

Mr Vincent Catania; Speaker; Mr Tony O’Gorman; Mr Tony Simpson; Mr David Templeman; Mr Joe Francis;
Mr Mark McGowan; Acting Speaker; Mr Bill Johnston; Mr Colin Barnett; Mr Bill Marmion; Ms Rita Saffioti

RETAIL TRADING HOURS AMENDMENT (ARMADALE TOURISM PRECINCT) BILL 2010

Second Reading

Resumed from an earlier stage of the sitting.

MR V.A. CATANIA (North West) [2.51 pm]: The member for Vasse, the member for Victoria Park and others often stand in this place and ask, “What about Karratha? What about Carnarvon?” I will give members a bit of a snapshot of the shopping centres in regional Western Australia. Often at the normal closing time of 6.00 pm, two gates will close at either end of the Centro Properties Group shopping centre in Karratha. Woolworths is at one end and Coles is at the other end. The only shops in regional Western Australia that open outside of normal trading hours are Coles and Woolworths. The same thing occurs in Carnarvon, where only Woolworths is open at night. If members opposite want to throw stones about the National Party’s stance, I am happy to air conversations on retail trading hours that I had with them in my past life as a member of the Labor Party.

Several members interjected.

Mr V.A. CATANIA: I have here a letter that I sent to my former colleagues about their stance on retail trading hours. I am happy to share those conversations with members one by one.

Several members interjected.

Mr V.A. CATANIA: I am very surprised by the change in tone of the opposition on retail trading hours.

Ms R. Saffioti: You change your mind every other day!

The SPEAKER: Member for West Swan, if you want to interject, you need to do so from your seat. I formally call you for the first time.

Mr V.A. CATANIA: It is amazing that the member for West Swan has piped up. I recall her being totally against any deregulation of trading hours. It is interesting. As I have said, if members opposite want to comment, they should be prepared to get it back.

Several members interjected.

The SPEAKER: Member for Albany, I know you do not want to go home just yet, but I formally call you for the third time.

Mr V.A. CATANIA: It is amazing that the member for Albany has piped up; he constantly pipes up in this place.

My understanding is that when the Labor Party caucus met to discuss trading hours and to accept a compromise, the member for Albany did not stand and say boo about it, yet he has been a champion of extended retail trading hours. As I have said, if the member for Albany wants to talk about what happens, I am more than happy to share an insight into how the Labor Party works.

The point that everyone is missing in the debate on retail trading hours is that it is not about whether shops should open during weeknights or on weekends; it is more important than that. The one point that we are missing in this debate is that it is about market share. It is about the control that the retail giants Coles and Woolworths have over the retail market. The trading hours in the state have limited the market share of those companies to around 63 per cent. Nationally, that market share is more in the ballpark of 83 per cent or 84 per cent. One way to deal with retail trading hours in this state, and probably across the country, is to change the Trade Practices Act to limit the market share of multinational companies—that is, to limit the number of shops that Coles and Woolworths can open. We have seen it happen in America and the United Kingdom. Those countries have decreased the market share of the multinationals. I am not sure, but I think that in America in the early 2000s there was a cap of about 51 per cent on the market share of the multinational retail companies. I think work is being done to decrease that figure to about the 27 per cent mark. When America is making those much-needed changes to make it more competitive —

Mr A.P. O’Gorman interjected.

Mr V.A. CATANIA: The member for Joondalup agrees with this. I know that he has taken a very strong stance in the party room on this subject, so I say good on him. But it is a bit disappointing that he has rolled over.

Mr A.P. O’Gorman: You might talk about somebody rolling over, but you’re a rat! If it looks like a rat and smells like a rat, it’s got to be a rat!

Withdrawal of Remark

The SPEAKER: Member for Joondalup, I am going to ask you to withdraw that comment.

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Mr A.P. O'GORMAN: I withdraw.

Debate Resumed

Mr V.A. CATANIA: I have not changed my opinion on trading hours; the opposition has.

Several members interjected.

Mr V.A. CATANIA: I stand by what I believe. I believe that the trading hours debate has been hijacked for political expediency rather than dealing with the issue—that is, limiting market share in this state.

Several members interjected.

The SPEAKER: Once again, members on both sides of this place might want to confine their remarks to the bill before us, not other extraneous matters. That applies also to you, member for North West.

Mr V.A. CATANIA: As I have said, the only way to deal with retail trading hours and to end this debate is to change the Trade Practices Act to limit market share. That issue has been lost in this debate. I would be absolutely happy to support extended trading hours during the week if there was a limit on market share. Retailers can open at all hours in regional Western Australia, such as in Carnarvon and Karratha, but it does not occur. It does not even occur in Perth in areas that have extended trading hours. It does not occur on the east coast where there is extended trading hours. It is dominated by Coles and Woolworths and those companies that want to dominate the retail market. I urge all members to come up to my electorate and see exactly what happens. As I have said, two gates close at either end of the Centro shopping centre in Karratha at 5.30 pm to allow Coles and Woolworths to trade. The small businesses in the shopping centre do not bother to open. That shows what deregulation can do. It does not deal with the issue at hand—that is, the dominance of the retail chains Woolworths and Coles.

I see this legislation as a bit of a farce. Designating various suburbs as special shopping precincts will not settle any of the issues with retail trading hours. We as a state should lobby the federal government to ensure that changes are made to the Trade Practices Act. I am sure that then people like me would support it and say, "Go for your life" because we would know that there is a protection in place to limit market share.

As I have said, I lobbied very hard when I was on the opposite side to ensure that we adhered to the results of the referendum that occurred when 57 and 60 per cent of people voted against any extension of trading hours. I think it is a bit rich that we come along and start making change by stealth when people have clearly spoken and said that they do not want extended trading hours during the week and on the weekend. We are kidding ourselves and not holding the public's view in very high regard when we start chopping and changing only seven years out from when the referendum occurred.

When referendums occur, there should be at least two, if not three, terms of government before another referendum can be held on the same subject or change is made that is not in keeping with the result of the referendum. That is important to maintain the credibility of this place and what we try to do. I therefore cannot support these precincts, because I think the bill is missing the point. I am disappointed that the opposition is divided when it comes to this issue. It is also disappointing that it has not held its nerve and is buckling.

Mr P.B. Watson interjected.

Mr V.A. CATANIA: The great pink cheetah of the opposition, the member for Albany, who has been vocal, was silent when the Labor Party in caucus did not even go to a vote on this issue. It was put through, because I can remember the Leader of the Opposition clearly stating that he would stake his leadership on this issue to ensure that trading occurred until nine o'clock on weekday nights. It is clear that he has won that debate and that his leadership is quite safe in the state Parliamentary Labor Party.

I urge members to reconsider this matter, to maintain the credibility of this house and to ensure that they stick to results of referendums. I know that a large number of opposition members do not agree with deregulation at all. It is important that they stand up for what they believe in and do not just follow the factions and deliver something that I know they do not support.

MR A.J. SIMPSON (Darling Range — Parliamentary Secretary) [3.02 pm]: Retail trading hours is one of those issues that have divided the community and also divided politicians during my time in politics. I have come to the conclusion that there are no votes to be won in the retail trading hours debate. It is one of those issues that divide. No matter where in our community, opinions are divided on this matter.

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I will speak briefly on the Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill 2010 we are debating today. As I represent about 85 per cent of the City of Armadale on three of its sides, the legislation will have an impact on my community and the general retail shopping area. The member for North West and other members have touched on the issue of market share. We always come back to the issue of competition in retail trading. We all understand that Coles and Woolworths control over 80 per cent of the grocery market in Australia, but in Western Australia it is down to 64 per cent. This is because of the operations of the small independents grocers and the use of the Retail Trading Hours Act to maintain competition.

We have talked about a number of areas today. I will not rehash them. The United Kingdom and the United States have also passed what are known as competition acts. If one thing is clear about this whole debate on retail trading, it is the benefit of competition acts. I heard a National Party member speaking this morning about the farm-gate price and the process of controlling the price to the farmer by the big multinationals. It always comes back to the issue of competition. I want to put on the record the fact that although I understand that the retail trading hours issue and so forth is one that divides the community, we had to move forward and relax the laws.

The Retail Trading Hours Act is quite large and covers a number of issues. One of my favourite ones has always been that a service station can sell tomato sauce and tomato paste but cannot sell whole peeled tomatoes. We have to wonder what that is about. There are areas in which retailers cannot sell fresh produce after 6.00 pm if they own more than three outlets. If an entrepreneur acquires four outlets, at 6.00 pm he has to close the doors instead of continuing trading. I am sure that we would like to live in a free world: if people want to open shops, they should be able to open them; and if they want to close them, they should be able to close them. That is probably where we want to get to.

The member for Joondalup raised a very good issue, which is the bully tactics of shopping centres and how to detect these behaviours. It is a very big issue that must be addressed. We are entering a process to try to address those issues and give people an umpire in that situation of retail traders taking on leases and so forth. It is always a double-edged sword, because people may be able to get a loan for a five-year lease on a shop, but when they sign up for that lease they then find the rent goes up but the trade does not happen, so they are caught by that double-edged sword. They then knock on our door saying that we should do something about it. We sent the regulator to fix those kinds of issues, but we are now in a situation in which it has come full circle.

Once we have loosened up these laws a bit, people will be able to trade a bit more on weeknights, and the special trading precincts will make the tourist precincts bigger areas. It still comes back to the argument: why can people not open their shops when they are just down the road from other shops that can open? A number of members have raised that issue.

I want to place on record a book on the Wal-Mart theory, which is well and truly worth a read. It is to do with being a manufacturer and getting a product into Wal-Mart. The business then becomes like a drug, because a manufacturer needs to maintain its turnover to keep supplying all those Wal-Mart stores. That is the opposite side of the effect of retail trading when people get caught in that process. There are other acts around the world that work well for the issue of competition. It always comes back to the question of fixing competition. Fixing that would probably fix up the retail trading process.

MR D.A. TEMPLEMAN (Mandurah) [3.06 pm]: The debate that has taken place today on the Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill 2010 is very interesting. I want to reflect on the decision that has been made here, but first I have to make comment on the member for North West's contribution. If anybody in this place needs a credibility transfusion, it is the member for North West. I think he needs to very carefully think before he rises in this place and attacks people who have not only confided in him over periods of time —

Mr V.A. Catania: Are you saying you are correcting me?

Mr D.A. TEMPLEMAN: The member might want to listen to this. One of the things that I think people judge other people's character by is their integrity. Quite frankly, he has demonstrated now on a number of occasions that he lacks any integrity at all. He does it every time he rises, he does it every time he speaks and he does it every time he attacks his former colleagues. It does not actually do him any service at all. I think there may be a time when he needs to reconsider some of the things that he consistently says when he stands up. I can remember very clearly when he sat on this side and he stood in this place on numerous occasions, pointed to his now leader, the Leader of the National Party, and very famously, as I remember very clearly, pushed his chest out on a number of occasions, pointed to his chest consistently and goaded him about the fact that the people of the North West voted for the current member for North West because he was the Labor Party representative. He goaded the Leader of the National Party consistently about that. How very quickly his integrity comes into question when he

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then stands up in this place, as he did in his speech only a few minutes ago, and attacks people on this side. There is a difference between the member for North West and the people who are sitting on this side now. That is that no matter what happens in the future, the only reason that member is in this place is not because of Vincent Catania's charisma—absolutely not. The only reason he has been sitting in this place and still sits in this place is because he was an endorsed candidate for the Australian Labor Party. He has never ever admitted that. He has never ever stood in this place and recognised that is the reason he was elected to this place—never ever. I am here not because of David Templeman but because I have been a member and will continue to be a member of the Australian Labor Party. I am proud of that. If my constituents throw me out next time around, that is their decision.

The member brings himself into disrepute when he stands in this place and begins to espouse issues of honesty, transparency and integrity, because the member has none of it! He has demonstrated that, and he has demonstrated that continuously since he decided to choose a different party. At the next election the people of the electorate of the North West—if indeed he is the endorsed National Party candidate at the next election, because there is a big question about that from what I can gather—will look at him and they will judge him. They will judge the member not only on his words in this place; they will also look at the person who is sitting in this place, because they voted for an Australian Labor Party candidate.

Point of Order

Mr J.M. FRANCIS: I have two points of order, the first of which is the relevance to the issue of the retail trading hours bill that we are debating. The second point is related to standing order 92, which states —

Imputations of improper motives and personal reflections ... or members of the Assembly ... are disorderly other than by substantive motion.

Several members interjected.

Mr M. McGOWAN: Further to the point of order, the Speaker was in the chair before you, Madam Acting Speaker, and he tolerated, for a considerable period of time, the member for North West discussing matters extraneous to the bill concerning members on this side of the house. If the Speaker was prepared to allow a bit of latitude in this debate, I think it is appropriate that the latitude be allowed on both sides of the house.

Dr E. Constable: You should not canvass a ruling of the Speaker.

Mr M. McGowan: What ruling, you fool? What ruling?

The ACTING SPEAKER (Ms L.L. Baker): There is no point of order, but I have heard the issue. Member for Mandurah, I have allowed you about four or five minutes of fairly general debate, but this is not a general debate, so would you please pick up the issue of the bill that we are discussing.

Debate Resumed

Mr D.A. TEMPLEMAN: I think part of this whole debate is about integrity, which is why I am speaking about the integrity of one of the previous speakers. I also remind the member for North West that he continues to raise discussions and conversations he has had with people in previous times. I have conversations with opposite members regularly, but I can tell members that one thing I will not do is, when I know it is in confidence, or indeed I know it is of a nature —

Point of Order

Mr J.M. FRANCIS: The point of order again goes to relevance; the member has still not returned to the issue of the retail trading bill.

The ACTING SPEAKER: Member for Mandurah, I need to remind you again that you are currently on three warnings. Could you please return to the bill that we are debating? This is not a general debate. As I said before, I have given you a fair amount of time in a general way.

Debate Resumed

Mr D.A. TEMPLEMAN: I will conclude my remarks on the issue of the member for North West's comments on the bill. I am sure that the standing orders allow me to make comment, as is part of any normal debate, about points of view put in this place by members of all persuasions; and if I happen to disagree with comments made during the debate currently being undertaken, I still think I am speaking to the bill—of course I am! The member for Jandakot consistently demonstrates his own ineptitude in this place and his propensity to protect people whom he probably should not protect. He has his back to the person I am speaking about, which is very dangerous given the history of the person!

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But I will now return to Armadale because I think Armadale is a fantastic part of the metropolitan area. It is a place that is probably very excited about what this bill will deliver to it. I would like to make simple comments on the issue of retail trading, and indeed the issue of regulation and how things have changed. I was born and bred in Northam, and I remember going down to the shops on a Saturday morning as everything would have to close at 12 noon—I still remember that; it was not that long ago. I can also remember—I think this occurred in the metropolitan area too, from memory—the interesting situation of people wanting to go to the meat department of a supermarket for some snaggers for a barbeque that afternoon. They had to get in there before a certain time because the butchers—this is what happened in Northam—would start to clear all of the meat out of the display area. The shop was meant to stay open until five o'clock in the afternoon, or three o'clock or whatever time it was, and it was actually quite farcical. The butcher, with his striped apron on, would wander around looking at the clock, clearing out all of his meat—his snaggers, his chops and offal—because it could not be sold after a certain time of the day. I thought it was quite farcical, and I think—I may be corrected—the same related to bread, from memory. There was a time when bakers could not bake bread on certain days. The member for Devonport —

Mr A.J. Simpson: Darling Range.

Mr D.A. TEMPLEMAN: I put the member in Tasmania there for a minute! That is all right! The member for Darling Range knows what I have said is correct because he was a baker—a very good baker! I hear his buns were very good! He was well known for his buns and his jubilee twist, apparently!

But I digress, and, having been called three times now, I am very concerned about being ejected from this place. Mandurah sits outside the metropolitan area, but history says that when some of the famous bread strikes of the 1950s and 1960s were on in Perth, the renowned bakery on Mandurah Terrace was baking 24 hours a day. People were coming down to Mandurah in their hundreds to pick up their bread.

The compromise that has been reached between the Liberal Party and some of the Independents—I do not know, we will see how they go at the vote—recognises that people are concerned about their shopping options. I think that in time to come, as the economy and work patterns change, we will see further changes. The situation in Mandurah, of course, is very interesting; unlike Armadale, Mandurah is actually grappling with the retail trading issue now. The minister has written seeking information about what Mandurah wants to do—I have been written to, and I appreciate being asked. There is that grappling between businesses that have a concern about the viability of their businesses if they stay open on Sundays, for example, versus the impact that all-weekend trading has on sporting and social activity, which is important, too—it is raised quite regularly. It is interesting that a lot of young people who choose to earn money, or earn a supplementary income while they are studying, end up having to opt out of sport, particularly weekend sport, to ensure that they make some dollars to keep them going and pay for their study. I think that is one of the reasons why sport is tending to go to nighttime weekday fixtures. A lot of sports are now starting to put on fixtures during weekday evenings.

Western Australia has gone through an interesting journey over the past 100 years plus of retail trading. I am sure there will be a lot of pain for some—both political and financial—but the opposition understands, along with the Liberal Party, that we needed to move further to acknowledge the various needs of various communities in the metropolitan area. In this case, this bill acknowledges the needs of the locality of the great suburb of Armadale, which of course I have spoken about very vigorously throughout my contribution this afternoon!

MR W.J. JOHNSTON (Cannington) [3.20 pm]: I am happy to rise and support the Labor Party's position on the Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill 2010. I must say that it is always very interesting to read what people have said in the past. I will quote from *Hansard* what one member said —

I thank the Australian Labor Party for its confidence in preselecting me to become its representative in this Parliament. It is an honour to have been elected under the ALP banner, the oldest political party in Australia, with a colourful and proud history.

I was raised in a household that instilled and nurtured high moral and social values, and I carry them with me to this day. I am proud of this fact and I am proud that these values represent the cornerstones of the Australian Labor Party.

It is interesting that that is from the inaugural speech of the now member for North West when he arrived in the other place. It is also interesting to think that in this debate —

Point of Order

Mr C.J. BARNETT: I know the member has been on his feet for only about 30 seconds but he clearly has no intent of addressing the bill, which relates to retail trading hours. If he wants to have an argument about Labor

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Party preselections and the gossip and factions in the Labor Party, he should go into the corridor to do it, not Parliament.

Mr M. McGOWAN: I did not know that the Premier is a mind-reader. The member has only just commenced his remarks and I think he should be given a little latitude to discuss the bill.

The ACTING SPEAKER (Ms L.L. Baker): Thank you, members. Member for Cannington, I have, as did the Speaker before me, given a bit of latitude in this debate. I intend to continue to do so, but please keep to the bill.

Debate Resumed

Mr W.J. JOHNSTON: As I said, it is always interesting to look back on what people have said. On 1 June 2005 the now Premier said —

The recent trading hours debate in this state was nothing to do with consumer choice, even though it was portrayed to be about choice—it was about market share.

On 24 November 2005, he went on to say —

... in the retail business, particularly the retail grocery business, there is an issue of not only trading hours but also market dominance. It is to the advantage of Western Australian consumers and Western Australian producers that we have more competition in our retail grocery business than is the case in other states. I limit my deregulatory zeal by the desire to retain a competitive market. There is no point in deregulating if, at the same time, competition is reduced. It is a pointless move. The fact that the two retail chains in this state have 60 per cent of the market share compared with 80 per cent elsewhere is a preferable result for Western Australia.

It is also interesting to note that the now Premier said, by way of interjection, in June 2005 —

It is curious, is it not, that, in the trading hours issue, Labor backed the national retailers?

It is always interesting to read what people have said in the past and see how they have changed their position. It is most interesting in this debate to read how the member for Vasse likes to portray himself. He likes to portray himself in this trading hours debate as somehow being some deregulationist, that he is a person who is so proud to be backing the deregulation, when of course we know that in the 2005 referendum the member for Vasse was a prominent member of the “no, no” campaign. Indeed —

Mr F.M. Logan: He was in an advert, wasn't he?

Mr W.J. JOHNSTON: He was in an advert, member for Cockburn. I understand his photo was immediately underneath that of the secretary of the Construction, Forestry, Mining and Energy Union, Kevin Reynolds, who is a person whom I am happy to talk to from time to time, as well. It is interesting that the member for Cockburn raised that issue; he is the person whom the member for North West thanked personally in his inaugural speech in this house as well, so I imagine that there is a direct connection between them all!

It is also interesting to read the member for Vasse's contributions to the debate on the trading hours bill on 24 November 2005, whereby the member talked in particular about the number of employees that small businesses could employ and his desire to provide protection for small business against the major companies. For example, the member for Vasse said about small business —

However, I have heard them complain about having to compete against Coles and Woolworths, which enjoy all the fruits of market dominance. I am talking about not just how they enjoy the fruits of market dominance and how they develop the art of retailing, but also how they treat their suppliers. The minister will have heard this articulated many times. Most small businesses in the retail market cannot buy their produce from suppliers for the price that Coles and Woolworths can afford to sell it for. Some of these larger independent retailers will be given the capacity to remain competitive and stay in business.

That was in respect to the changes that he insisted upon in the bill at the time. I am happy for the member for Vasse to have changed his position, as he apparently has done, but I am interested to know the date when he changed his position, because for the entire term of the last Parliament, he was an active opponent of extended trading hours. Therefore, it will be very interesting to hear the government explain that when it settled on its position about the trading hours arrangements.

It is also interesting to hear the member for North West say that he will oppose the bills to introduce special trading precincts in parts of the Perth metropolitan area. I say that because of course they were part of the Labor Party's commitments at the time of the election. The member for North West was elected partly on the basis of those commitments. They were the commitments that he took to the electorate at the 2008 state election, yet now

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he says that he will vote against the implementation of the policies that he took to the people of this state as his commitments to the people of this state. That says much about the member and the way that he makes decisions. It will be interesting to hear how he rationalises that not only to the chamber but also at night before he goes to sleep because he knows what he did and he should reflect on that.

It is also interesting to hear the National Party say that it will vote against the government's position on this bill. I note that ministers of the Crown receive an extra \$107 000 for the obligations that they take on. One of the obligations that is put on ministers under the Westminster system is that they vote with the government. That is one of the obligations. Ministers have an additional benefit that mere members of Parliament like me or government backbenchers—who are not part of the government; they are not members of the government—do not enjoy, which is the opportunity to participate in the debates in cabinet. Ministers get that extra money because they have that extra responsibility. They get to have their debate in cabinet and make a decision. There is an expectation, an obligation, on members of the cabinet that if they do not agree with the decision of the government, they should resign. That is their obligation. The Deputy Speaker prevented me from seeking clarification from the Leader of the National Party during debate earlier, but that was the point I tried to ask him about: Why is it that the Leader of the National Party is happy to draw a quarter of a million dollar salary, but not accept the responsibilities of government? Why is it that he is happy to walk away from an individual decision of government for political benefit, when he knows that his vote is irrelevant? He is not changing anything in the Parliament, but he could, if he wanted to, change something in the cabinet. However, the Leader of the National Party chooses not to do his work that he gets paid a quarter of a million dollars for; instead, he comes into this place and drones on with empty rhetoric and criticises people on this side of the chamber who will vote in favour of the position that we took to the people at the time of the election.

We are the only party in this state that has approached the issue of trading hours with any honesty. The Liberal Party did not tell people at the time of the election what it was going to do. The National Party is complicit in delivering an outcome for the Premier. The National Party members are complicit; and, if they are not, they should resign from cabinet and show their faith. If this is such an important issue, the National Party should stand up for its beliefs. Do not go on with empty rhetoric: a quarter of a million dollars of taxpayers' money is slipped into National Party ministers' pockets every year to do their job; so, if they are not going to do their job, they should quit! It is a pretty simple position for the people of this state; if ministers are not prepared to stand up for their Westminster obligations, do not do it—resign! They should show that they really believe what they are saying. Get out of the jet, get out of the plane, get out of the back of the white car and do not do this fraud.

We know what is happening. The National Party ministers want to be able to go to rural areas around the state and say that they stood up for small business. They are standing up for small business to the extent that they are not prepared to say anything to the Premier. They are not prepared to resign in an attempt to show what they really believe in. They are happy to draw a quarter of a million dollars of taxpayers' money, but they are not prepared to stand up and quit. The Minister for Agriculture and Food is happy to be part of a government that is delivering this legislation. This is government legislation.

Mr D.T. Redman: We have a very mature and stable relationship with the Liberal Party and we are delivering an outcome for the people of Western Australia.

Mr W.J. JOHNSTON: The Liberal Party does what it wants and the National Party gets to whinge. I love it. This is the exact point I have been making. Why does the Minister for Agriculture and Food not do something about this? He should quit. He should tell the Premier that he will not stand for this and that if the Liberal Party is going to introduce this legislation, he will not be a part of the government. He is not prepared to do that.

Mr D.T. Redman: Don't you think that this is a good example of a mature relationship whereby you can stand up for your constituency and still deliver a very stable government to the people of Western Australia?

Mr W.J. JOHNSTON: National Party members are not delivering.

Mr D.T. Redman: Our position has been totally consistent. You are the ones who have backflipped on this issue. You've been wedged on this issue and have nowhere to go.

The ACTING SPEAKER (Ms L.L. Baker): Order, members! Hansard does not have a chance of following this debate. I ask for one speaker at a time. I remind the member for Cannington that if he invites interjections, he should expect something back.

Mr W.J. JOHNSTON: Indeed, Madam Acting Speaker. I am happy to take interjections from the minister. The minister just said that the National Party is delivering its commitments to the people of Western Australia. No, it is not. The government of which he is a member has brought the Retail Trading Hours Amendment (Armadale

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Tourism Precinct) Bill 2010 before the house. He is a member of that government. If he does not want to be part of that government, he should quit. He has a choice. He should quit as minister and stand up for his beliefs. If he does not believe in this government legislation, he should quit the government.

Mr D.T. Redman: You talk about the Westminster system. The notion of a private member's bill going to the house is exactly the same thing. You put it in and the Parliament decides. Is that not the process that is happening here?

Mr W.J. JOHNSTON: No, that is not what is happening here. The bill before the house is government legislation. The member for Blackwood–Stirling is a minister of the Western Australian government and this bill is a bill of the Western Australian government. The bill represents a decision of the government of this state of which the member for Blackwood–Stirling is a member. The minister receives a quarter of a million dollars of taxpayers' money, a car, an office and staff and other perks because he is a government minister. If he does not want to be a member of the government, he should quit. He should not come into the chamber and say that the National Party is delivering on its election commitment, because this legislation is government legislation and it will be supported by the government. That is the position. The bill is also delivering on Labor Party policy, which is why it is being supported by the Labor Party. This bill represents the position that we took to the people of Western Australia at the last election. Similar to the member for North West, I, too, shared the platform that supported the establishment of trading precincts in limited areas. That is what we said we would do and we are doing it. We are happy to support this legislation because we alone told the people of Western Australia before the election what our position on retail trading hours was. It is very easy and glib for the National Party ministers to take their quarter of a million dollars. The member for North West was proudly a member of the Labor Party and proudly talked about the fundamentals of the Labor Party being honour and honesty. He said that he was attracted to the Labor Party because of those fundamentals, which he learnt at his family's kitchen table. He said that the Labor Party represented all those things. He has glibly come into the chamber and made cheap shots across the chamber, but similar to the National Party ministers he is not prepared to do the real work. We have seen this so many times from the government and from the National Party. The National Party turned what could have been a good policy in the royalties for region scheme into a glib political statement that is simply a brand and a stamp instead of an outcome and a benefit. We on this side of the house are happy to continue to support the position that we took to the people of this state.

MR W.R. MARMION (Nedlands — Minister for Commerce) [3.35 pm] — in reply: I rise to conclude the debate. I thank all members who spoke during this debate—there were more than I thought there would be—for their contributions. I will not address the comments that members made that do not relate to the Retail Trading Hours Amendment (Armadale Tourism Precinct) Bill.

The first speaker was the Leader of the Opposition. I acknowledge his support for the bill. I acknowledge the cooperation between the Leader of the Opposition and the Premier in reaching an agreement on retail trading hours. The Leader of the Opposition agreed with the government's position to proceed cautiously. He favours a staged change to trading hours. He mentioned the issue of the bargaining position of small businesses; hence the reason for the government agreeing to the suggestion of a small business commissioner and a lease register. We will also consider the sale of whitegoods and other consumers durables on a Sunday. At the moment we are working up proposals in that respect. We will consult with stakeholders and the opposition before releasing papers on the finalisation of those three issues.

Mr E.S. Ripper: I am keen to see the legislation for a small business commissioner as soon as it is ready.

Mr W.R. MARMION: So am I.

The Leader of the Opposition did not ask any specific questions. I thank him for his support.

The next speaker was the member for Cockburn. He acknowledged the support he has received from my office. He reiterated the cooperation between the Labor and Liberal Parties. He referred to boundary issues with those who are in and those who are out. We all acknowledge that some people will be in the precincts and that some people will fall outside of the precincts.

Mr F.M. Logan: My question, if you remember, was in terms of the security for those who are both in and out of the boundaries to ensure that there is not a continuous changing of the boundaries that will affect investment.

Mr W.R. MARMION: I was about to talk about that. The member referred to the issue of having set boundaries. Under the powers of the act, the minister has the flexibility to adjust the boundaries of precincts. It is important to retain that flexibility because situations may arise as things change. However, any changes to boundaries can be disallowed; they have to be tabled in the upper house, so there is opportunity for parliamentary scrutiny. That is a reasonable level of security.

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Mr F.M. Logan: To a certain extent, but what small businesses would like to hear from you during this debate, given what you have just said about retaining the flexibility to change boundaries, is that you as the minister will go through a process before making changes to those boundaries so that small businesses will have a chance for commentary on their investment, on the security of their investment and on their businesses, because they have no opportunity to contest boundary changes.

Mr W.R. MARMION: The current process involves consultation with the local government authority, the Chamber of Commerce and Industry, the local member of Parliament and the opposition. That is a reasonably good process. There is then an opportunity for people to raise any issues. I am comfortable that the current act—we are not addressing that—

Mr F.M. Logan: I know. I assure the minister that it will come up.

Mr W.R. MARMION: I give an assurance as the minister that I will not go home tomorrow and redo all the boundaries on my own. I use the word “integrity”, which was raised by the member for Mandurah: there will be some integrity in any process that I use to evaluate the boundaries. Ideally, the member for Cockburn wants certainty on the boundaries. The member also raised the importance of a small business commissioner, the tenancy list and a definition of “durable goods”, which we are working on. I thank the member for Cockburn for his support. Interestingly, the member pre-empted approval of the government’s definition of “durable goods”. I thank him very much for that. We are not there yet but I thank him in advance for approving it.

The member for Joondalup supports the bill. He raised the same support in terms of the commissioner, the tenancy list and trading on Sundays for durable goods. He is not in the house at the moment. He had an issue regarding the Commercial Tenancy (Retail Shops) Agreements Act 1985, which is being reviewed. He raised a specific issue in terms of the rights of tenants under the commercial tenancy act. The commercial tenancy act provides certain protections for tenants. I understand that if a shopping centre opens after 6.00 pm, a shopkeeper does not have to open. Indeed, a shopkeeper cannot be forced to pay for any extra charges due to lighting or any variable costs. The member for Joondalup tabled a lease from the Insurance Commission of WA. I will get a copy of that lease and ask the department to look at it to ensure it complies with the commercial tenancy act.

Interestingly, the member for Victoria Park admitted he voted “Yes” and “Yes” at the referendum on this matter—he supports the bill—yet his electorate, unfortunately, voted “No” and “No” at the most recent referendum. I acknowledge that the Leader of the Opposition raised the context of the referendum; the member for Victoria Park raised the same issue. His main issue was again regarding the precinct boundaries. It is a counter-issue, I guess, to one raised by the member for Cockburn. There is a problem with one shopping centre being in the precinct and another shopping centre being outside the precinct and the distortion this causes the local market. This will be an issue metropolitan area-wide when the bills go through. The member for Cockburn suggested that this matter will be resolved after the next election.

I thank the Leader of the National Party, the member for Central Wheatbelt, for his comments. He strongly argued the issue of the last referendum. He will not be voting for the bill. I acknowledge his position and his contribution to the debate. In relation to his point about shops in Subiaco not all opening after 6.00 pm, that is true, but those shopkeepers have a choice. The purpose of the bill is to allow shopkeepers the choice to open if they wish. Another point the Leader of the National Party made is a little outside the debate; that is, the need for population density to make trading precincts vibrant and to provide a “buzz”. I acknowledge that he made a good point.

The member for Jandakot supports the bill. He has a strong philosophy to support no government intervention in anything. That is probably the main point that came from the member for Jandakot. I think he used the word “ludicrous” in relation to the constraints in the current act. He is a very strong supporter of the bill. I gather that he would like total deregulation immediately.

The member for Blackwood–Stirling does not support the bill. His comments went a little bit off the bill. He suggested that he would support the bill, or any freeing up of the trading hours, only if we amended the Trade Practices Act. That is an issue outside my control.

The member for Vasse mentioned that when he was the responsible minister the only applications to extend trading hours came from Bunbury, Australind, Blackwood and Mt Barker. He strongly supports the bill. The member for Vasse also made a few comments similar to those of the member for South Perth, who has changed his mind since he has experienced shops in Angelo Street—

Mr J.E. McGrath: They are very big on Sundays.

Mr W.R. MARMION: They have enjoyed Sunday shopping. He is now a convert to Sunday trading.

Mr C.J. Barnett: I am sure they would be thanking the member for South Perth for his leadership on the issue!

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Mr W.R. MARMION: I believe they are. The member for South Perth invited me to have a cup of coffee with him on a Sunday. I think there might be other issues to raise. So, the member for Vasse strongly supports the bill.

The member for North West does not support the bill. His comments deviated a bit from the bill. He made the comment that in Karratha the only shops that open after normal trading hours are Coles and Woolworths. He again raised the issue of anti-trust legislation in the United States, and a stronger Trade Practices Act. He will not support the bill but I thank him for his contribution. The member for North West made one other interesting point: he suggested that after a referendum, we should wait three terms before we move away from the result of that referendum.

The member for Darling Range made a brief contribution. He is not here at the moment. The Armadale trading precinct, which will be established through the bill we are supposed to be debating, does not extend as far as Byford. Of course, that will impact adversely on the people who own shops there. He is a strong supporter of the bill. He thinks some of the constraints in the current regulations are quite silly. I thank the member for Darling Range for his comments.

The member for Mandurah talked away from the bill a fair bit; I will not comment on that.

Mr R.F. Johnson: He does that all the time!

Mr C.J. Barnett: The pelican!

Mr W.R. MARMION: But it was very entertaining, member for Mandurah. I was very fascinated by his comments about the farcical situation of meat in shops on Saturdays, and the fact that it disappeared. I remember that, too. The member must be a little older than I am as I do not remember a restriction on bread. The member for Mandurah supports the legislation; I thank him for that.

Finally, I refer to the member for Cannington. I am looking at my notes to see whether his comments related to the bill. The only thing I have written is that he supported the bill. He deviated onto other political issues.

I strongly support the bill and commend it to the house.

Question put and a division taken with the following result —

Ayes (47)

Mr P. Abetz
Mr F.A. Alban
Ms L.L. Baker
Mr C.J. Barnett
Mr T.R. Buswell
Ms A.S. Carles
Mr G.M. Castrilli
Dr E. Constable
Mr R.H. Cook
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis

Ms J.M. Freeman
Dr K.D. Hames
Mrs L.M. Harvey
Mr J.N. Hyde
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr W.J. Johnston
Mr J.C. Kobelke
Mr A. Krsticevic
Mr F.M. Logan
Mr M. McGowan

Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr A.P. O'Gorman
Mr P. Papalia
Mr C.C. Porter
Mr J.R. Quigley
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti

Mr A.J. Simpson
Mr T.G. Stephens
Mr M.W. Sutherland
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr J.E. McGrath (*Teller*)

Noes (4)

Mr V.A. Catania

Mr D.T. Redman

Mr T.K. Waldron

Mr B.J. Grylls (*Teller*)

Pair

Mr I.M. Britza

Mrs C.A. Martin

Question thus passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title —

Mr W.R. MARMION: All my amendments relate to the same thing; that is, deleting the word “tourism” and substituting “special trading” or “special trading precinct”. I seek leave to move all three amendments en bloc.

The ACTING SPEAKER (Mr J.M. Francis): My advice is: no, the minister cannot. We will deal with the amendments clause by clause.

Leave not granted.

Mr W.R. MARMION: I move —

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Mr Mark McGowan; Acting Speaker; Mr Bill Johnston; Mr Colin Barnett; Mr Bill Marmion; Ms Rita Saffioti

Page 2, line 3 — To delete “*Tourism*” and substitute —

Special Trading

Mr M. McGOWAN: I am very interested in hearing from the minister. I think we are owed a full explanation of what is going on, because we do not actually know. Therefore, for the record, I think we need to know what the changes are, what they are about and why they are happening.

Mr W.R. MARMION: When this bill was introduced, we introduced it with the term “tourism precinct”. The term “trading precinct” was introduced because that was the term that was in the Joondalup bill. In the second reading speech I mentioned that after we changed the term in the Joondalup bill from “tourism precinct” to “special trading precinct”, I would be moving amendments to both the Armadale bill and the Midland bill to change the words from “tourism precinct” to “special trading precinct”. There are issues with “tourism precinct”, such as how we define a tourism precinct. Bringing in the term “special trading precinct” removes any issue about what constitutes a tourism precinct.

Ms R. SAFFIOTI: Can I just clarify that Joondalup, Armadale and Midland will be special trading precincts and that Perth and Fremantle are tourism precincts? Did the minister receive legal advice to suggest that calling Armadale, Midland and Joondalup tourism precincts would cause some problems regarding the nature of the act?

Mr W.R. MARMION: The Governor has already approved the change of the term “tourism precinct” for Fremantle and Perth to “special trading precinct”. Therefore, at this very moment, Perth and Fremantle are special trading precincts, and the regulations that are going through for Joondalup, which I think will be enacted and come into operation in September, have the term “special trading precinct”. Therefore, there will be consistency across all five precincts.

Ms R. SAFFIOTI: Has the minister received any legal advice on changing the term “tourism” to “special trading”?

Mr W.R. MARMION: In relation to this bill specifically, it was automatic. Once the Joondalup bill went through the upper house, legal advice indicated that we could change “tourism precinct” to “special trading precinct” in the Armadale bill. Is that the legal advice that the member is referring to?

Ms R. Saffioti: No. My question related to the term “tourism” as opposed to “special trading” and why all the legislation will refer to “special trading” rather than “tourism”.

Mr W.R. MARMION: The comment I made in my introductory remarks was that there can be some argument. The opposition had some legal advice and we had some legal advice.

Debate adjourned, pursuant to standing orders.