical perspective that I have had.

As I say, it really has been death by a thousand cuts. What we have in Perth right now has really been a case of divide and rule in that if someone has a retail shop in one area of Perth, that retailer is at a significant disadvantage to a similar store in another area not that far away. That has to end and this legislation is a way of doing it. I am very pleased that the status quo remains in the country areas whereby the local council decides what is best for its town. That is the way it should be. Some towns have supported deregulation; that suits them. Some towns support deregulation at certain times of the year, such as Christmas time; that is up to them. I do not know what the City of Kalgoorlie–Boulder will do. I suspect that it will leave it as it is for now but maybe with

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some minor changes. However, at least it is up to the local councils in country WA to decide what they should or should not do and I believe that is a good policy to have. Why should I as a country member of Parliament tell metropolitan colleagues what is best for them? Therefore, I will support this legislation.

The member for Mandurah spoke about Sydney and although we may deregulate trading hours until nine o'clock, the reality is that in a relatively short space of time I doubt whether many shops will be opening that late. In fact, last year I came down to Perth but had left my phone charger in Kalgoorlie. Normally, I have one phone charger in the Perth house and one in the Kalgoorlie house, but somehow or other they both ended up in Kalgoorlie. I needed a phone charger. At 10 minutes to five, I left the house here to go to the Perth CBD to get a phone charger. I got to the first telephone store at five o'clock exactly and it was closed. I looked down the arcade and there was another shop about 50 yards away. I rushed down there and that store was closed too. That was on a Wednesday or Friday; they were closed at five o'clock. They could open until six o'clock but were not opening that late.

When this debate first arose last year, the Premier came to me and asked what my position was. This was before my good friend sitting on my left came over and the balance in the house was a bit more precarious. I said that obviously the people of Perth are demanding and showing that they do want more hours. I would have preferred to have differentiation for Thursday night. Thursday night is a good night in that it is that one night a week on which all shops open. We can go to a shopping centre or even the strip of shops in suburbia and generally all the shops are open. I worry that if Thursday night becomes like any other night of the week, we will go to a shopping centre and have the situation in which we will say, "The service has actually dropped off. Previously, I'd go out on a Thursday night, every shop was open. I knew if I wanted a new string for my bow and arrow, I could go to the bow and arrow shop and it would be open till nine o'clock. If I wanted a new string for my guitar, I could go to the music shop and it would be open till nine o'clock." I worry that, if we have this blanket nine o'clock opening opportunity, in a relatively short time Thursday night will lose its differentiation and generally a lot of stores will close at half past five, six o'clock or half past seven every night of the week. Families will then be more frustrated than they are now because when they do go out, some shops will be open and some will not. However, I suppose if that is going to happen, we will know in the future.

Another comment I want to make is that I believe it is a great furphy that Perth misses out on tourism because it does not have deregulated shopping hours. What a load of tommyrot! I went to Paris for the first time 18 months ago and all the shops in Paris close relatively early in the evening and, of course, nothing opens on Sunday. Paris is the most visited tourist destination in the world and no-one, after going to Paris, says, "I'm never going back there again because the shops close on Sunday." One of the great things about tourism is inculcating ourselves into the culture of the society that we are visiting. Australia has had this great Aussie weekend of sporting activities and families coming together and we are losing that, sadly, but so be it.

One thing that the member for North West just said is that it is good that, I suppose in a way, this debate that has gone on ever since I have been in Parliament—10 years—is coming to an end. However, it will not come to an end; as soon as this legislation is passed, those who have pushed for this legislation will be pushing for Sunday trading. Do not think this is going away; this will be a minor hiatus in that long campaign and they will be after Sunday next. But once again, how can I as a country MP, despite the fact that my National colleagues are voting opposite, tell Perth people, particularly members of Parliament in the metropolitan area, what is good or not good for their seats. They are the ones who should decide that and therefore I will support this legislation.

MR W.R. MARMION (Nedlands — Minister for Commerce) [9.16 pm] — in reply: I start by thanking all the members who spoke on the Retail Trading Hours Amendment Bill 2009, mostly in favour, for their contribution this evening.

This bill is a small step but a good outcome for consumers. I acknowledge the Labor Party for coming to the party and supporting the bill. I acknowledge that we will bring on the issues of a small business commissioner, a lease register and whitegoods-cum-household furnishings shopping for Sunday. My staff have been consulting regularly with the Labor Party and as we progress, we will keep members opposite in the loop.

The member for West Swan raised the issue of the 13-person rule. The legislation will be subject to statutory review next year. It is only fair that a statutory review looks at the act properly and considers the entire act in some detail, which is why we have not brought it on now. This bill simply removes the six o'clock restriction on general shopping and puts in another restriction—namely, nine o'clock. That is simply all this bill is about. I point out that we need to make an amendment to the bill to replace the term "tourism precinct" with the term "special trading precinct" so there will be a need to go into consideration in detail and members will have another opportunity to make comments then.

The member for North West reiterated his concerns about small business and how he believes we need to restrict the market share of some of our major retailers. I thank the member for Mandurah for his contribution. Again, he

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has some concern for small business. The measures we will put in place to bring in a small business commissioner, a lease register and household furnishings and whitegoods shopping for Sunday should go some way towards that.

Finally, I thank the member for Kalgoorlie for his contribution. In fact, it was good of him to recognise that he is the member for Kalgoorlie and does not feel that it is right as the member for Kalgoorlie to impose his own personal views on the metropolitan area. I thank him for that because I think he is one of the first country members to have said that. I think I agree with the member for Kalgoorlie about where we are headed. This is one small step towards a final step for, probably the next election, the total deregulation of trading hours, particularly on Sunday. Therefore, I thank everyone for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Mr M. McGOWAN: I raise a few questions with the minister about this bill, but, in doing so, I want to acknowledge that the bill passed the second reading stage of debate without dissent. Therefore, the National Party did not object to the second reading and did not call for a division.

Mr J.J.M. Bowler: No, there was dissent. The member for North West said, "No."

Mr M. McGOWAN: The member for Kalgoorlie has been in this place for 10 years. He can call for a division. I do not know whether he is aware of that. That is something that is part of the process here; he can call for a division. The Minister for Agriculture and Food did not do it and the member for North West did not do it. Anyway, that is just something that I thought was of interest.

However, I want to raise something with the minister that is crucial to this legislation, because there is an agreement between the government and the opposition that we would support the passage of this legislation contingent upon a number of conditions. One of those conditions was that a small business commissioner be established to assist with resolving issues between landlords and tenants, and the second condition was that there be a lease register and that that be available for people to work out, as I understand it, whether a fair rent is being paid or otherwise.

Both of those conditions were agreed in writing between the government and the opposition. Neither of those conditions is in this legislation. The government has said that further legislation will be brought on. My question to the minister is: when this bill is assented to and comes into effect, will the agreed arrangement between the government and the opposition be in place at that time? If it is not, I would say that bad faith is being shown, because that was the agreement between both sides of Parliament. At the time when businesses can open for longer hours, will the new laws be in place and will they be assented to at the same time?

I will wrap up my remarks by reminding the members of the National Party that when they promote themselves in a certain way and then come into the house and do not do it, people notice, and we have all noticed.

Mr W.R. MARMION: My understanding is that this issue has been discussed with the Leader of the Opposition's office, and the Leader of the Opposition is comfortable with us bringing on this bill on the proviso that we honour the commitments of introducing a small business commissioner, a lease register and shopping on Sunday for whitegoods and household furnishings. We will honour that. We will need to make some amendments to the commercial tenancy bill. They are being worked on at the moment, and I am hoping that we will be able to deliver that in a few weeks. However, it will depend on whether we get support in the house for getting the amendments to the bill through this house. If we do, we should be able to get the amendments through before Christmas.

Mr M. McGOWAN: The agreement, as I understand it—the minister is responsible for both pieces of legislation, so he should be able to tell us exactly—was that there would be this change, which is the nine o'clock trading, and there would be the other change. I have heard the Premier or seen him on television say that the aim is to have this change—that is, the nine o'clock trading—in place for Christmas. If that is the case and it is assented to then, will the minister give the house an assurance that the other changes will be in place concurrently; that is, businesses will be able to rely upon the small business commissioner to resolve their disputes and issues at the same time as they are required or able to open until nine o'clock of an evening? My understanding is that that was the agreement. The minister should be able to give us the answer.

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Mr W.R. MARMION: I can give the member an answer towards the answer. We will have to bring in two bits of legislation—we can probably get through this legislation before the other bits of legislation—so I cannot guarantee that all these bits of legislation will be in place concurrently. Obviously, we are dealing with this bill now, and it will go through before the changes to the —

Mr M. McGowan: It is a question of when it is assented to. It does not matter when it goes through.

Mr W.R. MARMION: We will talk to the Leader of the Opposition and negotiate that in good faith.

Ms R. SAFFIOTI: I want to get clarification of exactly when—that is, in what months—those two bills will be brought in. I am talking about the commercial tenancy bill and the other bill. I think that is a fair question, given that it was a deal based on four parts.

Mr W.R. MARMION: There is consultation and some policy development to be done on both bills. It is very hard to give a time line on that. However, they are absolutely the number one priority for the Department of Commerce to work on. A bit of policy development will be done in conjunction with the Leader of the Opposition's office, and then there will be some consultation with the stakeholders.

Mr M. McGOWAN: On the basis that the minister gets the approval of cabinet to have a bill drafted, that he gets drafting priority and precedence, and that there is an order of precedence for the drafting, I would have thought, in light of the agreement between both sides of the house, that the minister would have drafting priority; that it would be up there at the top not just of the minister's agenda, but of the agenda of the government, to get the other component of the agreement drafted as soon as possible so that those small businesses that will be able to open as soon as this bill is assented to will have the knowledge that at least they will have that additional protection that was promised to them as part of this deal. I think that the minister needs to be able to give us some guarantee or assurance about that process. Policy development is a different thing altogether from drafting. Policy development should be done before the drafting process has begun. Therefore, we need to know whether the minister has any drafting priority on the other bill.

Mr W.R. MARMION: We had the commercial tenancy bill drafted and prioritised before this amendment came in. However, we have priority for this amendment to be added.

Mr M. McGOWAN: This legislation has been in the house since last year. I cannot remember what month it came in, but it might have been September, or perhaps even a year ago—or exactly a year ago. If the minister is saying that the changes to create a small business commissioner and the change to put in place a lease register were drafted before that, why are they not in this chamber, because that is what the minister just said?

Mr W.R. MARMION: No, the lease register was not part of it; it was part of this recent agreement with the Leader of the Opposition. It was therefore not in the Commercial Tenancy (Retail Shops) Agreement Act and will now be put in there. There is consultation about that in terms of the depth of the lease register; that is, who can see it, where it should be located and which stakeholders can see it. There is some concern about who should see some of the information on the lease register. We must therefore get the balance right in terms of transparency and the privacy of those leases. That is part of the policy development, which will determine the way we draft the amendments to the Commercial Tenancy (Retail Shops) Agreement Act.

The ACTING SPEAKER (Mr P.B. Watson): I advise members that we are on clause 1 of the bill, which is the short title.

Mr A.P. O'GORMAN: As the leader of opposition business said, this bill has been on the notice paper since last August and all of a sudden it has come on pretty quickly. I am not particularly happy that we do not have those other bills in the house already. The concern of small business people is that they are being pressured. Bringing this bill into Parliament will further add to that pressure.

The ACTING SPEAKER: The member is looking at the commencement dates in clause 2. We are talking about clause 1.

Mr A.P. O'GORMAN: I will ask it in clause 2.

Clause put and passed.

Clause 2: Commencement —

Mr A.P. O'GORMAN: When does the minister intend to have this bill assented to once he gets it through the upper house? It seemed to have no priority until he got agreement from the opposition that we would support it, but we have certain conditions and concerns, as do small businesses. What small business would like to hear from the minister tonight is a commitment on *Hansard* quite clearly saying that he will not send this bill to the Governor for assent until he at least gets those other bills into this place and second read, where we can all see exactly what we are signing up to, because this bill is just one part of this retail trading legislation. If we agree to

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[ASSEMBLY - Tuesday, 17 August 2010]

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this bill this evening or tomorrow and it goes to the upper house, there is not a whole lot that we can do in this place to prevent the minister having it assented to. The minister can move it forward as quickly as he likes once it is through the upper house. However, it would be some reassurance to small businesses and to those of us on this side of the house if the other bills were second read in this place. We would then know exactly what was coming on. As far as I know, there has not been a great deal of consultation between the opposition and the government about what those other bills will contain. It would be a whole lot better if we knew and if small businesses knew that they were not going to get clauses shoved into their leases that said their rents were going up. I remind members again that when people rent commercial premises, they rent them for 24 hours a day, seven days a week, 52 weeks a year. They need to know that, just because all of a sudden the government changes the opening times, it will not be an excuse to bump up rents. Small businesses would be very happy to hear the minister stand in this place and say that he would not send this bill to the Governor for assent—once it has passed the upper house—until he has those other bills second read in this place so that everybody has a clear understanding of what is happening. I ask that the minister give that commitment now, please.

Mr W.R. MARMION: My staff have been in regular contact with the Leader of the Opposition. As I have mentioned, the agreement and the commitment was that we would bring on this bill provided that there was an undertaking, which I am reading into *Hansard* now again, that we commit to a small business commissioner—and the Leader of the Opposition knows the progress we are making on that; that we commit to the lease register; and that we commit to Sunday trading for the goods I mentioned before. Those are the commitments and we have made good progress in those areas. We have been keeping the Leader of the Opposition fully informed of the progress and where we are at. There will be a consultation process to make sure that small business people—the people affected—will be happy with what we bring on. Indeed we will be bringing the bills back to the Leader of the Opposition and to members of his party to ensure that they are happy with them before we bring them into this house.

Mr A.P. O'GORMAN: I again thank the minister for that. Can the minister give us an indication of who he is speaking to in the small business sector, because quite clearly the Chamber of Commerce and Industry of Western Australia does not represent the small business sector? Is the minister speaking to the representative organisations for those small businesses that are not part of the CCI or part of the WA Retailers Association? Is the minister speaking to any other independent retailer who also has concerns about this bill? Is the minister speaking to members of the Combined Small Business Alliance of WA? I ask those questions so that everybody can be informed and have their input into those things. I have been approached by landlords of not only large shopping centres, but also strip shopping centres who have concerns about changes to commercial tenancies. Tenants have those concerns as well. Some landlords are concerned at the way commercial tenancies might go and that they might disadvantage some of their tenants. Can the minister tell us who in the business community he is consulting with?

Mr W.R. MARMION: For developing a proposal, we are firstly using the Small Business Development Corporation. We have numerous letters from various stakeholders—small businesses—informing us of the way we should go in terms of developing something for all stakeholders. We are therefore in that process right now. We will be consulting with as many people as we can, but there is obviously a time line to get that done so that we can bring in any change, the small business commissioner and the lease register as soon as possible in parallel with or shortly after this legislation.

Mr A.P. O'GORMAN: Can the minister also tell us the direction in which those consultations on the small business commissioner and the lease register are going? There are many ways of producing a lease register and there are lots of ways in which it could tie up business. We want to make it as simple as possible so that small businesses have information at their fingertips, have transparency and can access information about the leases they want to enter into. We would also like some information on the small business commissioner. What powers would that small business commissioner have and what protection would that small business commissioner give to small business?

Mr W.R. MARMION: The Small Business Development Corporation is handling the consultation around the issue of the small business commissioner. Discussion papers on all three issues will be distributed to all stakeholders, including the Leader of the Opposition.

Mr V.A. CATANIA: The member for Joondalup makes a pretty valid point in raising the issue of which powers the small business commissioner will have. The minister talks about consultation with stakeholders and says that these new trading hours will come in before Christmas. When does the minister see this consultation end and can he give a firm time frame for this agreement that he has supposedly struck with the opposition? There does not appear to be too much agreement if no-one knows when the Commercial Tenancy (Retail Shops) Agreement Act

will change to reflect the increase in trading hours. What are the time frames, when will this consultation end and will it end prior to proclamation of the bill?

Mr W.R. MARMION: As quickly as possible, is all I can say. I meet with the staff of my department every week. They are working feverishly on it and I have been informed that the discussion papers are very close to delivery. It will then be a case of how long—maybe four or five weeks—for it to go out to the stakeholders. We have no definite period. Obviously if we take it out to the stakeholders and everyone jumps up and down, we might extend the period to make sure we have got it right so that everyone gets a reasonable stab at it if they are concerned about it. I hope that discussion papers will be out within weeks. They will be out for four or five weeks and then we will be able to come back to the Leader of the Opposition and show him how we are going.

Mr V.A. CATANIA: Does the minister envisage that there will be any issues when extended trading hours come in? If there are no changes to the Commercial Tenancy (Retail Shops) Agreements Act or to the proposition of the appointment of a small business commissioner, what if issues arise once retail trading hours are extended? What recourse do any of the small businesses have to take up any concerns that they might have with commercial tenancy issues if this agreement that the government has with the opposition does not come before Parliament until goodness knows when?

Mr W.R. MARMION: The Commercial Tenancy (Retail Shops) Agreements Act already has some provisions to protect small business. If a major shopping centre chooses to open after 6.00 pm—that is, until 9.00 pm—it cannot make any of the shops open until then. That is already in the act. If it does, those shops can take their case to the State Administrative Tribunal.

Mr V.A. Catania: Does that apply to the increase in rents?

Mr W.R. MARMION: My understanding of the Commercial Tenancy (Retail Shops) Agreements Act is that the rents cannot be increased specifically; sorry, the outgoing cannot be increased.

Mr A.P. O’GORMAN: Could the minister clarify the point he just made? At first he said that the rents cannot be increased and then he said that the outgoing cannot be increased. Can the rents be increased but not the outgoing because of the extended hours at the moment or should everything stay as is? Can the minister give us some clarity so that people in the community know what is going on?

Mr W.R. MARMION: I understand that the outgoing are regulated. Rents cannot be capped because rents come up for renewal. Rents change. We do regulate and can control the outgoing. A landlord cannot increase outgoing. If a shopping centre stays open longer, it cannot increase the outgoing. When a lease comes up for renewal, under the normal conditions of the lease, the rent can go up.

Mr A.P. O’GORMAN: The minister is telling us that we can extend these trading hours to nine o’clock and if we get this legislation through this house tonight or within the next few days and through the upper house in the next few sitting weeks of Parliament, all those small businesses that may be coming up to a rent review period can have their rents increased. One of the reasons they can be increased is that, because of the extended trading hours, the landlord will require a greater amount of rent for the greater amount of hours that the shops are open. Is that what the minister is telling us?

Mr W.R. MARMION: I will clarify what I said earlier. I was talking about businesses that do not open. I guess that was implied but I did not say that. Landlords cannot increase outgoing to those shops that do not open. Obviously, if a shop chooses to stay open until nine o’clock, the landlord can increase its outgoing. If rent is due for renewal, under the lease arrangements, the ones that I have seen have a consumer price index or a market valuation clause. I guess that is what happens in the normal course of business in rent reviews.

Mr M. McGOWAN: The minister has been having some difficulty explaining the exact arrangements relating to outgoing, rent, what is able to be charged, what is not able to be charged, when it is able to be charged and so forth. There are hundreds of shopping centres out there with thousands of tenants and potentially hundreds of landlords. Does the minister seriously think that there will not be disputes about these issues between these landlords and these tenants that might occur following the assent of the legislation extending trading hours to nine o’clock, that might need to be resolved by the arrangement that we agreed to put in place? I would have thought that these issues would arise immediately and might need some assistance in resolution. Therefore, I would have thought that by providing the other component of the legislation, it would have been treated with a little more urgency than it has been treated by the government.

By the sound of what the minister is saying, with the consultation and so forth that will go on, I would not expect that the other component of the legislation will be through until some time next year. Judging by the way some legislation is treated, it may not get through this place and assented to until the end of next year. Therefore, a

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range of small businesses will be without the protection that we agreed would be part of this package. In the meantime, they will have to deal with these issues through the processes that are currently in place to deal with them, which are not as good as the processes that we are committed to.

Can the minister tell us exactly when the new laws will be brought in and when we will be able to deal with them so we can give the assurance to small business that they have that additional protection? When trading hours are extended to nine o'clock, small business will be able to resolve the issues of outgoings, rent, closing times, lease conditions and renewals using the new arrangement, which we all agree will be better. Our request is pretty simple.

When we debated the iron ore legislation in this place last week, we had the Premier trading off things with some of the world's biggest iron ore companies in return for a royalty increase but we do not know exactly what he traded off because it was not part of the legislation. Last week was a template. It is an exact example of what has happened this week. We need to know when the changes will be made so we can advise small business, which relied upon us for protection. The state opposition came up with the idea for the protection in exchange for a nine o'clock closing time. That was our part of the deal. We wanted the protection for small business and the government wanted trading hours extended to nine o'clock. Can the minister give us some assurance of exactly when the government will be introducing those laws into Parliament to deal with that issue?

Mr W.R. MARMION: We will be endeavouring to bring them in this year. I am optimistic of that. I was not privy to the discussions between the Premier and the Leader of the Opposition.

Mr M. McGowan: It is in writing.

Mr W.R. MARMION: I know, but as I recall there was nothing said about the timing and bringing them all in at the same time. I understood that we would commit to bringing in provisions relating to the small business commissioner, the lease register and Sunday trading for certain goods. There was no timing put on that. My staff have advised me that after discussions with the Leader of the Opposition, he was happy to bring on the legislation provided there was a strong commitment from the government that we will bring on provisions relating to the small business commissioner, the lease register and Sunday trading for certain goods. They are the priorities. As I said, we should have the discussion papers ready in a few weeks. They will go out to stakeholders for four or five weeks. I think the small business commissioner will be an easy one. The lease register will be an easy one. The harder one will be the definition of goods to be traded on Sundays.

Mr M. McGowan: When will this one be assented to?

Mr W.R. MARMION: When it is proclaimed.

Mr M. McGowan: When?

Mr W.R. MARMION: We have control over that. I am happy to discuss that with the Leader of the Opposition if the opposition has a real concern about bills not coming on at the same time and a real concern about not having a small business commissioner in place for small businesses. If this bill goes through both houses and is ready to be proclaimed, I am happy to discuss with the Leader of the Opposition when an appropriate time for proclamation would be.

Mr B.S. Wyatt: With respect to the small business commissioner discussion paper process et cetera, at the very least does the minister anticipate that the legislation will be in Parliament before the end of the year?

Mr W.R. MARMION: Yes. I am hoping that will be in place well before the end of the year—probably in a couple of months' time.

Mr V.A. CATANIA: I am quite amazed by this deal struck between the opposition and the Liberal Party. Why would the opposition support a bill that could have an effect on small businesses and impose a cost on small businesses if we do not have other legislation in place? Why would the opposition support this legislation without a guarantee on at least a time frame to introduce the commercial tenancies changes or, better still, on introducing the necessary changes—that is, a small business commissioner and the change to the commercial tribunal—before this legislation is put in, or on holding off proclaiming this legislation, if it passes through the upper house? It could be proclaimed after legislation required to protect small business through the commercial tenancy is put in place—then the government could proclaim the extended trading hours.

I will touch on another point. If the minister will not have these changes put in place and there is a real threat that shopping centres will have their eyes blinking, saying "cash, cash, cash!" when it comes to renewing leases, and people are wanting to start new businesses in shopping centres, people will be hit with increased costs because each shopping centre will negotiate new provisions. Even though the legislation may not be proclaimed yet, I am sure shopping centres will take into account that it is going to happen; therefore, they will make provisions in

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new negotiations to ensure that it reflects increased trading hours. That will be reflected in the cost. Would the minister look at perhaps funding the commercial tribunal properly to ensure that small businesses have somewhere to go to challenge increases in rents that will occur as a result of this bill?

Mr W.R. MARMION: I think the first part of the question perhaps would have been best asked of the Leader of the Opposition as to why —

Mr V.A. Catania: I just think it is a silly deal.

Mr W.R. MARMION: I think the Leader of the Opposition was very pragmatic and realised that these things will take a bit of time. This bill is ready to roll. We just need to change a “6” to a “9”. The other three conditions are a little bit more than inverting a “6” to a “9”.

Mr V.A. Catania: But they are very important conditions.

Mr W.R. MARMION: They are important; but the Leader of the Opposition recognised that it might take more than five minutes to do. I make the point, to this side of the house anyway, that we will abide by whatever agreement was reached between the Leader of the Opposition and the Premier—absolutely. I give that commitment.

Mr A.P. O’GORMAN: I have no doubt that the minister will abide by whatever agreement has been made, but what small businesses are looking for is reassurance that some of the larger landlords—I am not saying that all landlords are unscrupulous, but there are some unscrupulous landlords out there—will not wheel in their lawyers, lease negotiators and everything else they have against small business, as a result of this legislation. Many small businesses do not have the comfort of having a stash of cash to go to a lawyer, a leasing agent or a valuer to negotiate leases. I am sure some landlords out there will wheel them in and we will see increased rents in the short term. It would be a great relief to many small businesses if the minister stood tonight and said he would delay the bill.

The ACTING SPEAKER (Mr P.B. Watson): Member for Mindarie, you went across the speaker before. I gave you the benefit of the doubt; then you walked back. Please acknowledge the Chair. Thank you.

Mr A.P. O’GORMAN: Minister, after this week, we have a two-week break from Parliament. Then we have a three-week sitting of Parliament. That is five weeks. If it is not possible for the minister to get a commercial tenancy commissioner and the lease register in place in that time, there is a further two weeks after that before the next sitting of Parliament. Correct me if I am wrong, Leader of the House. By the time we come back in October, the minister will have had seven weeks to get this bill drafted. It is really important to small businesses, many of which are very wary of this legislation. Could the minister give a commitment that in seven weeks’ time he will put the bill to the house and declare it an urgent bill? I know he might need a quick discussion with the Leader of the House. We can then put it through this place as quickly as possible. That would be a strong commitment from the new minister to say that as soon as he has the bill, he can get it into this place. I am sure people on this side will agree to make it an urgent bill and debate it as quickly as possible.

The ACTING SPEAKER: Members, there is a protocol in this house when you pass across the Chair and the member speaking. You can do the funny bows and that when you come past, but the next time there will be no warnings and I will call members to order. The member with the call has the right to speak to the Chair. When you walk through that area, it is against standing orders. I will call to order the next member who does it.

Mr A.P. O’GORMAN: We have seven weeks before our sittings in October. I realise it sometimes takes considerable time to get bills drafted, but would the minister agree to make a statement here that he is quite happy to make it an urgent bill to get it through this house as quickly as possible, and that we get the commissioner and the commercial tenancies and those other parts of the bill before Christmas? The bill can then be assented to as quickly as possible once this bill is agreed to.

Mr W.R. MARMION: As I said before, we will stick to our agreement with the Leader of the Opposition. I will personally make it my priority. There is a lot of process to go through. We have to consult and we have to go through cabinet. I will discuss it with the Leader of the House to give it high priority. I am sure he will be accommodating if he can. That is basically the only commitment I can give the member at this stage.

Mr V.A. CATANIA: In my earlier question I asked whether the minister will provide further resources to the commercial tribunal, if it still exists, and whether it can assist by providing support in helping small businesses that may have issues with leasing, given the fact we will not have the necessary legislation in time to reflect the changes. Is the minister looking to provide any support?

Mr W.R. Marmion: We will give all the support we can to small business in my portfolio.

Clause put and passed.

Extract from *Hansard*

[ASSEMBLY - Tuesday, 17 August 2010]

p5645c-5659a

Ms Rita Saffioti; Mr Vincent Catania; Acting Speaker; Mr David Templeman; Mr John Bowler; Mr Bill Marmion; Mr Mark McGowan; Mr Tony O'Gorman

Clause 3 put and passed.

Clause 4: Section 12 amended —

Leave granted for the following amendments to be considered together.

Mr W.R. MARMION: I move —

Page 2, line 21 — To delete “tourism” and substitute —
special trading

Page 3, line 15 — To delete “tourism” and substitute —
special trading

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Title put and passed.

House adjourned at 10.00 pm
