

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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## RETAIL TRADING HOURS AMENDMENT BILL 2012

### *Second Reading*

Resumed from an earlier stage of the sitting.

**MR A.J. WADDELL (Forrestfield)** [4.01 pm]: I resume my remarks from earlier today. This is the first time I have given a speech in this place when I have had the *Hansard* proof in my hand before I have completed my contribution. Before the debate was interrupted, I was speaking of the problems associated with Sunday retail trading where there is inadequate public transport in the suburbs from where a large number of employees who work in retail are drawn. Potentially, this creates an enormous problem for workers who will be required to work shifts on Sunday but have no ability to get to their place of work without having to resort to either private transport or to a taxi.

**The ACTING SPEAKER (Ms L.L. Baker)**: There is a member on his feet. I am trying to hear the debate and I am struggling with the conversations around the chamber. Will members please take them outside.

**Mr A.J. WADDELL**: The wages that most retail workers earn would make the use of a taxi so cost prohibitive that it would not make it worthwhile turning up, even at double time on a Sunday. The government will have to make very clear to the community its approach to public transport on those routes which currently do not have Sunday services available.

This raises a question that has been brought to me many times in the retail debate by members in the community. Why is it only the retail sector that is subject to seven-day-a-week operations? Why is it that this government and indeed this opposition see fit to say that it is good enough to shop on a Saturday and Sunday but are not prepared to make government services available on Saturday and Sunday? I suppose it is the classic case of bit by bit, step by step, before those sorts of demands are put on agencies. In fact, I can recall a previous time in which it was almost impossible to get to a bank. Banks had extraordinarily restrictive hours and they would open late in the morning and shut at four o'clock in the afternoon, and it was a reasonable excuse for anyone to say to their employer that they had to run off and get to the bank before it closed. Today we find that banks pretty much keep business hours. I noted the other day that the local branch of my bank was open on a Saturday, which impressed me greatly. That is an indication that business is evolving to meet the demands of customers. I can foreshadow a time when those sorts of demands will put on government services for government shop fronts to open on a seven-day-a-week basis.

The member for Cannington raised a very interesting point about trading in the central business district. He spoke of the increased investment that is likely to occur in the suburban shopping centres, which will naturally draw out of the city a number of the customers who currently shop there. I think that is a fairly likely outcome, but there is probably more to it than that. We need to ask ourselves about the nature of the experience of shopping in the City of Perth these days. It is something that I have had to do on occasion, particularly during the period of restricted trading hours when I have had no option but to travel to the city to purchase something on a Sunday. I have been known to frequent the Apple Store at all sorts of hours.

### *Point of Order*

**Dr A.D. BUTI**: I am really enjoying this speech, but I am having trouble hearing due to chattering on my left.

**The ACTING SPEAKER**: Please continue, member.

### *Debate Resumed*

**Mr A.J. WADDELL**: The experience was not a particularly friendly one as virtually every road I travelled down was blocked off by roadworks or had its width reduced by these very bizarre parking arrangements the City of Perth is putting in that extends the footpath right into the middle of the road, without allowing for pedestrians. At the same time it is reducing the number of car bays, forcing people into the car park facilities. Then, when people park with one of these private car park operators or in one of the City of Perth car parks, they will be in for quite a rude surprise when they find out how much it costs. The reality is that Perth has the most expensive parking in the world. It is cheaper to park in New York than it is to park casually in the City of Perth.

Several members interjected.

**Mr A.J. WADDELL**: I paid \$9.50 for 20 minutes, thank you! The City of Perth has a great deal to answer for. When the inevitable decline in retail trading occurs in the city, the City of Perth only has to look to itself and at how unfriendly it has made the city to get in and out of.

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

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr A.J. WADDELL:** I am merely foreshadowing that this bill will inevitably see changes to the retail landscape. I fully support the bill. I am saying that it is usual, when somebody experiences a decline in their business, to point the finger at something and say it is at fault. I am arguing right now that, when the decline in business in Perth happens, many people will point to this bill and what we have done here today as the reason for the decline, but I am saying they need to consider other reasons for the decline.

**Mr J.M. Francis:** When your local businesses do better, you should be very proud.

**Mr A.J. WADDELL:** Speaking of my local businesses, which are mixed and varied, like most people I have a Coles and Woolworths in my electorate. Let us again call a spade a spade: this bill clearly is mostly aimed at assisting Coles and Woolworths to trade. The reality is that the majority of businesses in my electorate are small enough that they already qualify for seven-day-a-week trading. They choose not to trade seven days a week because they believe that it is not economically viable for them to do so. On days when late night trading is allowed, the majority of them in the shopping centres do not open.

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

**Mr A.J. WADDELL:** They are not forced to open. It is all about choice. I do not have a problem with that. The member seems to think I am speaking against the bill, but he is incorrect on that point. If he could calm down for a moment, perhaps we will get somewhere.

The debate about retail trading tends to engender these sorts of raised views and angry remarks. I watched *Lateline* a couple of weeks ago and Gerry Harvey, the owner of Harvey Norman, gave an interesting interview in which he talked about the decline of retail in Australia. He put what I considered to be one of the more bizarre arguments I have heard in some time—that is, there is no online trade to speak of in the area he trades in, but his biggest threat is the online trade. It was quite peculiar and it caused me to google to see whether people can buy fridges or beds online. I found out that yes, people can. Then my wife reminded me that we bought our last fridge online. That is probably something he does not understand that is coming up behind him.

There is this great debate at the moment about the impact of internet trade on the retail sector. Again, this is one of those straw arguments whereby the blame for its decline is being placed on internet retail. People say that is occurring because if someone buys something for under \$1 000 from an overseas retailer on the internet and brings it into Australia, that person does not have to pay the goods and services tax. Retailers say that is an unfair advantage. That may be an unfair advantage to some extent, but we are talking about a tax of only 10 per cent. We are not talking about the duties of old. I do not know whether people recall those duties, but I have a very clear and vivid memory of my grandfather back in the 1970s; he was very excited about travelling overseas except he was smart because he was not going to buy duty-free. He planned to shop in the local shops in Singapore and buy things for about 30 per cent less than what he would have paid in Australia. At that time there were many sale taxes on electronic goods that raised the price quite considerably in Australia and therefore made purchases in Singapore quite cheap. Today we still see the remnants of all those duty-free shops that sprung up to take advantage of those taxes that existed and I suspect that they mainly sell alcohol and cigarettes because they are the only things left with any significant duty. The 10 per cent GST that shoppers are able to avoid is negligible and often eaten up in the mark-up that these stores tend to have.

In fact, I went through an exercise recently in which I compared the price at the duty-free stores with that which was readily available on the internet, and the internet beat it hands down by a factor far more than the 10 per cent GST. The reality is that a lot of these retailers are unable to compete, not because of the 10 per cent GST but because they are often locked into supply chains that are quite inefficient. They are locked into licensing agreements that exist within Australia that mean that a product that is sold freely overseas is sold for two or three times that amount in Australia. I take the example of ResMed, which is an Australian company that sells CPAP machines for people with sleep apnoea. Its top-of-the-line product, the S9, sells in Australia for more than \$2 000. If someone were to go online, they could buy one at a US store for about \$750. There is absolutely no reason whatsoever why that should occur. It is disgusting that an Australian company sells its product cheaper into the American market than it does into the Australian market.

**Dr M.D. Nahan:** Can you buy it on the internet in the states and ship it back here?

**Mr A.J. WADDELL:** Yes, people can and I know many people who have done that. People are bypassing the local retailers. I am not necessarily saying that the people selling them here in Australia are putting such huge profit margins on it; they are often subject to the supply chain. Bringing it back to the debate, the supply chain is an element that my local retailers have raised with me. My local Foodworks is a terrific store and is very much involved in the community. The owner of that store has spoken to me all through this debate and I asked him how he felt about this latest change in position. He shrugged it off and said, “I will lose some business but it

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won't put me out of business. We just need to adapt more and compete. What worries me and keeps me up at night is the dominance of the two majors." The dominance of Woolworths and Coles and the way they manipulate the supply chains means that, essentially, he cannot purchase at wholesale what they sell at retail. He said that the government needs to look into those arrangements and try to ensure that no-one is able to use massive market power to manipulate the market in such a way that they can control what is made, when it is made and at what price it is sold for; that would allow an open playing field. We need to put in place legislation that means the big retailers cannot use their market power to dominate a local market until they knock out the little competitors and jack up the prices later. It is that sort of aggressive and predatory behaviour that needs to be monitored. Legislation is in place at a federal level to protect businesses, but it needs to be enforced. I welcome the debate about whether we should allow Coles and Woolworths to have the dominance that they do.

Members would know that I am an information technology guy and I follow technology very closely. IT is an area in which market dominance is often very much debated. In fact, it is a widely held view that Microsoft invested \$150 million in Apple in 1997 when Apple was seriously close to going under, because it knew that if it did not save Apple, Microsoft would not have an operating system competitor and as a monopoly, effectively, it would have been in serious trouble with the US antitrust laws.

**Dr M.D. Nahan:** They also made a lot of money.

**Mr A.J. WADDELL:** Ultimately, Microsoft made an incredible amount of money. It was probably one of the best deals it ever made. One always reflects on the comments Michael Dell made when he was asked what Apple should do. Apple was told it should sell everything and refund its investors. I think Apple could buy Dell today with the small change in its pocket! Antitrust is a big issue at the IT level and it is something that we need to look at in the Australian market. We are a smaller market and the ability for people to dominate is a real problem.

There are other problems inherent in the retail sector. I think we have raised in the past the issue of leases and having a lease register to allow people to see what the fair market value is for the real estate that they are using to establish a retail shop. I, for one, often wander through some of the big shopping centres and notice that a strange little \$2 shop might pop up for about four months before it goes out of business, and it makes me wonder what the business model was. Was there any real sense about how it operated? I suspect it was often an over-enthusiastic person with the bug for business but not necessarily the head for it, and they were unable to get a real sense of what their true costs would be. They probably found that they were paying a great deal in rental costs.

[Member's time extended.]

**Mr A.J. WADDELL:** That is one of the issues. If we could reduce the cost of retail space, effectively we could, I presume, reduce the cost of retail products. A reduction in the cost of retail products would create less financial stress on families, which is a theme about which we are very concerned. How could we do that? One of the things we need to look at is the way that retail space is created. It is very highly regulated. People cannot simply set up shop on a vacant block; it has to be done in a commercial zone. It almost seems to me that many of the local governments that have control of this are more concerned about the general aesthetic of how their overall maps look when we look at them from a bird's-eye view. They think, "This is the little commercial area over here and this is the residential area and this is the industrial area over there", without giving any real thought to the consequences of restricting supply.

If we have learnt anything in recent years, it is that when we restrict land releases, as we have done in Western Australia, the price of land starts to shoot up and it becomes unaffordable. That is creating a great deal of stress for families. I think LandCorp needs to be held considerably responsible for some of the mortgage stress that we are seeing. That is a natural outcome of setting up an organisation to make money—it will restrict its product to increase its price. So there is an opportunity for us to reform some of the local government laws and change the zoning processes to allow more retail space to be opened. I think we will then be able to bring a bit more competition into the area.

The final point I want to make—perhaps I am a bit out of step here—is that I wonder why we are even bothering at this stage with the whole notion of allowing shops to remain open only until nine o'clock, and to open only for restricted hours on Saturdays and Sundays. Perhaps we should simply let go of the idea and say the genie is now out of the bottle; let us make it easy for everyone to get on with it and know what the rules are. We can start building in the protections that we need to ensure that workers are not manipulated. We can deal with the transport issues and with the other issues that I have spoken about. But, really, what is the harm in allowing Harvey Norman to open at midnight for a special once-off sale that it wants to hold? It happens in the other states. I really feel that it will happen here. The reality is that we are not going to have 24-hour trading. The

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demand is probably not there. The demand might be there in some tiny pockets of the community, and so be it if that is the case. But I do not see that it is going to put anyone at a huge competitive advantage. It will just allow for a greater flavour within our general community.

So with those thoughts, I commend this bill to the house. I hope that we will be able to fix the irregularities that do occur. I hope that we can continue this reform. I will be keeping a very close eye on what impacts it has on public transport. I certainly will be a keen advocate for the continuation of online shopping. I believe there is a huge opportunity in Western Australia to develop businesses that are in that market. That is the future. The reality is the slide rule companies and the buggy whip makers went the way of the dodo for a reason. The world continues to evolve. We are evolving. This is the future. We need to embrace it.

**MR J.M. FRANCIS (Jandakot)** [4.22 pm]: I also want to speak on the Retail Trading Hours Amendment Bill. I am going to try not to turn this into groundhog day! What a relief! I think this is the sixteenth time I have stood in this house in the last three and a half years and spoken about trading hours in the state of Western Australia. But I am going to take a page out of the book of the member for Cannington. He went through some of his speeches. I do not want to spend my entire time on my feet going through who has said what and who has had what position in the history of trading hours in this state in the past 10 years. Nevertheless, in this debate I will have to reflect on some previous comments by me and some other members. This is a great moment for Western Australia. It is also a great moment for the member for Riverton and for me. I do not want to sound as though I have got my hand in my pocket—I will take it out—but I think we have both been absolute twins in our endeavour to beg members from all sides of this house to do something about the regulation that is inflicted unfairly across retailers and consumers in metropolitan Perth.

Where do I start? I will go back through some of the issues that I have spoken about in the past. Back in 2011, I spoke about the Spud Shed in my electorate. The Spud Shed is owned by the Galati brothers. I have always said that free enterprise beats government red tape every day of the week, and competitive capitalism will always beat regulation. The Galati brothers built the Spud Shed at Jandakot Airport, and because it is on federal government land, it is not subject to the trading hours legislation that is forced upon other retailers. The Spud Shed at Jandakot trades 24 hours a day, seven days a week. They do not have to do that. That is their choice. What the deregulation of trading hours is about is choice for consumers and choice for businesses. If they want to open at four o'clock on a Thursday morning and lose money because no-one is there at that time, that is their problem. But if people go to the Spud Shed at Jandakot at eight o'clock on a Sunday, they cannot move in the place.

That is just another example that I have used in the past to show why I firmly believe there is an overwhelming desire and demand for deregulated trading hours in the state of Western Australia. It is just like the shopping centres across metropolitan Perth that are allowed an additional trading day on certain Sundays; it is obviously spread out throughout the calendar year. The Deputy Premier went to Morley Galleria one Sunday. I have always said that if we go to Garden City at Booragoon on a Sunday when that centre is allowed to trade, or Cockburn Gateway, we cannot find a parking space within kilometres of either of those centres. We only need to go to those shopping centres on one of those Sundays to realise that the consumer demand for Sunday trading in this state, in metropolitan Perth in particular, is overwhelming.

We only need to drive up the freeway north on a Saturday morning and look at the queue of cars trying to get to Ikea. I have said many times that there is no way anyone can come up with any explanation whatsoever for why Ikea is not allowed to trade on Sundays. It is absolute madness. If anything, if we had deregulated trading hours and allowed Ikea to trade on Sundays, it would probably spread some of the love and spread some of the pain. It has always amazed me that the Greens do not support Sunday trading, because when people go to Cockburn Gateway on a Saturday, they cannot move in the place. Some of these people are rushing to do their shopping. The soccer mums, as I would call them—I hate generalising like that—and families are struggling to get their shopping done because they have other things to do on a Saturday. Those people will now be able to do their shopping on a Sunday. That will spread the pain of the traffic and no doubt do something to alleviate the congestion around shopping centres, as we saw with the government's gradual extension to weeknight trading hours.

I have always said that the worst kind of protection that anyone can put on a business is to stop its competitors from trading against it. It amazes me to this day that we have protected one segment of the retail sector by stopping their competitors from trading against them. This is worse than tariffs. This is just barring people from trading against each other.

**Mr P.B. Watson:** Would you take an interjection?

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr J.M. FRANCIS:** Absolutely, member for Albany. I have had many interjections from the member on this topic in the past and I am always happy to take them.

**Mr P.B. Watson:** Have you been to the businesses that stay open on a Thursday night and have you noticed whether they are getting any more business? I am interested to know.

**Mr J.M. FRANCIS:** I can tell the member that on the first day that late-night trading was introduced, I went to Woolworths at Cockburn Gateway —

**Mr P.B. Watson:** I am not talking about Woolworths. I am talking about the small businesses.

**Mr J.M. FRANCIS:** They do not stay open. In Cockburn Gateway, they do not stay open. I have spoken about this before. The biggest Westfield shopping centre in Australia is Westfield Indooroopilly in Brisbane. When I was there on a Sunday—I am going back some years—Woolworths was open, Coles was open, the picture framer was shut, the chemist was open, Harvey Norman was open, and the hairdresser was shut. But, guess what? They are paying rent 24/7 whether they like it or not and whether they are open or shut. It is up to them whether they want to open or shut.

**Mr P.B. Watson:** All I want to know is whether they are getting increased trade by opening until late.

**Mr J.M. FRANCIS:** That is a good question, because I have also spoken in the past about the economics of increased trade in the other states as they have deregulated trading hours. From memory, the average increase in retail turnover in the economy of each state or jurisdiction as they deregulated was about three per cent. That means that when we bring in Sunday trading, we can expect that the turnover in the retail sector will increase in net terms by about three per cent. That will obviously be impacted upon by the population growth and so on, so it is hard to gauge in Western Australia when we have such a booming population. I would be absolutely flabbergasted if it did not, because when shops are allowed to open longer, it makes it easier for people to spend money. Hopefully, some people will spend less money on holidays to Bali and on alcohol and a bit more money in the retail sector. It only takes a little bit to turn the tide.

I have been ridiculed and castigated by the Labor Party over my position on trading hours for three years.

**Mr P.B. Watson** interjected.

**Mr J.M. FRANCIS:** Ever since I have been elected, Member for Albany, we have had our differences on this issue, and I am so glad that you have changed your mind.

**Mr P.B. Watson:** I have not changed my mind. I have always said that regional areas should have their own decision. I have. When we were in government, the Country Labor guys, when we were there, as the member for Darling Range was saying, fought for regional areas to make their own decisions. That is still in the bill.

**Mr J.M. FRANCIS:** The member for Cannington has already spoken on this bill today.

**Mr P.B. Watson:** I do not care about metro; I'm elected to look after Albany.

**Mr J.M. FRANCIS:** This is my time. You guys can both have your own time.

The member for Cannington, who has already spoken on the bill today, got up and said, "I have always been consistent on this issue." Let me tell members what the member for Cannington said to me in this place on 18 August 2009 —

There is no way that retail workers in this state support Sunday trading. I will voice my continued opposition to the Liberal Party's agenda for Sunday trading, which has been outlined by the member for Jandakot.

He even gave me a plug. The member for Joondalup said it will cost me my seat. The member for Cockburn has called me a crazy, mad deregulator because I thought it has never been the job of government to tell any business when it can and cannot trade. It is absolutely ridiculous.

That brings me onto a couple of issues that I would like the minister representing the Minister for Commerce to address when he replies. My personal position always has been, and always will be, that I believe in total deregulation on this issue. What we have done as we have progressively deregulated in the last few years is sometimes moved some of the problems. I have always highlighted problems as I saw them coming before we made the changes. I have always said that I will take whatever deregulation as it comes into play. That included the retail trading precincts and the extension of weeknight trading hours and also lifting the number of staff on the floor from 13 to 18. I will give an example of someone who has a small business. I have talked many times about Tony Ale, which is in the member for Cockburn's electorate. It is one of the greatest little retail food stores south of the river. When going into Tony Ale, customers pay for the butcher separately and the baker separately,

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because he has to franchise them off differently, because if he put them all under one business, he would have more than 13 people on the floor and then he would not be able to trade in groceries on Sundays.

When the number of staff on the shop floor is lifted from 13 to 18, it is just moving the problem: the idea of capping a small business and saying, “If you employ one more person, you are no longer small business, you are a big business and you will not be able to trade on Sundays” stops small business from growing into big business. All it does is stop people from employing people. It is absolute madness. It is just another issue that, although we have raised that bar to 18, is one of those positions about which I thought: why don’t we just get rid of it and let business do what it is best at—that is, not being hamstrung by government red tape and regulation? We should just let business go out and do what it does best.

When we moved the retail tourism precincts—then special trading precincts—that was good because it allowed consumers more choice and allowed more shops to open, which is why I supported that. Nevertheless, I am still at a bit of a loss about this 11.00 am opening limit. We have 95 per cent won the war. Why do we not just go all the way? I rarely agree with much of what the member for Belmont says, because I have stood in this place and absolutely begged him, when he was Leader of the Opposition, to have the Labor Party change its position on this issue.

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** Once again, when I look, for example, minister, at Cockburn Central shopping centre in my electorate —

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** — there are four auto parts stores in the same shopping centre. There is a Repco, a Malz, a Supercheap and an Autopro. A good bloke called Ray Della-Polina, a great Western Australian businessman, because he sells camping gear in that Malz, will not be able to open until 11 o’clock on Sundays. Bunnings sells camping gear, and it can open on Sundays at eight o’clock.

**Dr M.D. Nahan:** Seven o’clock.

**Mr J.M. FRANCIS:** I am not normally out of bed these days early on Sundays. The Repco and a Supercheap and the Autopro can open at whatever time they want on a Sunday morning, but not Ray Della-Polina because he also sells camping gear. Bunnings can sell outdoor furniture and barbecues on Sunday morning before 11 o’clock; Harvey Norman will not be able to. Bunnings can sell outdoor light fittings, outdoor and indoor light bulbs, but not indoor light fittings before 11 o’clock. They will not be able to sell whitegoods, if they want to trade before 11 o’clock. I do not know the answer. I do not know whether it is done through ministerial extension, but it is still one of those issues that will create some nightmares for some people.

What absolutely amazes me more than anything else in this issue is this monumental backflip by the Labor Party. Do not get me wrong: I absolutely welcome it, but I think the member for Bassendean let the cat out of the bag today when he spoke about Joe Bullock running for the Senate. The Labor Party and the Leader of the Labor Party need to come in here and ‘fess up and tell us about the deal it did with the head of the shop union to silence the anti-Sunday trading segment within the Labor Party, because clearly something has happened. I would love to know which retailers that will benefit from deregulated trading hours have donated money to the Western Australian Labor Party in the last three months.

**Dr A.D. Buti:** Don’t spoil your moment of glory with crap! You are.

A member interjected.

**Dr A.D. Buti:** Not at all. He could not be further from the truth. There has been no deal done with Joe Bullock over this issue. The Leader of the Opposition made a decision, and the party—

**Mr J.M. FRANCIS:** So the member for Bassendean is wrong. You are not going to give him a Senate seat. That is fine. You guys talk about this.

**Dr A.D. Buti:** That’s irrelevant to the —

**Mr J.M. FRANCIS:** Of course it is irrelevant. It had absolutely nothing to do with it! The head of the shop union had absolutely nothing to do with it!

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** Madam Acting Speaker, I seek your protection from the member for Armadale.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**The ACTING SPEAKER:** Member for Jandakot, if you invite interjections and dialogue with the member on the other side of the aisle, that is what you will get, so please desist.

**Mr J.M. FRANCIS:** I am not talking to anyone on that side of the chamber. I am talking to everyone, through you, Madam Acting Speaker, on my side of the chamber—the more reasonable ones.

I would say that a lot of questions are unanswered as to what triggered the Labor Party's about-face on this.

**Dr A.D. Buti:** There are no questions to that. You're never going to get into the ministry if you keep this crap up—I can tell you that.

*Withdrawal of Remark*

**Mr P.T. MILES:** I raise a point of order.

**The ACTING SPEAKER (Ms L.L. Baker):** Yes, that is inappropriate language in Parliament. Could you please desist from using that language in here. Member for Jandakot, could you please try to finish your contribution to the debate now without baiting anyone.

**Mr P.T. MILES:** Further on the point of order, can I just ask for clarification. The word that the member for Armadale used was unparliamentary and should be withdrawn.

**The ACTING SPEAKER:** I am sorry. Yes, I did say it was unparliamentary, but I did not ask the member to withdraw. Would the member like to withdraw that word, please?

**Dr A.D. BUTI:** I withdraw it.

*Debate Resumed*

**Mr J.M. FRANCIS:** It is one of those momentous occasions, though —

**Dr A.D. Buti:** You're destroying it.

**Mr J.M. FRANCIS:** I have moved on. I might take this opportunity to ask for a brief extension.

[Member's time extended.]

**Mr J.M. FRANCIS:** Thank you, Madam Acting Speaker.

Several members interjected.

*Point of Order*

**Mr P.T. MILES:** The member for Armadale is quite excited at the moment. Maybe I could ask you to ask him to quieten down. It is very hard to hear the member for Jandakot and his conversation.

Several members interjected.

**The ACTING SPEAKER:** Member for Girrawheen and member for Armadale, could you please stop interjecting. We are on a point of order; it is not appropriate to hear your voices. Member for Jandakot, please continue.

*Debate Resumed*

**Mr J.M. FRANCIS:** I am coming to a close with my remarks. This is not confrontational, member for Armadale, but the member for Armadale has had somewhat deregulated trading hours in Armadale through the special trading precinct for some time. I know that he knows that it is profoundly popular —

**Dr A.D. Buti:** I'm sorry, but when I speak, I'll tell you how popular it is. Don't put words into my mouth!

**Mr J.M. FRANCIS:** I know that people who own retail stores outside those special trading precincts are telling me that their businesses outside Armadale are down \$100 000 a week in turnover, but their business inside Armadale is up \$150 000 a week. Something is wrong because the businesses in Armadale —

**Dr A.D. Buti:** Member for Jandakot, you're quite amazing; we are supporting the legislation!

**The ACTING SPEAKER:** Member for Armadale, I call you for the first time.

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member for Kimberley, I call you for the first time.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr J.M. FRANCIS:** There are businesses that are doing worse outside of Armadale than they are inside Armadale; they have had to lay off staff in Cannington and put on staff in Armadale. Those businesses will welcome this reform very, very warmly because it is —

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** If the member went out and spoke to the shopkeepers in his electorate —

**The ACTING SPEAKER:** Member, if you are not accepting interjections, please do not bite back at them. Member for Armadale, please stop the interjections unless they are invited and accepted. Member for Jandakot, please continue your speech. You have 14 minutes left and I am sure that we are looking forward to them.

**Mr J.M. FRANCIS:** I do not want to take every single minute of it, but I am being tempted!

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member for Kimberley!

**Mr J.M. FRANCIS:** At the end of the day, members opposite can say what they want in this place about changed positions, but the public of Western Australia and the shoppers of Perth know that the Liberal Party has always been the party of deregulation. We have always —

Several members interjected.

**Mr J.M. FRANCIS:** We just have to look at how members opposite dragged their knuckles on late-night trading on Monday to Friday. They dragged their knuckles! They came absolutely screaming into that debate. Members opposite were going to settle for 7.00 pm. That was going to be the best they could do, because we all know that the faceless men of the Labor Party, the people who run the unions, opposed extended trading hours. The only way —

Several members interjected.

*Point of Order*

**Dr A.D. BUTI:** I am sure that there must be a rule that prevents speakers from completely misleading the house and also of speaking to an extent that is so substandard that it does not befit a member of this place.

**The ACTING SPEAKER:** Member, there is no point of order.

Several members interjected.

**The ACTING SPEAKER:** That is enough from both of you, honestly! This is a house of Parliament; would you stop sniping at each other across the chamber. Member for Jandakot, get on your feet and complete your speech. Member for Armadale, you are going to be called again and please stop that kind of behaviour. There is no point of order.

*Debate Resumed*

**Mr J.M. FRANCIS:** We all know that the faceless men of the Labor Party are the people who stopped the Labor Party changing its position on this issue for so long. It is clear to everyone in Perth that the Labor Party dragged its knuckles on the issue of extending trading hours.

Several members interjected.

**Mr J.M. FRANCIS:** Madam Acting Speaker, do I need to take a point of order on the interjection I just heard?

**The ACTING SPEAKER:** No, I think you should —

**Mr J.M. FRANCIS:** Okay; so it is parliamentary now to call people “dipsticks”—that is fine.

**Mrs C.A. Martin:** Well, you are a dipstick! It’s not my fault.

**The ACTING SPEAKER:** Enough! I have called this debate to order several times. Member for Kimberley, I call you for the second time. Please be aware of the language you use. It is not really unparliamentary; it is just a bit south of acceptable.

**Mr J.M. FRANCIS:** Thank you —

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member, you want to go home; we all do. It is a quarter to five; you will be going home early.



Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr J.M. FRANCIS:** In closing, as I said, the member for Bassendean obviously let the cat out of the bag today. There are some serious questions that the Labor Party needs to answer about why it has changed its position on the issue of trading hours in this state. I know that members opposite will not have the intestinal fortitude to come into this place and say that the Labor Party has done that deal with Joe Bullock. It did that deal with Joe Bullock to put him in the Senate —

Several members interjected.

**Mr J.M. FRANCIS:** I seek your protection, Madam Acting Speaker; I am not inviting interjections.

**Mr M.P. Whitely** interjected.

**The ACTING SPEAKER:** Member for Bassendean! I think I will just stand here until five o'clock. Member, please do not interject if the interjection has not been accepted. Member for Jandakot, please complete your comments.

**Mr J.M. FRANCIS:** I have been closing and closing and closing. This will be my last sentence: I congratulate the government for finally bringing in a bill that will allow consumers in my electorate and all of metropolitan Perth to get better value for money for their dollar and to have better choice about where they shop, so that they are not subjected to having to travel greater distances to shop on a Sunday, and I commend the bill to the house.

**MR P. PAPALIA (Warnbro)** [4.46 pm]: Thank you, Madam Acting Speaker. How fortunate —

Several members interjected.

**The ACTING SPEAKER (Ms L.L. Baker):** Now that we have retained a bit of order and the member for Warnbro is on his feet, would you please address the chamber.

**Mr P. PAPALIA:** I will be very brief in talking to the Retail Trading Hours Amendment Bill 2012—probably for my own personal safety!

I always find it amusing to listen to self-professed experts on the Labor Party offer up their opinions about what is going on with internal decision making and to even contemplate potential preselections. It is particularly interesting when that opinion comes from a former Tony Abbott staffer who was sacked under the circumstances in which the member for Jandakot was —

**The ACTING SPEAKER:** Relevance, member.

**Mr P. PAPALIA:** Perhaps the member could take lessons from the real expert on the Labor Party in the Legislative Assembly of Western Australia—the member for Vasse! There is a man who knows what goes on inside the Labor Party! He knows everything.

I will say very briefly in response to the member for Jandakot's very poor contribution this afternoon that he demonstrated his lack of experience in Western Australia. We all know that the member arrived about three weeks ago. Having been born and raised in Western Australia and having sat through a few decades of debate on this subject, I can absolutely confirm that just about every single person in politics in Western Australia has had at least two positions on trading hours—and in many cases a lot more than that. The reality is that if the government wishes to completely deregulate trading hours, as advocated by the member for Jandakot, he can walk into his party room and demand it because the government has a majority in this house of Parliament and a majority in the other place. There is no way that the opposition can stop the government deregulating trading hours tomorrow, if that is its desire. Everyone knows that. The only reason the member for Jandakot's advocacy failed is that the National Party runs part of the government when it comes to this sort of debate and it opposes deregulation. The National Party tells —

Several members interjected.

**Mr P. PAPALIA:** If members are talking about faceless men, the faceless men of the Liberal Party are the three blokes in the National Party who sit in the front row! They are the ones who prevent the government from doing what it claims it wants to do. If the government really wants to deregulate trading hours, the Premier should come talk to the Leader of the Opposition. The only reason that there is action right now on trading hours is that the Leader of the Opposition publicly stated that he would support a move to Sunday trading. He offered the Premier the opportunity to consult on and deliberate over any other matters with regard to trading hours, and the Premier would not speak to him. That is why we are here. We are not here because of the Liberal Party but because the Labor Party is supporting the Liberal Party against the Nationals. That is the only reason anything is happening. The Liberal Party is incapable of controlling its own government. If the member for Jandakot has a strong position on trading hours —

**Mr F.A. Alban:** Thanks for your advice.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**The ACTING SPEAKER (Ms L.L. Baker):** Member for Swan Hills —

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** — and member for Kimberley.

**Mr P. PAPALIA:** Madam Acting Speaker, I do not need any defence from members opposite. I appreciate your efforts but I do not really need any defence against the likes of the members for Jandakot and Swan Hills.

**The ACTING SPEAKER:** Hansard needs to hear the debate.

**Mr P. PAPALIA:** I appreciate that. Hansard does need to hear the debate.

**Mr F.A. Alban** interjected.

**The ACTING SPEAKER:** Member for Swan Hills, I have just called you for the first time. Would you please stop it. Hansard is attempting to get this debate on record.

**Mr P. PAPALIA:** As I said, I am going to keep it brief. I have concerns for workers who may be compelled to work demanding, challenging and unfair hours. I would always advocate that their interests be defended in whatever is done with regard to the deregulation of trading hours. I will reiterate that the power to deregulate trading hours—if that is what the member for Jandakot, the member for Riverton and anyone else in the Liberal Party wants to do—resides entirely with the government. We are not the government because we do not have the majority in this house. Everyone knows that in the upper house in Western Australia, the government has a massive majority. It is entirely within the government's power to deregulate. The only reason it is not doing so is because for some reason it does not have the courage to do it. Perhaps it does not really want to do it. Perhaps some people have influence over government members. Perhaps there are faceless people who have influence over the Liberal Party or the National Party. I think there may be some people who have monetary influence over the National Party with respect to trading hours. That is why there is no move by this government to further deregulate. It has nothing to do with the opposition. We are outnumbered. We do not have the majority. It is a ridiculous assertion for anyone to suggest that the Labor Party is somehow reducing or restricting the government's ability to deregulate. Beyond that, with respect to the observations that have been made about the Labor Party, it is so bizarrely inaccurate that it is laughable. Members should recall what happened a year ago and what subsequently happened. Why do members think that did not occur before then? Things changed when the Leader of the Opposition changed because the new Leader of the Opposition said that that is what he wanted.

**Mr J.M. Francis:** I accept that. If that's the reason you changed, you did not want to go to the election —

**Mr P. PAPALIA:** Quite obviously, the Leader of the Opposition demonstrated some leadership. If anyone on the other side wants to change the regulations or legislation on trading hours, they should get their leader to take charge of it. They should get the Premier of the state to demonstrate some leadership. If he cannot control his own side of the house—which he cannot—and if he needs the help of the Labor Party, government members should get him to talk to our leader, because our leader is in charge. Our leader has the authority to demonstrate that he can engage in a conversation with the Premier. The Premier is too afraid because I do not think he can bring the numbers to the table. I do not think the Premier can demonstrate that he is in charge of his own government. He has been led around by a minority component of his government. In the end, the people who control Parliament through their numbers are members of the Barnett government. It is the Barnett government that has complete control over whether this or any other legislation gets through because it controls both houses of Parliament. It is ridiculous to make any other assertion.

**DR M.D. NAHAN (Riverton)** [4.54 pm]: I would like to make a few comments about this issue. It is an issue that I have been across the detail of for 22 years in public debate. It is an issue that I for one, mostly whilst outside government and therefore in a position to take a good stand, have not flip-flopped on. I do not want to brag about that. I have been in Parliament for only a short period and I recognise that it is easier to make a stand from outside government rather than from within. This legislation is a small but important step to free people up to shop when they want and where they want, and have shopkeepers open their doors when they want and how they want. It is a victory for the masses and for consumers and should have been done a long time ago.

I would like to reiterate what the member for Belmont stated about the truth behind this long saga of deregulating shopping hours. The member for Victoria Park referred to the book *The CCI Story: A history of the Chamber of Commerce and Industry of Western Australia and its founding bodies*. He and I went to the launch of this book. He referred to it in detail, and I will not do so again. I encourage everyone to read chapter 8. It is a good history of this debate over the past 100 years. It just shows that both sides of politics have been faulty. It also shows that partnerships can form. Why the Greens (WA) were against the deregulation of shopping hours is beyond me but, then again, most of the things that party believes in and does is beyond me. I cannot understand

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the Labor Party's resistance at times. I do not know what goes on in the Labor Party—I really do not care—but it has been unpredictable. Peter Dowding pushed it in 1985 and it went nowhere. Geoff Gallop pushed it in the early part of the previous decade and it was thwarted for various reasons.

**Mr M.P. Whitely:** It got thwarted by the Premier.

**Dr M.D. NAHAN:** No. The member should read the book. It got thwarted by Brian Burke in his campaign funded by Independent Grocers of Australia.

**Mr P. Papalia:** And who was he working with—the member for Vasse?

**Dr M.D. NAHAN:** The member should read the book.

**Mr M.P. Whitely:** I know that, but we would not have had a referendum if it hadn't been for the Premier because we would have had a bipartisan position on it.

**Dr M.D. NAHAN:** As I said, there was no attempt to do that. There were campaigns from both camps.

**Mr P. Papalia:** Burke was working with the member for Vasse; that was the problem.

**Dr M.D. NAHAN:** The member for Vasse was not even there. There were campaigns on both sides. We are now trying to step beyond this. Let us be clear on this: as the member for Belmont said, what is behind all this are narrow vested interests working against the public interest; that is, the use of political power through the political process to gain privilege, and that is to restrict competition in favour of a few people. This is the history. This is not unique to this issue. Many of the issues, as the member for Belmont stated, came to this house, particularly during previous decades when the debate got rather fraught and money was flipped around on both sides of politics. The people who benefited from this benefited in huge amounts. I ask members to remember the boom time when income was flowing, people were working fly in, fly out, couples were working, trying to pay off big mortgages and they did not have time to shop. If we restricted shopping hours, particularly on the weekend, those who benefited from being able to open gained immensely. That is the story. Not everybody who was behind this had those commercial benefits. Some people do not like shopping on Sunday because of religious beliefs. Some people are conservative and just do not like change. As we debated in this house, some people do not trust, with some justification, the shop owners. Their leases will be extracted from them. I thought the speech by the member for Forrestfield was excellent. There will be a large amount of adjustment for it. Most of the debate has been about issues of commercial interests. People are hiding behind those arguments. Again, I encourage everybody to read chapter 8 of *The CCI Story*—it is very interesting—and learn.

Why did we get this change now? The Leader of the Opposition and many people from our side have been mugged by reality. The reality is that lifestyles have changed. We have fly in, fly out families. We have both couples working. We have people who are strapped for time. We have people who are involved more in their kids' sports than ever and they simply do not have time to shop when the shops are open. We also have changing life patterns. A large number of young people are getting a voice and want the freedom to shop. Importantly, we have a community that travels a lot, whether it be to Singapore, Victoria, Brisbane or Sydney. When they go to these places, they see that they can shop when they want and it is beneficial and the shops are there. There is no destruction of business and activity. Also importantly, a lot of tourists come here and find Perth and its suburbs boring because they cannot shop. The reason why the member for Rockingham—the Leader of the Opposition—and many people on our side have changed is because they got mugged by reality. The reality is that people want the freedom to shop. The power of the vote has overwhelmed the vested interests of money. That is a very good thing and that is what we are moving towards. It is very positive.

There are a couple of other issues. We are debating why we are taking such a minor step. Given the history and the interests against this move, if we take a giant step, we could falter. The Premier, as *The CCI Story* highlights, has been involved in this debate on the right side; yes, he has had to compromise in politics.

**Mr M.P. Whitely:** What about his position when he was Leader of the Opposition? That is why we had to have a referendum.

**Dr M.D. NAHAN:** Read the book; he led the push for deregulation of shopping hours in 1985.

**Mr M.P. Whitely:** I don't have to read the book; I sat here and listened to the debate.

**Dr M.D. NAHAN:** He knows this move could falter. When he came into government in 2008, he started the deregulation of shopping hours in small steps, opening on evenings and setting up trading precincts. The trading precincts hurt my electorate. I was verbally critical of them. But he did that because he knew he was starting to open things up, and if they were open in Armadale or in Joondalup, people would see the benefits and the shopkeepers in Riverton and Jandakot would say, "Give me the freedom to open". That has cracked them up, and things have changed. As Bismarck once said, two things we should not watch being made are politics and

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sausages. It is not a pretty process, and that is why we are here. The politics and the support for deregulated shopping hours right now are overwhelming. It is good.

As the member for Forrestfield said, a range of things will have to change. But retail space is changing fundamentally because of internet shopping and pulse stores. The member for Forrestfield could not understand why \$2 shops opened and then closed. It reflects an effective retail mechanism. Retailers get a large bulk of stock, sell it for a month or so and then nick off. They can get discounts at the shop spots during that time. In many cases, the retailer is liquidating stock that they sell online from the warehouse. My son goes to them all the time. It has become a cult to go around to what they call pulse stores.

These things are changing in the UK and the US. Shopping centres are changing away from retail outlets to areas where people can touch, feel and see goods and then buy them on the internet. They are also changing lifestyle places. We are trying to allow business, which is going to happen anyway, to adjust and change to cater to what consumers want. I, personally, would like to take it a step further. I think the best shopping hours in this nation are in Tasmania. Because of the importance of tourism, ten years ago, Tasmania allowed more shopping. Given the history of shopping in WA, I am more than willing to take one more step to allow shopping on Sunday, even if hours are restricted, knowing full well that this will go all the way and people will be allowed to shop when they want and shop owners to open when they want. This is a huge victory. It has been 20 years in the making and I congratulate the Premier on his leadership.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [5.04 pm] — in reply: I would like to thank all members for their many and varied contributions to this debate and I look forward to the passage of this bill.

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.P. WHITELY:** I believe other members are interested in participating in this debate. I ask my colleague the member for Warnbro to join me in reflecting on the short title of this bill to enable others to enter the chamber and participate more fully in the debate.

**Mr R.F. Johnson** interjected.

**Mr M.P. WHITELY:** I ask the Leader of the House to indulge us at the moment; we are waiting for the leader to come in because he is anxious to progress this bill with haste.

Several members interjected.

**The ACTING SPEAKER:** The member for Bassendean has the call, members.

**Mr T.R. Buswell:** Can you please ask the question.

**Mr M.P. WHITELY:** I think they will be here very shortly.

**Mr T.R. Buswell:** There is another clause; he is not going to want to debate the short title.

**Mr M.P. WHITELY:** I am sure we can rush through it when the leader gets here.

*Point of Order*

**Mr T.R. BUSWELL:** I do not mind if members opposite need to cool their jets for a minute, but this is lunacy. They either have an issue with the short title or they do not. They do not get up and say, "I've got an issue because the people —

**Mr P. Papalia:** Actually, minister —

**Mr T.R. BUSWELL:** I am talking.

**Mr P. Papalia:** So what? You never did that? This has never occurred; is that what you are saying?

**The ACTING SPEAKER:** Member!

**Mr T.R. BUSWELL:** My point of order is that if there is an issue to be dealt with under the short title, we deal with it. Members opposite cannot stand up and say that people are not here.

**Mr P. Papalia:** What about the number of times you used to tell jokes when we were waiting.

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**Mr R.F. Johnson:** We never tell jokes.

*Debate Resumed*

**Clause put and passed.**

**Clause 2: Commencement —**

**Mr P. PAPALIA:** This clause reads —

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Can the minister convey to us what sort of notification he intends giving retailers who will be impacted on by this legislation? Will the potential dramatic impact of that shift from the current status and the restrictions on trading be taken into account when notifying retailers who will be affected?

**Mr T.R. BUSWELL:** I thank the member; that is a reasonable question. There are two issues. There are some technical issues around proclamation because there are some consequential amendments. The member's question was not really about that but about how much notice we will give to the traders who are likely to be impacted by this, and also consumers. The Premier has indicated that it will come into effect approximately in August. Obviously, what we will need to do is dependent on the passage of this bill through the other place. We need to be able to find a landing point. The idea is not to rush it out. We need to make sure that we have a sensible transition. I think the member will find that plenty of notice will be given. As the Premier indicated, it will be about August, but we will work through that issue as we get a little closer.

**Mr P. PAPALIA:** What about employees who will be impacted by this legislation? Is there going to be consultation with representative bodies such as unions, which might then be able to convey the potential impacts upon their members to their members; and, if so, what is the nature of that negotiation or consultation, and what sort of time frame are they going to get in advance warning?

**Mr T.R. BUSWELL:** This bill will pass this place—it is now late March. We will firm up the time in which we expect it to come into effect, but the public indications from the Premier are that it will be in August. We will clearly make sure that people have plenty of warning in and around that. I cannot comment exactly, because occasionally things do not always progress in the other place as one would anticipate. I will not give an exact time, other than to give a very clear commitment that plenty of notice will be given to both businesses and employees as to when this will come into effect. The member raised a valid point. There is no need to rush. The point is to get the legislation through the Parliament. We have said that it will come into effect in August. I suppose that is on an assumption that the bill gets through the upper house whenever it sits next—probably into May. If there are some slippages, we will clearly have to reassess the date. I am not going to say that it will be on a particular day, because strange things have been known to happen in the other place. I do not anticipate that they will, given that both sides support this legislation.

**Mr P. PAPALIA:** That is an interesting point about what can happen in the other place. I fully acknowledge that strange things have been known to happen. I would assume that we are not anticipating significant delays up there. If it were the case that the legislation passed expeditiously through the other place —

**Mr T.R. Buswell:** August.

**Mr P. PAPALIA:** When is the last sitting period? Is it in May? Does the minister anticipate that the period between the last sitting day and—or was he anticipating that it will go out now —

**Mr R.F. Johnson:** It will go through both houses by then.

**Mr P. PAPALIA:** We are not pre-emptively trying to prepare people. That time frame will be adequate—May, June, July.

**Mr T.R. Buswell:** I would imagine so.

**Mr P. PAPALIA:** It sounds reasonable. It sounds like a reasonable time frame.

**Mr M. McGOWAN:** Obviously this issue of retail trading has been around for a long time. I am pleased it is going to reach a resolution soon—at least, the overwhelming part of the issue will reach a resolution in respect of Sundays. Naturally, that is a bipartisan approach. I wanted to flag two things whilst an amendment is circulated. I would like to deal with two issues. One is the issue I raised initially in committing to supporting the legislation. This will be under clause 4, but I wanted to give a bit of notice of it; that is, the idea that people working in retail

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might have some choice about whether they work on a Sunday. I have an amendment that I wanted to flag in respect of that. I will get a copy made for the minister to look at, so that we can hear from the government

**Mr T.R. Buswell:** Is that an amendment to clause 4?

**Mr M. McGOWAN:** Yes, it is to clause 4. I am just giving a little bit of warning so that we can have some time to look at it.

**Mr R.F. Johnson:** Can we get to clause 4 now?

**Mr M. McGOWAN:** We will get to clause 4 in just one minute. I am just giving the minister a bit of warning so that he can consider it. There are two amendments to clause 4 that I want to discuss. One is in relation to Easter Sunday and one is in relation to giving retail workers the opportunity to have some choice as to whether they work on a Sunday. There are two issues. I am flagging those now so that we can consider and discuss them. I think the minister now has a copy of the amendment. There is another that I asked to be copied and that appears to have disappeared.

**Mr R.F. Johnson:** We have got the one about Easter Sunday.

**Mr M. McGOWAN:** There is another one that deals with whether workers will have a bit of choice about working on Sundays. Maybe I will let the minister comment on that while that amendment is photocopied and given to the minister to look at.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 12 amended —**

**Mr M. McGOWAN:** There are two issues I want to deal with. One concerns the amendment I have circulated but not moved, a copy of which I have just given to the minister. That amendment reads —

Page 2, after line 10 — To insert —

**4. Section 10 amended**

In section 10(4), after paragraph (b), insert —

; or

- (c) the retail shop meets such other conditions that are prescribed in relation to a special retail shop.

The idea behind this amendment is an argument put by the representatives of retail workers that they would like to see another condition attached to the bill on when retail shops open. That additional condition would allow for regulations to be made to provide for arrangements that place certain requirements on general retail shops that open on Sundays. One requirement that could be put in the regulations is that the people who work in the industry have some choice as to whether they work on Sundays. I raised that issue initially. The advice I received from the department was that under industrial relations laws, which are now primarily governed by the commonwealth, it is not possible to do that. This is an alternative way to do it; that is, to add it as a condition on whether a shop is able to open on a Sunday. I will be frank. I raised this issue with the Premier's office on Friday. I did not get a response from the Premier or his office consequent to my phone call. I raised this issue when I first became Leader of the Opposition. I did not get the opportunity to have a meeting with the Premier on the matter. I suppose I received not an overly negative response but a response that the government probably would not do it. I have heard from some sources that the Premier has some sympathy for the concept of giving workers some choice about whether they are required to work on Sundays. Therefore, I am now circulating an amendment that may achieve that outcome. I am asking the minister what the government's attitude is to such an amendment, because I did not get a response from the Premier on Friday or subsequent to last Friday when I raised the issue with his chief of staff. I am asking the minister for advice on the amendment I have proposed. I will explain it once more quite clearly. It is not about amending the industrial relations laws, but amending section 10 of the head bill to add a provision that allows for regulations to be made.

**Mr T.R. BUSWELL:** I respect the Leader of the Opposition's view on this; he has explained it a number of times since this matter was raised in public debate. The government will not support the amendment because we think there are other methods for negotiations between employers and employees. I do not intend to debate this at great length. The member made his argument in the second reading debate. I have not looked at the technicalities of the amendment, but the principle remains that the government does not think this legislation is the place to deal with those issues. There are other mechanisms available to employers and to employees, who

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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are represented by the Shop, Distributive and Allied Employees Association of WA in those negotiations. I know there were some comments made about a former member of the SDA in this place, and I may have been a member of the SDA when I was senior junior casual in my days at Coles. That is a self-graded job, I hasten to add.

**Ms M.M. Quirk:** I hope you were not in the furniture department!

**Mr T.R. BUSWELL:** No, it was Coles. I was in fishing tackle for a while. Notwithstanding my obvious shortcomings, member for Girrawheen, I have got to this place.

I was completely sidetracked, but I will get back to this serious matter. The government will not support the proposed amendment, although we understand the intent and the position. I respect that. I do not intend to go into a long technical debate about this, other than to say we are not going to support it because there are other mechanisms by which employees and employers can deal with it. In fact, the advice I have had from the Premier today is that he has had some positive feedback from the larger operators in the retail sector that will be affected by this legislation, and they have indicated a willingness to engage with that union on this issue.

**Mr M. McGOWAN:** I have put to the minister an alternative way of dealing with the difficult issue of whether or not workers are required to work on Sunday. As I outlined in the second reading debate, there are protections for small businesses about whether or not they are required to open on a Sunday under the Commercial Tenancy (Retail Shops) Agreements Act. The proposed amendment is an attempt to secure the same arrangements for retail employees. The minister will obviously not agree to it. The initial advice I received from the government was that these matters were covered by industrial relations law and there was no prospect of their being dealt with by this technique. However, as I do not want to be accused of having scuttled the intent of this legislation and I do not want people to say that I have undermined the idea of shops opening on Sunday, I do not intend to proceed with the amendment in the light of the government's attitude to the issue. It will be worthwhile to consider it in the future once this bill is passed.

The other point I make is that if those large employers—Coles and Woolworths being the principal ones, but there are others—want to retain staff and make sure that we have a retail workforce when we are in a competitive labour market, they need to consider these options as part of their negotiations with their employees. I understand that some EBAs in some areas contain this clause, and I have been shown a couple of examples of that. The minister is correct at one level that there is an opportunity for these negotiations to take place and to resolve this issue between employers and employees. The opposition was seeking the opportunity for this to be resolved via the passing of these laws as a way of ensuring they did not become a matter of debate between employers and employees. I am somewhat disappointed—the minister might smile about that—that the Premier has not been prepared to have a conversation about this issue. I would have thought it is something we could have come to some arrangement or agreement over, but it is the Premier's decision if he does not want to have that conversation. As I said, I called the Premier's office on Friday to make that offer to have that conversation, but the Premier declined that, which is his choice.

My last point is that the opposition made the case for retail workers around Western Australia. To be honest, I do not want to stop the intent of this legislation proceeding. In light of what I have had to say over the last couple of months, the opposition attempted to proceed with this but we are the opposition, not the government. It is a matter for the government and what it wants to do. My principal aim is to ensure that we have Sunday trading around Western Australia. I did not want to inhibit Sunday trading, but I have made a number of points on behalf of retail employees.

**Dr A.D. BUTI:** I heard the minister's response to the Leader of the Opposition. From what I can gather it is not that the minister disagrees with the sentiment in the proposed amendment and the words of the Leader of the Opposition; the minister is against the process that we are trying to achieve with this proposed amendment. The minister stated that the aim of the Leader of the Opposition's amendments can be achieved in other ways; that is, by negotiation between employer and employee. That can possibly be the case, but in reality negotiations between employer and employee are not done on an equal footing, and definitely in negotiations with the large supermarket employers, the employees are not on an equal footing.

**Mr T.R. Buswell:** I ask you not to reflect on the member for Cannington, a former member of the SDA. The SDA is a very good negotiator. I am not trying to be smart about it—they are. That is the way it is, notwithstanding some of the comments of the member for Bassendean.

**Dr A.D. BUTI:** That may be the case, but as the member for Forrestfield mentioned in the second reading debate the problem with Sunday trading for some employees will be transportation. Some of these employees cannot utilise private transport; they rely on public transport for which the minister has responsibility. What are they to do if they are forced to work? For the minister to say that they or their union can generally negotiate a settlement

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so that they will not have to work on Sunday flies in the face of industrial reality. I do not understand why the minister is opposed the Leader of the Opposition's amendments. Is it purely because the minister is being stubborn or for an ideological reason? What is it? The minister said he agrees with our leader's sentiments, but not the process. I argue that the minister's process of reaching the same position through negotiations is not reality. As the minister said, he has worked in the retail trade. I think he would have been a fantastic salesman.

**Mr T.R. Buswell:** I used to restock the milk.

**Dr A.D. BUTI:** Did you? I used to do that as well with the old stamp. Often I would put the same price on the one litre container as the two litre container!

**Mr T.R. Buswell:** Especially when you saw your mum coming!

**Dr A.D. BUTI:** An hour later, I would be called up to change all the prices. The Leader of the Opposition has proposed something that is incredibly significant and important for the protection of retail workers, who are often among the lowest paid workers, even though they are represented by an outstanding union, for whom the member for Cannington used to advocate. I ask the minister to seriously consider the proposed amendments by the Leader of the Opposition, the sentiments of which the minister said he agrees with.

**Mr M. McGOWAN:** I move —

Page 2, line 15 — To insert after "5 p.m." —  
and all of Easter Sunday

That amendment has been circulated. The idea behind this amendment is to provide for Easter Sunday to be considered in the same way as Good Friday, Christmas Day and Anzac Day. At the moment under this legislation, general retail shops will not be able to open on Anzac Day, Good Friday and Christmas Day. That is the government's position; those three days are considered sacrosanct, if we like, and general retail shops will not be able to open on those days. The existing situation in which retail shops cannot open throughout metropolitan Perth on Anzac Day, Christmas Day and Good Friday will continue under these laws. I suggest to the chamber and formally move that Easter Sunday should be put in the same category. I considered this long and hard. I considered the whole issue of public holidays and, I must say, I am torn about public holidays because a public holiday has some special place in people's hearts as a time for people to relax and enjoy themselves. On the other hand, of course, a great many people like the opportunity to go shopping on a public holiday because it is a leisure day; a lot of people's leisure these days is shopping. I am torn about public holidays and what we should do there. I am not torn about Easter Sunday, however. I think Easter Sunday should be treated in the same way as Christmas Day, Anzac Day and Good Friday.

**Ms M.M. Quirk:** New York, the home of capital liberalism, is closed on Easter Sunday.

**Mr M. McGOWAN:** I did not know that and I have never been to New York, but a good reason to go there would be to check out Easter Sunday. Easter is coming up shortly, so I might go over and visit Ryan Marron while I am there. I just saw him arriving in Chicago, so I could do a trip to both.

I suggest to the government that here is an opportunity to have Easter Sunday treated the same way as Good Friday, Anzac Day and Christmas Day. I do not think there could be great objection to that. It is diminishing the intent of allowing general trading, if we like, as freely and on as many occasions as possible. Considering the government is limiting it for Anzac Day, Christmas Day and Good Friday, I do not really see how adding another day, which is part of that Easter break that people generally enjoy, could be considered a huge impediment. The other point I make is that Easter Sunday has particular significance to people of Christian faith in Western Australia. I suppose I am unsure of the hierarchy of Christmas Day, Good Friday and Easter Sunday, but I would have thought that Easter Sunday would be of similar status to those three days. If we were to come up with a hierarchy, it would be difficult to differentiate those days because they are all significant to Christians around Western Australia. I think it is a reasonable amendment and I am interested to hear what the minister has to say about it. We intend to proceed with the idea. I think all those people in the Liberal Party who are Christians should consider this very carefully.

**Mr T.R. BUSWELL:** It is a point of view, I suppose. All I can say is that I imagine this would have been a matter considered by the minister. I imagine he has attempted to define certain public holidays during the year when shops will remain closed. Easter Sunday is not a public holiday. Therefore, given that it does not have the status of public holiday, he may well have felt by extension that no special provision would be made for Easter Sunday. I take the member's point about the religious observances on Easter Sunday. On Good Friday we gather to acknowledge the crucifixion and on Easter Sunday we gather to recognise the resurrection. They are both very important days to Christian observers. However, the minister, and the government by extension in supporting



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this legislation, has deemed that Easter Sunday will not be included as one of those days on which general retail shops will not be able to open. The government does not accept the amendment although I acknowledge the member's point of view. I imagine that this is an issue on which a number of people would have a view for a range of reasons. Different groups have different days of observance. I was interested to discover this year that the wharfies have Melbourne Cup Day off. I am not saying that to belittle the Leader of the Opposition's argument —

**Mr M. McGowan:** A lot of people do.

**Mr T.R. BUSWELL:** I know.

**Mrs M.H. Roberts:** We heard you do!

**Mr T.R. BUSWELL:** I have never had one since I have been here. I am always the master of ceremonies at a Melbourne Cup function in Busselton and for some reason my ministerial colleagues used to always have one of these ministerial council meetings in Melbourne the day after Melbourne Cup. I would drive frantically back to Perth, within the speed limit, fly over to Melbourne, get there late, attend the ministerial council meeting and watch my colleagues turn up with sore heads because they had celebrated Melbourne Cup.

**Ms M.M. Quirk:** With all due respect, minister, that is not on the same level.

**Mr T.R. BUSWELL:** I am most certainly not saying it is. I accept that for some people in our community Easter Sunday is a very, very significant day. However, it is not a public holiday in Western Australia. Does that mean by extension it should be ruled out? Possibly not in the Leader of the Opposition's view, but this is a matter that the government has given consideration to. In clause 6 we have identified that Anzac Day, Christmas Day and Good Friday will be the three days when general shops most definitely do not open. However, Easter Sunday is not one of those days and we will not support the amendment.

**Mr V.A. CATANIA:** As I have put on the record before, the National Party does not support this bill. However, having listened to the Leader of the Opposition, although we do not often agree on things, today I have to agree with him on some things. Both sides have indicated that this bill will go through Parliament. It is disappointing that the opposition has pulled all the holes out of this bill and said that small business could suffer and that workers on Sunday could also be in trouble, but it has not negotiated with the government to get further protection for small business and workers in return for its support. The opposition has not done that and it will support the bill. We need to make the bill as friendly as possible, and I indicate that we will support the amendment moved by the Leader of the Opposition to allow Easter Sunday to be included in clause 4.

**Mr W.J. JOHNSTON:** I will not delay the chamber very long, but I want to make a couple of remarks. This amendment is not only about the question of religious observance by more than a quarter of the population who regularly attend churches on Sundays or for those, perhaps like me, who have religious beliefs but do not quite get to church every Sunday. The amendment is also about people who work in the retail industry having a break. Everyone else gets Monday or Friday off and enjoys a four-day weekend. However, shop assistants under this arrangement will have public holidays on Monday and Friday, but they will have to work Saturday and Sunday.

**Dr M.D. Nahan** interjected.

**Mr W.J. JOHNSTON:** That is also the case with nurses, as the member for Riverton says. A range of occupations work over these times. Shop assistants do not work over these times. That is the whole point. The reason we are having this debate is that people who work in the retail industry in Western Australia do not do these things. The minister is saying they should do these things. I am doing what I said I would do when I was elected to this place—I am standing up for these workers and saying they should not have to do these things. This is why I am doing it—it is because I am on their side. So I urge members to support the amendment moved by the Leader of the Opposition.

**Mr T.R. BUSWELL:** I want to make another point. We currently have in Western Australia special trading precincts. Those special trading precincts are in the city, and in Fremantle, Armadale, Joondalup and Midland. The shops in special trading precincts trade on Easter Sunday, member for Cannington. There are a lot of people who work on Easter Sunday—police officers, train drivers, bus drivers and nurses. There is a long list.

**Mr J.E. McGrath:** Doctors.

**Mr T.R. BUSWELL:** Yes. As I have said, we are not inclined to support this amendment. In country areas, such as Carnarvon and Exmouth, people who work in retail work on Sundays. Shops such as Woolworths in Carnarvon are open on Sundays. Our view is that Easter Sunday, notwithstanding its significance from the point of view of religious observance, is not a day that should be deemed off limits in terms of shops that can and cannot open. I might just reflect on the situation in some other Australian states. In Victoria and Tasmania,

**Extract from Hansard**  
[ASSEMBLY — Thursday, 29 March 2012]  
p1652b-1677a

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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general retail shops trade on most public holidays, with the exception of Good Friday, Christmas Day and half of Anzac Day. In Queensland, it would appear that the main days of focus are Good Friday, Christmas Day and Anzac Day, although that does not seem to be entirely consistent across the state. But certainly what we are proposing is entirely consistent with what happens in Victoria and Tasmania. Our view is that we will not be supporting Easter Sunday as one of those days that is excluded.

Amendment put and a division taken with the following result —

Ayes (18)

Ms L.L. Baker	Mrs C.A. Martin	Mrs M.H. Roberts	Mr M.P. Whitely
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire	Mr B.S. Wyatt
Mr V.A. Catania	Mr J.R. Quigley	Mr P.C. Tinley	Mr W.J. Johnston ( <i>Teller</i> )
Mr J.N. Hyde	Ms M.M. Quirk	Mr A.J. Waddell	
Mr F.M. Logan	Mr E.S. Ripper	Mr P.B. Watson	

Noes (20)

Mr P. Abetz	Mr T.R. Buswell	Mr A.P. Jacob	Mr P.T. Miles
Mr F.A. Alban	Dr E. Constable	Dr G.G. Jacobs	Ms A.R. Mitchell
Mr C.J. Barnett	Mr J.M. Francis	Mr R.F. Johnson	Dr M.D. Nahan
Mr I.C. Blayney	Mr B.J. Grylls	Mr A. Krsticevic	Mr D.T. Redman
Mr I.M. Britza	Mrs L.M. Harvey	Mr J.E. McGrath	Mr A.J. Simpson ( <i>Teller</i> )

Pairs

Mr A.P. O’Gorman	Mr J.H.D. Day
Ms J.M. Freeman	Mr C.C. Porter
Mr J.C. Kobelke	Dr K.D. Hames
Mr D.A. Templeman	Mr W.R. Marmion
Ms R. Saffioti	Mr M.J. Cowper
Mr R.H. Cook	Mr M.W. Sutherland

**Amendment thus negatived.**

**Mr M. McGOWAN:** I want to deal with this one last time and make sure that everyone understands what has just been voted on, because I am not sure that people do. The opposition wanted to provide an opportunity for the Parliament to say that Easter Sunday should be in the same position as Christmas Day, Anzac Day and Good Friday, and retail workers in general retail shops should not have to work on those days. As I said, I considered this matter carefully. This was my idea, in effect, that this day be considered in this way, and I think it would have been a good thing to have done that. I understand why Anzac Day is treated as special, I understand why Christmas Day is regarded as special and I understand why Good Friday is regarded as special. I understand why it has become culturally the norm that Boxing Day, which of course is part of the Christmas holiday period, is now the sale day and people do not regard it in the same way as Christmas Day, Anzac Day and Good Friday.

But I do not understand why Easter Sunday is not treated in the same way as those days. I do not understand why members of the National Party, after saying they were going to vote a certain way, did not do that. I do not understand why some members of the Liberal Party who express regularly in this place such grave concern about a range of issues to do with their religion did not vote in accordance with their conviction. I do not understand why they would not do that, because I think that was a fair point to make about Easter Sunday. I do not think it would undermine the intent of the legislation to allow for freer trading around the place if we had one more day that was treated in the same way as Anzac Day, Good Friday and Christmas Day. I do not think it would undermine the intent of the legislation at all. But people need to understand, and religious groups around Western Australia need to understand, what has just happened in this Parliament. This was not put to the government in an aggressive way or with any desire to undermine the intent of the legislation. All it was was an attempt to include Easter Sunday, a day when families get together and religious ceremonies are observed, which is part of that extended Easter period that is so important to so many families. People around Western Australia should understand that many Liberal Party members and most of the National Party defeated that intent on the part of the opposition.

**Mrs M.H. Roberts:** Two of the National Party members came and sat with us, and then when they counted the numbers changed to the other side.

**Mr R.F. Johnson** interjected.

**Mrs M.H. Roberts:** They were sitting at the back with the member for North West, and you know it. When the numbers were shaken up, that is what occurred.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr V.A. Catania:** That is not true. I indicated that I would be supporting that, not the National Party, because the National Party do not support the bill. I support the clause.

**The ACTING SPEAKER (Ms L.L. Baker):** Member for North West!

**Mr M. McGOWAN:** I will not say much more on this, except to say that I am genuinely torn about public holidays. It is a very difficult issue for a lot of people. I understand a lot of people in the community have to work on public holidays. I do understand a lot of people like to shop on public holidays. I do understand the intent of the legislation was to free up trading and the major intent was in relation to Sundays. But I also understand that there are five or six days that are public holidays on which the vast majority of people would probably like to shop. I also understand the concerns of retail workers. I thought there was one special day, Easter Sunday, that we could have shown a little bit more understanding about. I am disappointed that some of those people who wear their faith on their sleeve, did not have the courage to vote for it.

**Mr W.J. JOHNSTON:** It is always interesting to see what happens when the pressure goes on. It is easy to talk about important issues, and it is hard to actually act on your beliefs. Many people in the community describe themselves, rather than C of E, as being C and E—Christmas and Easter. They do not regularly attend church services, but they manage to make the proper observations at Christmas and Easter. This was an opportunity for the Parliament to acknowledge the important issue involved with Easter Sunday. And we saw what happened. The people who have been elected to this chamber with the support of various organisations in the community need to cast their minds about what they did. If any of them are like me and they want to support the rights of working people, they should think about what they have done. It is an important issue that we voted on, and I am disappointed with the outcome. I was surprised that the National Party voted against the resolution, because the National Party stood in the chamber and said that it would support the amendment.

**Mr V.A. Catania:** That is not true.

**Mr W.J. JOHNSTON:** That is exactly what happens.

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

**Mr W.J. JOHNSTON:** We all know exactly what happened. The member for North West stood and said the National Party would support this amendment. We thought, “That’s great. We’ll divide on the amendment, because we will it get through.” We thought that we were going to get that amendment passed. That is exactly what happened. The National Party changed its position when it realised that the government was in trouble. That is an extraordinary position. The member for North West, who sits there in his stolen seat, needs to understand what he has done. We will make sure that his vote is properly understood in the community.

I do not understand why it is that shop assistants—100 000 workers in this state—should not have the right to a four-day break like other people in the community. I do not understand what the problem there is. Why should shop assistants not have the same privileges as the people who work at the Australian Stock Exchange? The Australian Stock Exchange will be shut for all four days of Easter this year and it will be shut on all four days of Easter next year, and yet shop assistants will not be in that position.

**Mr B.J. Grylls** interjected.

**Mr W.J. JOHNSTON:** The minister laughs again in his typical way. The next contribution he makes to public policy debate in Western Australia will be his first. I will give a suggestion to the minister: if he really believes the government is doing the wrong thing, he should quit the government. Do not get in there and support the Liberal government; get out of it. If his opinion is that the government is wrong, he should quit.

**Mr B.J. Grylls** interjected.

**Mr W.J. JOHNSTON:** I am not a minister. I am not providing confidence and supply to the government. The minister is providing confidence and supply to the government, not me. If he really believes the government is doing the wrong thing, he should quit. Do not take your salary, minister. Stand up for your beliefs and resign from the government.

I am very happy that my record on this bill and on the previous bills here stands fine. Members can go through every word I have said here; I have not changed my position on this once. That is exactly why I am happy to say that Western Australian shop assistants deserve a four-day break. People with religious beliefs deserve the opportunity to continue to observe Easter Sunday in the way they have done in this state for every year up until now.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mrs M.H. ROBERTS:** This clause of course deals with Sunday trading. I thought the National Party was opposed to Sunday trading. The member for North West, however, expressed one view, but the National Party apparently has another view.

Perhaps the National Party can explain this. The Leader of the National Party has consistently stood and said that he opposed Sunday trading, yet when we attempted to deny people the opportunity to trade on Easter Sunday, he actually supported it. He has just supported trading on Easter Sunday—not just any Sunday. He, as the Leader of the National Party, has supported trading on Easter Sunday. That sounds a little hypocritical to me. He said he was opposed to Sunday trading and then, when faced with the opportunity in the house of getting an amendment to the bill to provide that trading cannot occur on Easter Sunday, he voted for it. He can argue the point as long as he likes —

**Mr B.J. Grylls** interjected.

**Mrs M.H. ROBERTS:** Perhaps the minister would to tell us his views on the public holidays.

**Mr B.J. Grylls** interjected.

**The ACTING SPEAKER:** Leader of the National Party, I call you for the first time. Please do not yell across the chamber. If you want an interjection, ask for it. I call the member for North West for the second time.

**Mrs M.H. ROBERTS:** I gather the Leader of the National Party interjected on me that he does not support any of our amendments. I take from that that the Leader of the National Party will not support an amendment that deals with public holidays. He will not remove that from the bill; he will not assist us to remove those from the bill.

**Mr B.J. Grylls:** I will not support any of your amendments because I am shocked and astonished that you would change your solemn pledge to the people of Western Australia before the election for your own political purposes.

**Mrs M.H. ROBERTS:** The Leader of the National Party has just voted to trade on Easter Sunday. Faced with the opportunity of denying people the opportunity to trade on public holidays, he stopped that too. There is no principle for the National Party; it is just a matter of opportunism.

**Mr T.R. BUSWELL:** I will just make a couple of comments, and maybe we can move on to the clause. A couple of things I know as facts. The National Party opposes this bill, and when we divide at the third reading stage, I am sure that opposition will be known. Only the member for Belmont is still here. He has indicated his strong desire to sit next to me as we have our votes counted together. I was touched by that show of affection from the member for Belmont. I have often sensed it.

I just want to make a couple of comments. I come from the country town of Busselton. We have seven-day trading. Our seven-day trading, I think, starts at 11 o'clock on a Sunday morning and runs through. I have attended many church services at Our Lady of the Bay and before that St Joseph's on Easter Sunday and Good Friday. The fact that shops are open on Easter Sunday certainly does not impact, as I would observe, on religious observers at those institutions. I think it is often fraught with danger to criticise people based on their religious and/or moral convictions. They are private matters. I think that when we stray into that ground in public policy debate, we are getting into very, very murky waters. To criticise someone who we all know, for example, is a practising Christian and argue that because of that they should not support this, I think, is a ridiculous assertion. It is their right as an individual and we should be very, very respectful of that. There are, of course, people of a whole range of religious persuasions who for a range of reasons hold a whole lot of values.

We did not support the amendment and the amendment was lost. The bill will still be voted on and I am keen to see the chamber move through this issue and on to the next clause.

**Mr M. McGOWAN:** I will make one last comment on that. I heard what the minister had to say. He suggested that there are many religious days—and there are. Many days are important to various faiths. The minister suggested that we should not at all raise what people say about religious matters and that it is their right to choose how they vote, and it is. But if that is the case, why are Good Friday and Christmas Day excluded? If it is the case that we should not take account of any religious —

**Mr T.R. Buswell:** I didn't say that.

**Mr M. McGOWAN:** That was the minister's implication.

**Mr T.R. Buswell:** No it wasn't.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr M. McGOWAN:** If that is the case, why do we exclude Christmas Day and Good Friday; we should include them. I would love to hear from one of the members, for instance, the member for Southern River, as —

**Mr T.R. Buswell:** You're not going to.

**Mr M. McGOWAN:** Does the minister decide whether he speaks?

**Mr T.R. Buswell:** I'm not without some influence.

**Mr M. McGOWAN:** The minister is not without some influence.

**Mr T.R. Buswell:** I do have carriage of the bill; we are in consideration in detail.

**Mr M. McGOWAN:** I would love to hear —

**Mr T.R. Buswell:** I'm sure you would!

**Mr M. McGOWAN:** I would love to hear from one of those members about why we in this place are prepared to exclude Good Friday, Christmas Day and Anzac Day—which I might also add is an important day to all members, I am sure—yet we do not see fit to exclude Easter Sunday. I think that Easter Sunday is an important day of religious observation. In fact, in my experience of attending Rockingham Uniting Church on a Sunday, Easter Sunday is a far busier day of worship than, I think, any other day of the year.

**Mr T.R. Buswell:** Have you been there on Christmas Eve?

**Mr M. McGOWAN:** I honestly say to the minister that I doubt he has ever been to Rockingham Uniting Church, so —

**Mr T.R. Buswell:** I've been to the Rockingham Catholic church.

**Mr M. McGOWAN:** There is a difference. I suggest that, in my experience and I suspect the experience of a lot of people, Easter Sunday is a very important day in that calendar.

**Mr T.R. Buswell:** Can I ask you, as a local member, whether the City of Rockingham has Easter Sunday trading?

**Mr M. McGOWAN:** The City of Rockingham?

**Mr T.R. Buswell:** Yes; it's a special tourism precinct. Does it trade on Easter Sunday?

**Mr M. McGOWAN:** I cannot recall.

**Mr T.R. Buswell:** The point I'm trying to make is there's a record turnout at the Uniting Church on Easter Sunday and my understanding is that Rockingham trades every day except Good Friday, Anzac Day and Christmas Day.

**Mr M. McGOWAN:** I can explain to the minister how it works, if he would like.

**Mr T.R. Buswell:** No, I'm just saying.

**Mr M. McGOWAN:** It is during school holidays and on public holidays. It is an unusual arrangement that Rockingham seems to have. I am unaware of whether other areas have it, but I am not entirely sure of the relevance of what the minister is saying to what we are trying to achieve.

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6: Section 12E amended —**

**Mr W.J. JOHNSTON:** As I say, there is an important issue about shop assistants working on public holidays. We are changing the arrangements. The minister referred to what happens in Rockingham. If he had listened during the second reading debate, he would understand what happens in Rockingham. Rockingham was designated a tourism precinct decades ago. Even during the time that the minister at the table opposed the referendum, he never proposed to shut down the Rockingham holiday precinct, which is what it is. There is a reason for these things having developed. Just because the government says that it will not take away a special provision, does not mean that that special provision has to be extended to everybody else. It is absolutely consistent to say that we want to protect people from having to work on public holidays and accept the fact that 50 years ago a former Parliament—before I was born—decided that Rockingham was a special trading precinct. Therefore, in that regard I want to move an amendment. I move —

Page 3, line 21 — To insert after “(25 December)” —  
    , Western Australia Day

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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The Premier of the state of Western Australia just recently changed the name of Foundation Day to Western Australia Day. In that debate, he made the point that it is an important day of celebration for the people of Western Australia; it is an important day for families and to note our particular history. Therefore, I do not understand why, given that the Premier has that position, he wants to —

Several members interjected.

**Mr W.J. JOHNSTON:** No, the Western Australia Day legislation has passed the other chamber. The Leader of the House says that it has not passed, but there was a message from the other chamber this morning about the fact that the bill had passed the other house.

**Mr R.F. Johnson** interjected.

**Mr W.J. JOHNSTON:** The Leader of the House is not in his seat, so I cannot hear what he said.

**The ACTING SPEAKER:** Members, I remind you that you need to be in your seat if you are going to engage in this debate.

**Mr W.J. JOHNSTON:** Thank you very much, Madam Acting Speaker—throw him out!

We are trying to provide retail workers with the same opportunity that they currently enjoy working in a great number of general shops across the metropolitan area. We want them to continue to have the same right to participate in Western Australia Day activities as other employees in the state.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 7 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [6.09 pm]: I move —

That the bill be now read a third time.

**MR B.J. GRYLLS (Central Wheatbelt — Leader of the National Party)** [6.09 pm]: I rise to put the position of the National Party on this legislation on the record.

Several members interjected.

**Mr B.J. GRYLLS:** Do members want to interject on me now before I say what I am about to say?

I am very disappointed that the Labor Party has seen fit to break a well-discussed, well-defined and well-argued election commitment on this legislation. Voters who supported the Labor Party at the last election had a very clear indication of what the Labor Party thought about Sunday trading. They could have got out the Labor Party's policy, "Labor's plan on shopping hours: 'Achieving the balance'", which states —

Western Australians have been debating the issue of trading hours for many years.

Labor understands that there are many views on this issue.

Over the past few months Alan Carpenter has been consulting with business groups, small business owners, representatives from the independent grocers, representatives of employees and the public in general.

As a result Labor has developed a balanced and fair position which:

- Will not allow wholesale deregulation across the metropolitan area;

How does the Leader of the Opposition reconcile the position he took to voters in the 2008 election with the position that he is about to vote on in the next five minutes? How does he reconcile completely misleading the voters of Western Australia? Can we take it from this that an election commitment from the Labor Party means nothing? The Labor Party made a solemn commitment to the people in a vigorously fought debate prior to the last election that it is prepared to jettison. I heard the Leader of the Opposition mention his commitment to royalties for regions around regional Western Australia lots of times. He says he will keep delivering royalties for regions around regional Western Australia. Is that the sort of promise that he gave on trading hours? Is this the way the Labor Party makes promises? It made promises before the election and it got rid of them after the election.

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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The member for Cannington was very happy to interject on the Nationals when we were voting. We have had an election commitment. The member for Cannington actually ran that election, so he had a clear role to play in giving an election commitment. On 18 August 2009 in this place the member for Cannington said —

There is no way that retail workers in this state support Sunday trading. I will voice my continued opposition to the Liberal Party's agenda for Sunday trading, ...

What happened?

**Mrs M.H. Roberts:** What happened to free country housing? What happened to the allowances in Katanning and places?

**Mr B.J. GRYLLS:** I am very comfortable with the National Party's position.

**Mrs M.H. Roberts:** Dudded police officers, dudded nurses, dudded teachers—where's their free housing? That was your promise.

**The ACTING SPEAKER (Ms L.L. Baker):** Member for Midland, I call you for, I think, the first time. You have been one of the lucky ones so far. Could you please stop interjecting or, at the very least, stop screeching across the chamber. I would have said the same to them as I did earlier.

**Mr B.J. GRYLLS:** On this issue the Liberal Party campaigned prior to the last election that it would seek to deregulate trading hours.

**Mr W.J. Johnston:** No, they didn't. That's rubbish.

**Mr B.J. GRYLLS:** The Liberal Party campaigned that it would seek to deregulate trading hours. It had that vision. I know that was the case because I discussed it with the Premier when we were forming government with the Liberal Party. The Premier's position was to deregulate trading hours and my position as the Leader of the Nationals was that we did not support that. It was a very clear agreement and that is why for the whole term of this Parliament trading hours have not been able to be deregulated because the Liberals and Nationals hold a different position on this. Quite sensibly, we have found a way to form an alliance in government but have different positions on an important policy position for the two parties. The Liberal Party has every right to keep coming to the Parliament to seek to deregulate trading hours because it said it would do it and it certainly told me that it intended to do it when we formed the alliance government.

The National Party has a very clear position. It does not support Sunday trading. It is not about whether people need Easter Sunday off, as sought by the opposition's amendment; that has nothing to do with it. The National Party opposes deregulated trading hours because in its opinion, the current rules and regulations for market share in Australia mean that the two major supermarkets, Coles and Woolworths, have too much market share. The move to deregulate trading hours will allow them more market share, as has happened in the other states. If members do not agree with that, I have no problem with that. But that is our position and we hold that position dearly. That is why when the National Party makes a solemn promise to the people who supported us in the 2008 election not to deregulate trading hours; we will not do it. We are not bowed by the pressure, we are not bowed by the media commentary and we are not bowed by the polls. Our commitment to the people of regional Western Australia who voted for us was that, should a vote to deregulate trading hours come to Parliament, we would not support it. That is why we will not support it today.

I contrast that with the Labor Party's position—WA Labor. Clearly, by giving themselves a new name, WA Labor, they can take a different position from the one they took to the election. I copped a few interjections during my comments on the opposition's proposed amendment on Easter Sunday about our backflipping on the position. All members of the Labor Party understand that they are about to vote to do the exact opposite of what they committed to their electors in the 2008 election—the exact opposite.

**Dr A.D. Buti** interjected.

**Mr B.J. GRYLLS:** That is absolutely correct. The member for Armadale has every justification for voting to deregulate trading hours. He is absolutely right, but as he points out in his interjection, the rest of the members from his side who sit next to him are breaking an election promise. Once members become comfortable breaking election promises—this is not a minor issue; it is a major issue that the election was fought on—it must be difficult to convince voters in the lead-up to the 2013 election given their ability to backflip and break election promises. It will be very interesting —

**Mr A.J. Waddell** interjected.

**Mr B.J. GRYLLS:** Sorry; the member for Forrestfield is not in government. Is he saying if he is not in government, his election commitments no longer stand?

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**Mr A.J. Waddell:** It said “a Labor government”.

**Mr B.J. GRYLLS:** Is he now saying that none of his election commitments stand because he is not in government?

**Mr A.J. Waddell** interjected.

**Mr B.J. GRYLLS:** We can see the problem the Labor Party finds itself in. I do not need to go on; I have had my 10 minutes. I am very comfortable with the Nationals’ policy of taking a position on an issue and maintaining that principle and the confidence of the people who supported us in the 2008 election when we vote in the next five minutes. I contrast that with the position of members of the opposition, who are very happy on a major issue like this to break their election commitment. If the Leader of the Opposition is comfortable breaking election commitments on trading hours, what other election commitments is he comfortable breaking?

**MR W.J. JOHNSTON (Cannington)** [6.17 pm]: I am very pleased to follow the Leader of the National Party because he has not been honest again. He said before the election that he would not form government with any party that brought in extended trading hours. That was his commitment. His commitment in writing was that he would not form government with any party that extended trading hours. That is what he went to the election with, and now he has the audacity, the gall, to come in here and lecture this side of the chamber. He voted in favour of working on Easter Sunday.

**Mr B.J. Grylls:** You’re about to, too, in two minutes.

**Mr W.J. JOHNSTON:** He refused to vote —

**Mr V.A. Catania:** You’re a hypocrite.

**Mr W.J. JOHNSTON:** Madam Acting Speaker, I have not invited one interjection.

*Withdrawal of Remark*

**Mr M. McGOWAN:** Madam Acting Speaker, once again the member for North West has used an unparliamentary term. I ask you to ask him to withdraw.

**The ACTING SPEAKER (Ms L.L. Baker):** If that was the member for North West, I did not see who yelled out the remark.

**Mr V.A. CATANIA:** I am happy to withdraw.

**The ACTING SPEAKER:** Thank you, member for North West.

*Debate Resumed*

**Mr W.J. JOHNSTON:** What audacity members of this National Party have. They talk about keeping election commitments. Let them walk out of the government; and let them bring down the government, because that is what they promised to do.

**Mr B.J. Grylls:** Then we’d get you with deregulated trading hours.

**Mr W.J. JOHNSTON:** I am not supporting deregulated trading; I never have and do not today. That is the problem. This is not deregulated trading; all we are doing is allowing it a certain amount of hours of Sunday. This is not the agenda of the member for Riverton or the member for Jandakot who both oppose this bill because they support deregulated trading; that is their position. The Premier said that he now supports deregulation, although, as I pointed out in my second reading contribution, that was not his former position. He now supports deregulation and yet that is not what the Parliament is doing. The Parliament is changing the regulatory framework; we are not deregulating. That is the difference between the Labor Party and the National Party: the National Party said before the election that it would not form a government with any party that extended trading hours; that was its promise. What are its members doing today? They are drawing a ministerial salary, getting a nice big, fat car, a driver and personal staff because that is what they are doing. They got into bed with the Liberal Party and its extended trading hours because the National Party is not a party of its word.

Several members interjected.

**Mr W.J. JOHNSTON:** There were a lot of Liberal lies during the election campaign and that was a National Party lie. It was a National Party lie in when said it would not —

Several members interjected.



Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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**The ACTING SPEAKER (Ms L.L. Baker):** That is enough! Could members please keep the chamber quiet while the member is on his feet?

**Mr W.J. JOHNSTON:** That was the National Party's lie at the election campaign. The National Party went to the people and said it would not form a government with anyone who extended trading hours, and then its members came into this chamber and took their money—their 30 pieces of silver—because they were not interested in what they promised. It is the same as the sell-out the National Party did on royalties for regions. It said it would take 25 per cent of all royalties and put it into royalties for regions. What did the National Party do? It compromised; it did not do what it said it would do at the election.

*Point of Order*

**Mr T.R. BUSWELL:** My recollection is that contributions to the third reading debate have to reflect on matters that have been discussed either as part of the second reading debate or consideration in detail. Without trying to curtail the speech of the member for Cannington, I sat through nearly all of the second reading debate and I certainly sat through consideration in detail, and I did not hear royalties for regions mentioned once. With the greatest of respect, I am sure the Acting Speaker can provide advice.

**The ACTING SPEAKER:** Thank you, minister. I actually gave the Leader of the National Party quite a deal of latitude in his speech, therefore I intend to let the member for Cannington have quite a bit of latitude in his contribution as well. This is a very topical area. Could the member for Cannington please, though, keep to the debate at hand?

*Debate Resumed*

**Mr W.J. JOHNSTON:** I do not intend to go on much longer, but I want to ensure that the people of Western Australia understand the hypocrisy of the National Party. The National Party should not come to this chamber and lecture us about breaching promises when it has this litany of broken promises to all the people of Western Australia, not just to regional people.

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

**Mr W.J. JOHNSTON:** And there is the thief at the back of the chamber interjecting again!

*Withdrawal of Remark*

**The ACTING SPEAKER:** Please withdraw that remark; it is not parliamentary.

**Mr W.J. JOHNSTON:** Thank you very much, Madam Acting Speaker. I withdraw.

*Debate Resumed*

**Mr W.J. JOHNSTON:** We know where the National Party seats came from. The people of the North West rejected the National Party candidate and voted in favour of the Labor Party. The Labor Party won the seat of North West. I was very happy when the member for North West came to see me to ask me to arrange his preselection.

**Mr V.A. Catania:** That is misleading Parliament. Sit down. You do not know what you're talking about.

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

**Mr W.J. JOHNSTON:** We are very happy to know all of those things. It is like in 2001 when the National Party came and asked me to run a candidate for the seat of Merredin —

**The ACTING SPEAKER:** What is the relevance, member?

**Mr W.J. JOHNSTON:** The relevance is that that is how the Leader of the National Party got into the chamber. He got into this place because the National Party distributed Labor Party how-to-vote cards at polling booths on election day. That is the only reason he got here. The seat would have been won by the Liberal Party if that had not happened. I do not cop National Party hypocrisy on this issue, and I am not going to do it today.

**MR M. MCGOWAN (Rockingham — Leader of the Opposition)** [6.24 pm]: I rise to speak on the third reading of the Retail Trading Hours Amendment Bill 2012. I want to keep the debate very much in tune with what was debated in the early parts of this debate and deal with the issues surrounding the Labor Party's commitments. It was interesting that the Leader of the National Party's huge objections were only about Labor and what we have done to drive this issue forward. I note he did not say anything about the Liberal Party. The Liberal Party has changed its position since its election commitments, and even since the post-election statements made by the Premier. The Liberal Party has broken its election promises and changed its position. It

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indicated it was not going to bring in Sunday trading before the next election, and it supported us in doing so. I note the Leader of the National Party did not draw attention to that. All he did was launch a political attack on the opposition, but he has left out half the story. The other half of the story is that the Liberal Party has changed its position significantly and, I might add, changed its position after I made the announcement two months ago that Labor would support this move towards Sunday trading. The Leader of the National Party has only done half the job. We would all welcome him being fully frank and honest with the house by detailing how the Liberal Party has changed its position. That would be the only honest, reasonable and frank thing he could do for the house to ensure that the whole story was put out there.

Of course, we are very aware of the National Party's change in position on a range of things. The National Party was not going to enter into government with any party that supported Sunday trading. It was also going to make it an absolute condition that 25 per cent of all the royalties in Western Australia would be part of the royalties for regions scheme. That is another broken promise, because of course increases in iron ore royalties are excluded, as the Leader of the National Party well knows. The increases in iron ore royalties are excluded from the royalties for regions scheme. Another broken promise was the one to provide free rent for teachers, nurses and police officers who stayed in the country for three years. The National Party has a range of broken promises under its belt. As we will soon see, we will have a new Leader of the National Party after the next election because this Leader of the National Party will not be here anymore. Maybe the member for North West will be the Leader of the National Party! Lo and behold us if that ever happens in the future.

The Labor Party supports this legislation and believes it is a progressive move for the state. We think that this issue must be put behind us in Western Australia and that we have to move on to deal with other issues. There is an overwhelming fixation on this issue by many people in Western Australia. Various governments have tried to resolve it. Geoff Gallop tried to resolve it back in 2005 but he was defeated by the current Premier, Colin Barnett.

**Dr M.D. Nahan** interjected.

**Mr M. McGOWAN:** If Mr Burke ran Mr Barnett's campaign, that is a matter for the member for Riverton to allege!

Geoff Gallop tried to resolve this issue back then and it has been the subject of some debate in the years since. I am pleased that it will be over. The fixation on this issue has been perhaps too much. I do not understand why there has been such a fixation on it. I personally believe there are far bigger issues confronting Western Australia, but there has been a fixation and it has been difficult for us in the political process to get past it. The resolution we will reach will, as a matter of course, become part of the ordinary life of Western Australians. People in the metropolitan area will get used to the idea that they can go to their local shopping centre to shop on a Sunday.

I still think there will be issues and I have concerns about what will happen to the shopping precincts in Perth's CBD, and in Fremantle. When suburban shopping centres are open on a Sunday, Perth's and Fremantle's trades will decline. Although I am a free-trader, I understand that there could very well be economic issues in the heart of Perth and in the heart of Fremantle that need to be addressed. I hope that some consideration is being given to coming up with a strategy to deal with that. I also have concerns about those people who are required to work on a Sunday. I said that I did not want to scuttle the legislation and that I wanted to reach an outcome that was agreeable between both sides to try to resolve this matter. Unfortunately, that was not possible. I think that would have been a good productive outcome, had the Premier been prepared to have a conversation with me about that. I made two attempts to have that conversation, to no avail.

In any event, we will resolve this issue here tonight; at least in this house. I hope it does not result in huge media coverage. It has been covered ad nauseum already. Frankly, it is getting a little boring, to be honest with members. If the media want to cover this debate in the way they do, that is the matter for them. I personally get sick of reading about it. But the fact that the opposition has played a constructive role in bringing the legislation to this point is not lost on the people of Western Australia. We would like to get this issue over and done with so we can talk about other things.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [6.29 pm] — in reply: I will close the debate, which has been very interesting. Can I say to the Leader of the National Party how much I enjoyed his contribution. It was a very balanced reflection on the history of this debate. I applaud his frankness in exposing those opposite without, of course, trying to politicise it—because I am soon going to be sitting next to the member for Belmont who will come over on this side to support the passage of the bill. The member for Belmont and I will sit next to each other. I thought we had that agreement, member for Belmont. Do not shatter my expectations!

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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The Leader of the Opposition made a point about the electoral prospects of the Leader of the National Party, which I think is far more hope than reality. Ultimately, that will be something the good folk of the north west will determine. I am pretty sure they are pretty wise up there. The Leader of the Opposition also said that we needed to move on to bigger issues—like free-range eggs and spuds. He is a spuds and eggs man. That is brilliant!

**Mr M. McGowan:** You look like you have had a few too many spuds!

**Mr T.R. BUSWELL:** The Leader of the Opposition often makes those comments

**Mr M. McGowan:** You make them about yourself!

**Mr T.R. BUSWELL:** That is fine. As I said, I am training every morning over at The Ring Boxing Studio with Phil O'Reilly sharpening my pugilistic skills. The Leader of the Opposition is more than welcome to join me. The way that Alston keeps drawing his sneakers, the way they are expanding, I am not sure he will fit in the ring. I am not sure why Alston is doing that, by the way, but he is definitely doing that. He seems to have a certain bent for the Leader of the Opposition's shoes. I do not know why! I reckon if the Leader of the Opposition compares the first cartoon Alston drew of him with the last one, his feet have grown—I do not know why—or maybe his feet have not grown, but his sneakers have gotten bigger!

I listened to the contribution from the member for Cannington, who claimed that this was not deregulation and that this was just “a change of the regulatory framework”. I had never heard that before. The member for Cannington had better explain it to the Leader of the Opposition because I think I heard him say, when this issue first re-emerged earlier this year, that he was going to deregulate shopping hours. I did not hear him say he was going to “change the regulatory framework”. I think I heard them say he will deregulate and that he is a supporter of deregulation. I did not hear him say he was a supporter of changing the regulatory framework. Given the change from Labor to WA Labor and these image problems members over there seem to have, it just does not surprise me.

**Mr W.J. Johnston:** Why is the minister fixated on something we did five years ago? In 2007, the national secretary changed it from ALP to Labor; it was five years ago.

**Mr T.R. BUSWELL:** I want to close on one other thing about the member for Cannington. Every time the member comes into this place—it does not matter what the issue is—he attempts to use that issue to explain how Labor lost the last state election. It is always about how he did not lose the last state election.

*Point of Order*

**Mrs M.H. ROBERTS:** The member on his feet previously drew our attention to the need for people to be relevant and now he is not doing that himself. I think perhaps his attention should be drawn to the fact that his comments are not relevant.

**The ACTING SPEAKER (Ms L.L. Baker):** Thank you, member for Midland. I did say I would cut a bit of latitude to all the speakers tonight. Minister, please.

*Debate Resumed*

**Mr T.R. BUSWELL:** I am aware of the hour and the fact that members in this house are tired, but he is a serial election loss denier. That is a fact. At every turn of the corner, there is an excuse for why he did not win the last election and for why they are not in government, but he cannot change history.

**Mr W.J. Johnston:** You are not telling the truth and you know it.

**The ACTING SPEAKER:** Member for Cannington, I am calling you for the second time.

**Mr T.R. BUSWELL:** I will sit down with this observation. When the member for Belmont announced his retirement, Simon Mead was asked whether he would run for a seat, and he said he could not possibly run for a seat and mount a successful campaign.

*Point of Order*

**Mrs M.H. ROBERTS:** Point of order, Madam Acting Speaker.

**The ACTING SPEAKER (Ms L.L. Baker):** I quite agree; thank you, member for Midland. Minister, back on track, please.

*Debate Resumed*

**Mr T.R. BUSWELL:** On that note, I thank members from all parties represented in this Parliament for their contributions to the debate. It has been a very interesting debate with some points of difference. No doubt we

**Extract from *Hansard***  
[ASSEMBLY — Thursday, 29 March 2012]  
p1652b-1677a

Mr Andrew Waddell; Mr Joe Francis; Acting Speaker; Mr Paul Miles; Dr Tony Buti; Mr Paul Papalia; Dr Mike Nahan; Mr Troy Buswell; Mr Martin Whitely; Mr Mark McGowan; Mr Vincent Catania; Mr Bill Johnston; Mrs Michelle Roberts; Mr Brendon Grylls

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will now go to the vote on the third reading, and then we will see the first step in this phase of the deregulation of the retail regulatory framework in this state proceed through this chamber.

Question put and a division taken with the following result —

Ayes (31)

Mr F.A. Alban	Mr J.M. Francis	Mr F.M. Logan	Ms M.M. Quirk
Ms L.L. Baker	Mrs L.M. Harvey	Mrs C.A. Martin	Mr E.S. Ripper
Mr C.J. Barnett	Mr J.N. Hyde	Mr M. McGowan	Mrs M.H. Roberts
Mr I.C. Blayney	Mr A.P. Jacob	Mr J.E. McGrath	Mr P.C. Tinley
Mr I.M. Britza	Dr G.G. Jacobs	Mr P.T. Miles	Mr A.J. Waddell
Mr T.R. Buswell	Mr R.F. Johnson	Ms A.R. Mitchell	Mr B.S. Wyatt
Dr A.D. Buti	Mr W.J. Johnston	Dr M.D. Nahan	Mr A.J. Simpson ( <i>Teller</i> )
Dr E. Constable	Mr A. Krsticevic	Mr J.R. Quigley	

Noes (3)

Mr B.J. Grylls	Mr D.T. Redman	Mr V.A. Catania ( <i>Teller</i> )
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Question thus passed.

Bill read a third time and transmitted to the Council.