

RETAIL TRADING HOURS AMENDMENT BILL 2012

Second Reading

Resumed from 28 February.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [3.04 pm]: I rise to speak on the Retail Trading Hours Amendment Bill 2012, which deals with trading areas in the Perth metropolitan area on a Sunday. I indicate that the opposition is supportive of this legislation and will support it when it goes to a vote in the house. I suppose we are not at the end of the beginning but at the beginning of the end of a fairly long period of debate on this issue. I expect this legislation will pass through the house in the next couple of weeks or in the next little while, subject to how many people wish to participate in this debate. Sunday trading hours has been quite an involved issue and different people on both sides of the house have adopted a range of different positions on it.

Mr T.R. Buswell: In a range of different times.

Mr M. McGOWAN: People on both sides of the house have adopted different positions on this issue depending on the time, place and circumstances, one might say. I will not bother to go into all those details even though I have them here; I have various photos of various people at various stages of their lives participating in the debate on various sides. Most of us do not come with complete purity of positioning on this issue, and a number of us have had different views on this matter at different times.

Just to clarify, this bill will allow general retail shops, as they are termed under the legislation, to open on Sundays in the Perth metropolitan area between the hours of 11.00 am and 5.00 pm. The existing position in country towns will remain, which is that local governments decide for themselves whether shops will open on those occasions. That has not been touched by this legislation. We find that different communities throughout country areas have made different decisions on what they would like to do about this issue. Albany recently made a decision to allow general retail stores to open on a Sunday between 11.00 am and 5.00 pm. That was also a hotly contested decision, with people in the Albany community on all sides of the debate.

At the outset I want to place on the record that I feel a great deal of empathy for people who work in the retail industry, both small businesses and employees. It can be a difficult life. Predominantly, retail employees are not well paid. When we see the salaries and earnings of people in industries around Western Australia, we notice that employees in retail are at the lower end of the earning spectrum. Despite all the efforts that have been made over the years to improve retail workers' earning capacity, retail workers are not well-paid people. I met with a bunch of them recently; they are great people and they work hard. Working in retail can be thankless. It can be trying when retail workers have to deal with some difficult customers or perhaps difficult employers. Retail workers may also have to do long hours. Retail work can also be harmful to, of all things, people's posture because they are expected to stand in the one spot for eight to 10 hours a day. It can be quite debilitating for people's health if they are forced to stay in one position for a long time or the entire working day. I feel a lot of empathy for people who work in retail.

People who run small businesses in our community, particularly in retail, are subject to a great deal of competitive pressures and cost pressures. I feel a lot of sympathy and empathy for those people. Generally, it is expensive to fit out a store; it costs hundreds of thousands of dollars. Franchise fees are expensive. Rental costs are expensive. Outgoings are expensive. People in small business are under pressure to meet wages bills. A mix of people work in the industry, and employees and employers, particularly those who work in small businesses, have a lot of pressures on them.

It is a tough world for people in small business. I will not relay to the house again my family's history with small business, but it can be difficult. A lot of people lose their savings as a consequence of forays into small business. A great many people go into it with the best of intentions and the most optimistic of expectations. But they lose because the business is not what they thought it would be, the market is not as strong as they thought it would be or it is far more competitive than they might have imagined. All the things they expected to take place might not do so. A figure I have regularly heard quoted is that roughly 70 per cent of small businesses fail in their first five years. Even if it is not quite that high, it is a lot. A lot of people who go into small business will borrow family money, take out loans, receive guarantees and invest their superannuation. That is a big loss for them if the business does not work out. On the other hand, people who are successful in small business may have to work very long hours and miss out on many of the pleasures and joys that we take for granted in society, such as the time we spend with children, the enjoyment of family and friends, participation in sport and recreation, leisure time and so forth. People from both sides—namely, those who operate small businesses and those who work in retail—face a lot of pressures and demands, and those pressures and demands are being exacerbated today. The new phenomenon of internet shopping is growing rapidly. People in retail, particularly those who sell

more durable goods—I cannot remember the term, but they do not sell food or beverages or the like—face pressure from the internet. Most products that we buy in shops are increasingly becoming available online, and retailers are competing with people who do not have overheads. They are competing with faceless people who have a warehouse somewhere and have a wonderful website and who use the postal system for orders. Their cost pressures are far lower than those who operate a retail store on a street or in a shopping centre or mall. To compete with that form of retailing is very difficult. I regaled a group of people recently with a story I heard about cosmetic counters in Myer. A lot of people go to the cosmetic counters to smell the various scents. They decide on the one they like, write down its name and then order it online because it is cheaper online than it is in Myer. I can understand why consumers would do that, but that is damaging for Myer shareholders who rely on their shares for an income. The increasing tendency to shop online also damages the long-term work prospects of those who work in the retail industry. I cannot see how that online shopping pressure will diminish; rather, it will increase. There is some pressure to apply goods and services tax to these sales. I understand it is quite a convoluted issue and that it would be difficult to apply GST to such sales. There will be a great deal of increasing pressure on retailers from that end.

Pressure also exists because it is far easier for Western Australians to travel overseas to buy products that are far cheaper than those in Western Australia. Many members of this house have been to Bali in recent years; perhaps not the Premier —

Mr T.R. Buswell: I was there. I got a shock when I saw you. I knew there was something creeping behind me!

Mr M. McGOWAN: You and I both!

Mr T.R. Buswell: But I was in front of you.

Mr M. McGOWAN: The member for Vasse recognised me first. He was wearing an interesting ensemble of a cap that looked like it came out of a little train set and a shirt that was a number of sizes too small!

Mr T.R. Buswell: You didn't have a shirt on! It was a horrible sight! You had beads of sweat cascading down your chest! Anyway, let's not go there!

The ACTING SPEAKER (Mr P.B. Watson): Members, I am sure you are going to get back to the debate.

Mr M. McGOWAN: Both our brains have been seared with those images!

Many people shop when they go overseas, particularly when they visit South-East Asia, where it is much cheaper to shop than is the case in Western Australia. Of course, rules regarding patents and copyright are not as strictly enforced in South-East Asian countries as they are here; hence, people can buy copies of a range of products more cheaply than those available here. I sometimes think the quality is nowhere near the same. But in any event, that is another pressure faced by a swag of retailers, particularly in Western Australia's clothing trade.

In addition to those two pressures is the pressure of often very high rents. The rent for space in a modern shopping centre or mall is extremely high. I often wonder how retailers do it, to be frank. Whenever I hear stories about what they pay per square metre or what they pay on an annual basis, I do not know how they do it. When I am told the number of cups of coffee that have to be sold every week in order to pay the rent, I am reminded of the extraordinary requirements that retailers have to meet those costs. The diminishing number of people who go to shopping centres due to those aforementioned pressures puts downward pressure on the income of retailers in other areas such as beverages and food. The range of pressures on retailers is very unfortunate. On the other hand, in my lifetime the shopping experience in Australia, particularly Western Australia, has improved out of sight. The shopping experience when I was young was nothing like it is now. Today's shopping experience involves the dazzling nature of shopping centres, a range of entertainment options and the availability of interesting products. I find it quite an enjoyable experience to take my kids to the shops on a Saturday morning to buy them a milkshake while I have a coffee. We wander around the shops to look at the different things available. Shopping centre proprietors and retailers are more attuned to the fact that they need to compete with other forms of retailing. Naturally, that means that they will have to provide, if they want to survive, a range of interesting and enjoyable experiences for shoppers into the future. It is a good thing that they have made our society and country a more interesting place.

After consultation with caucus, I announced the change in Labor's position on this issue a couple of months ago. It was a significant change, but it went back to the position that we had in 2005. We took a proposition to the public at the 2005 election campaign that would have allowed Sunday trading in the metropolitan area. We put a proposition that would have allowed night-time or weeknight trading in the metropolitan area. Of course, the referendum was defeated. We had one view and the then opposition, the Liberal Party, had another view. In the meantime, the Liberal Party changed its mind and we changed our mind. The announcement I made a couple of months ago meant that we have now reached a state of equilibrium. The history of this matter is important, I suppose, even though I do not want to dwell on the statements that different members have made over a long

period. The history is important because it has been a controversial issue, and it has been controversial for a couple of major reasons. There has been a concern—I think it is the principal concern—that the introduction of Sunday trading would impact upon the lives and lifestyles of people who work in the small business environment or employees in the retail industry. If we go back a long time, Sunday has always been the day of rest—a day for families to get together and for people to get away from work and to spend time doing the things they enjoy. This legislation will adversely impact on the traditional arrangement of families enjoying Sundays in that way. We cannot get away from that fact. That will be sad for a lot of families; I do not deny that. I have received written correspondence and oral communication from people who have expressed that they like spending Sundays with their families and that they like having a day off. Some people in retail will not like what is going to happen. That is a sad thing for them. That is why that arrangement was in place and why it has been such a difficult issue. Many of those people, for legitimate reasons, have wanted to protect that lifestyle choice. On the other hand, some employers—predominantly in retail—want to retain the existing situation because it gives them a competitive market advantage. Some people in retail, because their competitors cannot trade on that day, benefit significantly from being the only people in the metropolitan area who can trade on that day. If a business is benefiting very significantly and can make a lot more money on that day as a consequence because its competitors cannot compete, of course the business that is permitted to trade would want to protect that advantage. However, that reason is not as strong as the earlier reason I referred to for retaining the status quo; in fact, it is no reason at all to protect a competitive advantage when some people make money in that fashion.

Members will recall that we changed the state's liquor laws in 2006 to allow liquor stores to open on Sunday and compete with hotel liquor stores. That was a precursor—although not as big a change as this—to this change. The other major change that has occurred since I moved to Perth 21 or so years ago was to allow petrol stations to trade on a Sunday. Now, of course, it would be regarded as absurd to permit some petrol stations to open on Sunday but not others. The situation has evolved over time. It started, from my memory, with petrol stations in 1991 and then liquor stores in 2006. There was an effort during the 2005 election to open up the retail trading laws and now we have reached this point and are debating this bill today. The process has been evolving. I suspect, as is the nature of these things, that although we will have concluded the major business associated with these issues with the passage of this bill, there will be further pressure to deal with some of the other issues, such as trading before 11.00 am on a Sunday and some issues concerning country Western Australia. That is where the debate will move to after this bill is concluded. There are a range of other anomalies, although I do not believe they are as great as the one before the house today.

Two months ago, when I announced on behalf of the caucus the change of Labor's position, I indicated to the government that I would like to have a discussion with the Premier and the government about the opportunity to allow people who had traditionally not worked on a Sunday to opt out of working on a Sunday. I said that I thought it was legally possible and that it would be a good discussion to have so that we could work out an arrangement that was suitable to all and that if it gave those people that opportunity, it would be a decent and fair thing for our society and Parliament to do. That offer was rebuffed and rejected out of hand, one could say. The government has not accepted that offer, which I put, I think, in a spirit of goodwill to undertake to have that sort of discussion with the government. I based that concept on a provision in the Commercial Tenancy (Retail Shops) Agreements Act, which governs the relationship between retail tenants in shopping centres and their landlords. Section 12C(1) prohibits a landlord from requiring a tenant to open their shop at any specified hours. That section reads —

A provision in a retail shop lease which requires a tenant to open the retail shop the subject of the lease at specified hours or specified times is void.

I am told that is the strongest such provision in Australia. In effect, this provision means that a retail tenant can decline to open their shop on a Sunday. As I said, I am advised that that is as strong a provision as might be seen anywhere in the country to deal with that issue. I think it is a good provision. I have a lot of sympathy for retail shop proprietors and believe that it is a good provision. They should not have to open their shop if they do not want to. When members walk around a shopping centre that can open on a Sunday, they will observe that a number of shops are not open. The provision in that act gives the retailers a little bit of protection that allows them to remain closed on a day such as a Sunday. Further, section 12(1)(c)(ii) affords some protection for shopkeepers from having to be charged for some of the variable outgoings on the days they elect to not open. There are two protections contained in that act for small businesses in relation to trading on Sundays. I thought that was a civilised thing to do. These protections for small business were put in the act in 1998. I do not recall who the minister was at the time, but certainly there is some protection for small businesses.

When I went to the government, I said, "Look, we have these protections in place for small businesses, is it possible to look at doing the same thing for employees in relation to Sundays?" Of course, it could be negotiated by way of enterprise bargaining agreements, and I am advised that big employers often want to put in place those types of arrangements to keep their employees because we have a competitive labour market, but if we can

possibly work out a legislative mechanism to do so, that would be a good thing. However, the government rejected that option out of hand and I was told it was legally impossible. I sought some advice from the government and received a verbal briefing and written advice from the Department of Commerce advising me that that was its view because of the way the federal industrial relations laws interact with state laws. I sought the same advice from the State Solicitor's Office via the Attorney General's office but never heard back from the Attorney General's office, despite putting my request to him in writing. That was the position we took. The government rejected that concept out of hand and will not even examine that matter as something that could be done to provide employees with some sort of protection, just as we provide small businesses protections under the Commercial Tenancy (Retail Shops) Agreements Act. I am disappointed with the approach that was taken because I thought it was an act of cooperation by the opposition to join with the government—or join with the Liberal Party, not the government because, of course, the National Party is on record as saying it will vote against these measures—to resolve this issue. I am disappointed in that. A range of other issues are involved in this matter.

[Interruption.]

Mr C.J. Barnett: Very ordinary; answering the phone when she walks out the door.

The ACTING SPEAKER (Mr P.B. Watson): I will get to her when she comes back, Premier. I call you to order for the first time, member for Girrawheen.

Mr M. McGOWAN: I am sure that the Premier will comment in exactly the same way when it happens to a government MP.

Mr C.J. Barnett: I would.

Mr M. McGOWAN: I look forward to it.

There are a range of other issues that I want to take up. As I said, retail employees are regarded as being at the lower end of the pay spectrum. The General Retail Industry Award 2010 shows that the wages payable for an adult in the retail sector at level 1 is \$647 a week; at level 2, \$662 a week; at level 3, \$673 a week; and at level 4, \$686 a week. To reach the top scale—I do not quite know how one gets there—a retail employee level 8 earns \$792 per week. These are people who earn in the vicinity of \$40 000 a year. That is not a great deal of money by most occupation standards. As I said, it is often a hard job involving long hours with a lot of time spent on your feet which can become quite uncomfortable for people who work in the industry. I am of the view that we need to protect the conditions and pay of people in this industry because they have been hard fought for. They perform a difficult job for which they do not, in an overall sense, get well paid. I understand if they are the subject of an enterprise bargaining agreement—in places such as Woolworths and Coles—they can receive higher rates of pay as a result of that negotiation. That may deal with the issues to do with working on a Sunday. It may in fact amortise their pay over the week to make it higher overall and perhaps not have the same arrangements that the award might have in respect of a Sunday. These are issues for negotiation between employees and employers. That is the way it has resolved itself: bargaining agreements between employers and employees have been put in place in relation to major retailers such as Woolworths and Coles. That has been a good way to resolve these issues. I would not like to see a unilateral declaration by political leaders that we will take away the earning capacity for people in this industry. I see it as not high. I ask members to think about getting by on a weekly pay packet of \$647. Think about raising a family on that. Think about getting to work—the cost of petrol, the cost of public transport—and the cost of clothing yourself and your children, and feeding them. That is not a lot of money. Sometimes we forget that it is not a lot of money for people to get by on. When members go out and say we are going to take away, as I heard some members of government do the other day —

Mr C.J. Barnett: You seem to think that members on this side have no understanding or experience in the retail industry.

Mr M. McGOWAN: I am sorry, I did not say that.

Mr C.J. Barnett: You seem to assume or imply it.

Mr M. McGOWAN: Will the Premier tell me what he is implying?

Mr C.J. Barnett: You seem to imply it.

Ms M.M. Quirk: I was a shop assistant for five years.

Mr M. McGOWAN: Did the Premier work as a shop assistant?

Mr C.J. Barnett: I did, but only as a young person. My wife has worked in retail.

Mr M. McGOWAN: I was surprised by what the Premier said the other day.

Mr C.J. Barnett: Do not assume things about members opposite.

Mr M. McGOWAN: I can only assume things on the basis of what I hear the Premier say. If I hear the Premier say something on television —

Mr C.J. Barnett: All I am saying is members and their families on this side have direct experience in retail and have done exactly that—stood on their feet hour after hour after hour. Don't come in here and try to suggest that somehow it is the Labor Party that knows about retail.

Ms M.M. Quirk: How did he do that?

Mr C.J. Barnett: Listen to what he says.

The ACTING SPEAKER (Mr P.B. Watson): Leader of the Opposition, continue.

Mr C.J. Barnett: There are far harder workers on this side of the house than on that side, I can tell you!

Several members interjected.

The ACTING SPEAKER: Members, any comments should go through the Chair.

Mr M. McGOWAN: The point I was making was that if members look at the award, people in retail do not always get paid well. That is why I was cautioning members of the government, including the one who just stormed out—the Premier —

Mr T.R. Buswell: He did not storm out.

Mr M. McGOWAN: He did leave, and he appeared huffy to me. That is my definition of storming out.

Mr T.R. Buswell interjected.

Mr M. McGOWAN: You could only see the back of his head!

Mr T.R. Buswell: I know the Premier!

Mr M. McGOWAN: You could only see the back of his head. You cannot see through it.

Mr T.R. Buswell: I would like to see the back of yours!

The ACTING SPEAKER: Member for Vasse and Leader of the Opposition, get back to the context of the bill.

Mr M. McGOWAN: I observed the Premier leave. He was angry about what I was saying —

Mr T.R. Buswell: Rubbish—how would you know?

The ACTING SPEAKER: Member for Vasse, “How would you know?”—I would like you to keep quiet while the member is on his feet. You will have the opportunity to speak later on.

Mr M. McGOWAN: He was angry. All I was saying to the house is when one advocates —

Mr T.R. Buswell: You are going to get a sore neck looking up there all the time!

The ACTING SPEAKER: Member for Vasse, I call you to order for the first time.

Mr M. McGOWAN: When a reduction in people's living standards is advocated, as the Premier did the other day, he needs to be aware of what people are actually paid. I have outlined to the house the retail award so people are aware of what people in retail are paid. When the Premier advocates a reduction in their current entitlement if they work on a Sunday, he needs to understand what he is dealing with. I do understand it is more expensive for employers on a Sunday, but I also understand—because I did the research—what a person working in retail is currently paid. They are not paid well. The Premier needs to understand that before he advocates a reduction in their pay. I would ask the government to be aware of that. The Premier should be aware of that before he engages in commentary like he did the other day. I do not support a reduction in living standards or in wages and conditions for people who work in retail. It is already hard enough for them. Let us not do that.

The issue of public transport has been raised with me. Will there be an expansion in public transport on Sundays to cater for the fact that a lot of people employed in the retail industry will have to get to work? Those people rely on public transport. Sunday trading will make it more difficult for them to get to work because, as we know, there is nowhere near the regularity of public transport services on Sundays. That is certainly an issue that should be considered as part of this. If shops are going to open in August—as is the government's intention—there should be a full analysis of how these transportation initiatives could be put in place to assist retail workers. We also have to analyse what the impacts of this decision will be on the City of Perth and the City of Fremantle. Currently, the City of Perth on a Sunday is quite a vibrant place. Of course, Perth and Fremantle have elevated positions in the market on a Sunday. They are in an advantaged position versus some of their major competitors—for instance, the shopping centres at Booragoon, Karrinyup and Morley Galleria—but when Sunday trading is deregulated, what will happen to the City of Perth and the City of Fremantle? They are very vibrant places on a Sunday because of that elevated position. Some people argue that they have an unfair

advantage in the marketplace, and they do. But on the other side of the coin they provide life and excitement to the community to go to the city or Fremantle on a Sunday. It is an interesting experience. There are street performers and a lot of people around. There are bars and the like to attend. It is a lot of fun to go to the city or Fremantle on a Sunday. What will be the impact of this on those retailing precincts? What can be done and what was the experience, from Melbourne and Sydney, when these initiatives were introduced, to ensure that the vibrancy in the city's heart is maintained? In the case of Melbourne and Sydney, I would like to know what was done. Was there a joint state-local government approach to deal with these matters? Were there arrangements to ensure extra government activity was put into those areas to keep the vibrancy and life going in those city-centre hearts or did they rely upon natural attrition? Was there a decline in activity and life in those places? I think that whole issue of what will happen in the Cities of Perth and Fremantle needs to be properly examined. I would hate to see the life and vitality of those two areas decline as a consequence of this decision. I would hate to see that be the consequence.

Then we come to broader reform issues. This bill is one economic reform to allow for trading on Sunday between 11.00 am and 5.00 pm. It is an economic reform and it will level the playing field across the metropolitan area. As I said, there are still a few anomalies at the edges of the reform, but it will level the playing field largely in the retail industry. There are other economic reforms that can be undertaken. I have suggested and in fact committed to a couple in recent weeks, and the opposition has committed to a couple of further economic reforms if we are elected. I will put those reforms on the record. They are related to this bill because they are about economic reform, about freeing up economic activity and about providing consumers with greater choice and variety. The two areas I dealt with in the past couple of weeks are in agriculture and potatoes—about providing more variety and cheaper potatoes for consumers in Western Australia. At the moment, of course, the Liberal Party and the National Party support a government monopoly on the purchase of potatoes in Western Australia.

Several members interjected.

Mr M. McGOWAN: I know it is true because I saw the government's agriculture minister in the newspaper saying, "The system works well. It's delivering potatoes on price. It's all going according to plan."

Mr J.M. Francis interjected.

Mr M. McGOWAN: I will tell the Liberal and National Parties what their system is for potatoes. People who grow potatoes have to be authorised to grow potatoes. The Liberal-National government's Potato Marketing Corporation tells a grower how much land they can grow the potatoes on, and it will issue them with a licence to allow them to grow the potatoes. Then when the grower plants the potatoes, they have to send in a form to the Potato Marketing Corporation to say, "This is the amount of potatoes I want to grow and these are the types." Then when the grower wants to harvest the potatoes, they have to send in another form to the Liberal-National government for permission to harvest them. What is more, they have inspectors out there who can inspect a grower's property.

Several members interjected.

Mr M. McGOWAN: I kid you not, members! They have inspectors out there who can inspect the property of a grower to determine whether they are growing potatoes illegally. What is more—this is the one I love the most—the inspectors have the right to pull over a grower's vehicle and search it to determine whether the grower has more than 50 kilograms of potatoes on board.

Several members interjected.

Mr M. McGOWAN: If the inspectors have a suspicion that a grower has more than 50 kilograms of potatoes on board, they can pull over the motor vehicle, they can search it and they can confiscate those potatoes. That is the current system for potatoes. When growers sell their potatoes, they must sell them to the Potato Marketing Corporation, and then they have to buy them back to retail them. So, the grower sells the potatoes to the Potato Marketing Corporation for \$700 or \$800 a tonne, buys them back at \$1 000 a tonne and then sells them to consumers. That is the Liberal-National system for retailing potatoes in Western Australia. I would have thought it sounded more like a system by Erich Honecker in 1968 in East Germany. I know it is true that that is the system the government supports because I saw it in the newspaper and the Minister for Agriculture and Food told us so. We now know where the government stands on these issues: it does not support a free market, but supports this controlled East German-style monopoly with the power of inspectors out there in the community inspecting vehicles to make sure there are no potatoes on board. It is clear that the opposition supports greater varieties of potatoes; we support market forces and cheaper vegetables in our community. It is clear that the government —

Mr T.R. Buswell interjected.

Mr M. McGOWAN: I forget the minister's portfolio. I was going to say "Treasurer". What is it again?

Ms R. Saffioti: Minister for Transport.

Mr M. McGOWAN: He is the transport minister. He probably supports those issues, because inspectors are out there using the state roads to pull over vehicles and determine whether there are potatoes in those vehicles.

Mr T.R. Buswell: It's a massive issue!

Mr M. McGOWAN: To be frank—the Minister for Transport may make fun of it—it is an issue for people who care about the cost of consumer essentials and who care about the variety of the products they buy and consume. Members would be amazed at the amount of supportive correspondence I have received for taking up this issue of economic reform. I am quite pleased that we have done it and that we are taking on some of these economic reform issues. I might say that some people are viciously opposed to what we are doing and have been very vocal in what they are saying.

Mr T.R. Buswell: Who are they?

Mr M. McGOWAN: The Minister for Agriculture and Food is one. He is a member of the cabinet. The Minister for Transport might know him! He is therefore one.

Another issue on which we released a policy about two weeks ago is the second stage of liquor reform to improve the vibrancy and vitality of our hospitality industry in Western Australia. That policy document has a range of new ways for freeing up red tape, removing bureaucracy, reducing costs and dealing with some of the safety issues in the provision of alcohol in Western Australia, and they build on those earlier reforms of 2006. Therefore, the opposition has taken up two major economic reform policies. I note again that another minister rejected them out of hand. The Minister for Racing and Gaming—another minister in the cabinet—rejected another set of economic reforms that would improve the state. We therefore have the Liberal–National government rejecting out of hand these market-based reforms to improve small business in Western Australia and improve competition in the provision and variety of choice for consumers. I note that the third economic reform issue we took up did bring the issue forward. The government has not introduced a bill to deal with these issues. We have never had an opportunity to debate them. The government said that there was no way it would bring in any legislation until after the next election. The fact is that we stood up, brought this issue forward and said that we would support it.

Mr T.R. Buswell: You had previously said you would not support it; that's probably why.

Mr M. McGOWAN: If the Minister for Transport likes, I can always pull out the quotes from the Premier. I said I would not do that, but the Minister for Transport brings out the worst in me!

Mr T.R. Buswell: We can read all yours back to you!

Mr M. McGOWAN: It is up to the Minister for Transport. I can give these quotes to my colleagues, if he likes. The Minister for Transport can raise things I have said and we can raise things he has said. I have resisted pulling out these quotes but he has pushed me there. I did not want to go there and bring out these quotes. All I am saying is that this announcement by the opposition has brought this matter forward, but I would have liked to see some engagement by the government in providing for at least an understanding and discussion of the life of people who work in retail.

Mr C.J. Barnett: There you go again!

Mr M. McGOWAN: The Premier would not even have a discussion with me about it. I made the offer.

Mr C.J. Barnett: “The life of people”! Again you imply that people on this side of the house don't know about the retail industry or have no experience of it.

Mr M. McGOWAN: I offered to have a conversation with the Premier. I even offered to go to the Premier's office and have a conversation about how we might alleviate the pressures on people who did not want to work on Sunday and how we might provide the same opportunities that are provided under the Commercial Tenancy (Retail Shops) Agreements Act. But that offer was rejected out of hand. I have said that we will be supportive of this change but it would have been nice to have had that conversation to see whether there was something that could have been done. But if the Premier is not prepared to have that conversation and is not even prepared to consider it, be that on his head.

In any event, that is the opposition's view on this legislation. We will be supporting it. I expect that a few members will want to contribute to this debate. I am still open to a conversation with the Premier about dealing with these issues and seeing whether there is some amicable way we can look at them. I realise the Premier has legal advice that states the issues cannot be dealt with under the industrial relations laws, but I am happy to have a conversation with the Premier to see whether there is any other way that we can look at these issues. I make that offer on the record here in Parliament so that the opportunity exists into the future.

MS R. SAFFIOTI (West Swan) [3.49 pm]: I rise to support the Retail Trading Hours Amendment Bill 2012. This bill essentially introduces Sunday trading across the metropolitan area. As we all know, the issue of Sunday and weeknight trading has been in the public arena for a number of years. I want to go through a bit of the history of it, because I have been involved in some of that history since about 2003, and I will also talk about some of the aspects of Sunday trading and the current market. I want to start in 2003–04, when the national competition policy agreement required all states to review legislation that limited competition. The government of Western Australia of that time reviewed the Retail Trading Hours Act to determine whether it limited competition. I was involved in the review that came up with some recommendations. That review recommended the extension of retail trading to weeknights. Legislation was brought into this house, but was rejected by the Liberal Party at that time. So the Labor government brought in the Retail Shops and Fair Trading Legislation Amendment Bill 2003, but that was rejected by the Liberal Party in 2004. I recall going to Canberra to meet the then Treasurer, Peter Costello, on the national competition policy, because Western Australia would be penalised for not extending trading hours at that time. I sat with the federal Treasurer while it was explained that the Liberal Party of Western Australia had rejected the bill; however, the payments to the state were cut anyway. Of course there was the referendum that was taken at the 2005 election.

Mr C.J. Barnett: How silly was that—the referendum?

Ms R. SAFFIOTI: What side of referendum were you on, Premier?

Mr C.J. Barnett: I have always supported deregulated trading hours.

Ms R. SAFFIOTI: Did the Premier vote against the 2003 bill?

Mr C.J. Barnett: I supported deregulation at the referendum. The wording of the referendum was ridiculous and for a government to be so weak to call a referendum on trading hours was the weakest act of that Premier.

Ms R. SAFFIOTI: Did the Premier vote against the deregulation bill in 2004?

Mr C.J. Barnett: Yes, I did because —

Several opposition members interjected.

Mr C.J. Barnett: Obviously you cannot recognise the difference. The majority view of the Liberal Party at that time was not to support deregulation.

Mr W.J. Johnston: You campaigned against it!

Mr C.J. Barnett: I have always, even in the party room, supported deregulation—always. Yes, it is true that I could not carry my colleagues with me at the time.

Ms R. SAFFIOTI: Just to clear this up: the Premier voted against extending trading hours on weeknights?

Mr W.J. Johnston interjected.

Mr C.J. Barnett: Those who were in the party room will know I was the person arguing for deregulation.

Several opposition members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Member for Cannington and member for Jandakot!

Ms R. SAFFIOTI: It is in *Hansard*—the Premier voted against deregulation.

Mr C.J. Barnett: We know that, and that you were such a foolish chief of staff. You did! You let the then Premier down badly. You know that.

Ms R. SAFFIOTI: Honestly! You are just —

Mr C.J. Barnett: Just a what?

Ms R. SAFFIOTI: You get involved in gutter politics every time.

Mr C.J. Barnett: From you? Do you know, members, they have —

The ACTING SPEAKER: Order! Members, the member for West Swan is on her feet. You will all have the opportunity to speak in this debate.

Ms R. SAFFIOTI: You have a government secretariat and you are going through —

The ACTING SPEAKER: Member for West Swan, if you go on, do not target people on the other side; speak through the Chair.

Mr P. Papalia interjected.

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

Ms R. SAFFIOTI: The Premier voted against the deregulation of trading hours in 2004. The Liberal Party campaigned against deregulation of trading hours during the 2005 referendum. We all know that. And we now know that the Minister for Transport was the poster boy for the “No–No” campaign. It was the Liberal Party that voted against deregulation in 2004. The reason we had to go to a referendum was that we could not get that bill through this house. It is as simple as that.

Mr C.J. Barnett: Tell us the question. Read out the question in the referendum. Have you got it in front of you?

The ACTING SPEAKER: Premier, you will have the opportunity to speak. Member for West Swan.

Ms R. SAFFIOTI: Honestly! You try and rewrite history continually.

The ACTING SPEAKER: Member for West Swan, speak through the Chair.

Ms R. SAFFIOTI: I am sorry, Mr Acting Speaker, but I was saying that the Premier tries to rewrite history.

Mr C.J. Barnett: What was the question asked of the people?

Ms R. SAFFIOTI: It was whether the community would benefit from the extended trading hours. That was it; was it not?

Mr C.J. Barnett: What a stupid, stupid question!

Ms R. SAFFIOTI: So that was the question.

Mr C.J. Barnett: Who designed the question? It was Hon Giz Watson’s question!

Ms R. SAFFIOTI: Seriously, the Premier knocked back deregulation and somehow it is our fault. He voted against it and somehow it is our fault! The Premier could have crossed the floor and supported us, but he did not.

Mr C.J. Barnett: I know—not on policy issues.

Ms R. SAFFIOTI: So when do you have freedom to change your vote?

Mr C.J. Barnett: On any issue.

Several members interjected.

Ms R. SAFFIOTI: Who helped fund the “No–No” campaign? We all know who helped fund the “No–No” campaign. Let us talk about the referendum in 2005.

Several opposition members interjected.

Ms R. SAFFIOTI: The Minister for Transport was one of the chief advocates of the “No–No” campaign. Everyone has seen the poster: we are voting “No–No”. It was the now Minister for Transport.

In 2008 we took our policy on retail trading hours to the election. It was a pretty clear policy, and it included extending weeknight trading to eight o’clock on weeknights. The Liberal Party took notice of that. In fact, the candidate who ran against me went around the electorate saying that Labor was going to deregulate and the Liberal Party was not. In 2008, there were candidates from the Liberal Party going around saying that Labor was going to deregulate and the Liberal Party was not. In 2008, the then opposition’s candidate in West Swan went around talking to businesses saying that Labor was going to deregulate and the Liberal Party would not. I am sure that happened in a number of seats around the area. The Liberal Party would not make any clear commitments. Then we saw the Liberal–National government come in with nine o’clock weeknight trading. Initially, members on this side supported seven o’clock and we tried to compromise at eight o’clock, but supported 9.00 pm and we supported the trading precincts. I am glad that we are here today supporting Sunday trading. I seek leave to continue my remarks at a later stage.

[Leave granted for the member’s speech to be continued at a later stage of the sitting.]

Debate thus adjourned.