

**ADJOURNMENT OF THE HOUSE**

**HON KIM CHANCE** (Agricultural - Leader of the House) [11.00 pm]: I move -

That the House do now adjourn.

*City of Joondalup, Chief Executive Officer - Adjournment Debate*

**HON KEN TRAVERS** (North Metropolitan - Parliamentary Secretary) [11.01 pm]: Before the House adjourns, I want to raise some matters that have come to my attention and have caused me great concern. In some part, they follow the comments that Hon Giz Watson made last week about the goings-on at the City of Joondalup. I have tended to try to keep out of local government, which bores me to tears at times, but there are times when I believe it is important for this House to be aware of what is happening in local government.

As members will be aware, in recent press articles a number of concerns have been raised about the goings-on in the City of Joondalup, particularly to do with the chief executive officer of the council. Questions have been raised about his academic qualifications as set out in the curriculum vitae that was provided as part of the selection process, and whether they were accurate. I have had an opportunity to peruse a brief summary of the findings of a recent court case that certainly suggests some questions need to be answered. Other questions raised relate to the annual review of the performance of the CEO not being carried out and correctly followed up and the persecution of Councillor Walker by other councillors for seeking advice from the Department of Local Government on those matters.

These issues caused me significant concern. As a result, I took the opportunity to try to visit the council today, having hoped to do so earlier. I wanted to obtain a copy of the CEO's contract and then sit down with the mayor and/or the CEO and go through the issues that have been raised so that I could satisfy myself that there were no problems. This morning I asked my office to contact the mayor's office to see whether I could arrange to visit the council to view the CEO's contract and to meet with him to go through the allegations that had been made regularly in the media.

I found the response I got quite amazing. My electorate officer was told by an officer and then the CEO that we would need to put in writing the reasons and the grounds for viewing the contract and that nothing in the Local Government Act made the contract available to me. I found that extraordinary advice to come from the local government, because section 5.94 of the Local Government Act states that the public can inspect certain local government information. It reads -

Any person can attend the office of a local government during office hours and free of charge inspect, subject to section 5.95 -

I will refer to that briefly -

any of the following in relation to the local government, whether or not current at the time of inspection -

It then lists a range of documents. Subparagraph (t) reads -

contract under section 5.39 and variation of such contract;

Section 5.39 refers to contracts for CEOs and senior employees. I clearly had a right under the Local Government Act to view the contract.

I acknowledge that section 5.95(5) of the Act provides the right for the local government to remove matters that do not relate to the salary, remuneration or benefits payable under the contract. I have a right to review it, and the council has the right to remove some of the information from the contract before I view it. That is why I thought I would give the City of Joondalup time to prepare the contract in advance. I was told to put my request in writing and initially was told that the Local Government Act contained no provisions that covered such a request. I found that absolutely extraordinary.

During the day I visited the council to try to exercise my right under section 5.94 of the Local Government Act. I also wrote a letter to the CEO, indicating what I intended to do, having spoken to him on the phone. I eventually received a copy of some extracts from the contract. The problem I have is that that did not include clause 4 of the contract, which pertains to the issues I was particularly interested in - performance review. I was also particularly interested in clause 4.2 of the chief executive officer's contract, because I understand that that clause refers to the establishment of a committee to carry out that performance review. This is important because that performance review has a direct impact on the salary, benefits and conditions of the CEO. I felt it was within my rights to view clause 4. Late this afternoon I was advised that the council was still considering its position and would be advising me tomorrow.

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I conducted a fairly extensive search and I wanted to know how this committee was established under clause 4. If I had been able to have the discussions I wanted to have with the officials at the City of Joondalup, I could have found out when this committee was established. I have gone back through the minutes of council meetings - I accept that I may have missed it - but I cannot find when this committee was established to carry out the review. Articles in the press suggest that two out of the three members on that committee are automatically appointed by the CEO. I do not know whether that is right or wrong. I find it extraordinary that a contract would permit a CEO to have a say on the appointment of the other two members of that committee when that will have an impact on his salary. If that is in the contract, I can see why this council is keeping it hidden, because I would be ashamed of it. I do not believe that. I find it impossible to believe that anyone would have written a contract like that. If they have, the council deserves to be pilloried. In a report in the *Sunday Times* last Sunday, the mayor indicated that the performance review had been completed. I want to know when that committee was established, how it was established, and when the contract was formally approved by the council because I have some serious questions about that process. I have very grave concerns about the process that was followed to investigate Councillor Walker, who was a former member of One Nation and someone I have previously mentioned in this Chamber. She is not someone I have worked closely with by any stretch of the imagination, but I respect anyone who is elected to an official position, and they should be able to carry out their duties without being persecuted by other councillors. That is what they chose to do. A motion passed by the council indicated that an investigation should be undertaken to look at Councillor Walker going to the Department of Local Government to see whether the process that had been followed by the council was correct. A councillor has tried to get advice and the council has responded by setting up an investigation, which investigation will be conducted by the CEO, who has a direct pecuniary interest in the matters raised. How he will ever allow himself to be involved in that investigation is beyond me. That question has also been left unanswered.

According to a summary I have seen, a court case that occurred in New South Wales recently referred to the quality of the conduct of an investigation carried out by this CEO, which causes me grave concerns. That is another question I wanted to have answered. Finally, the Wanneroo Inc royal commission referred to the famous gang of five Liberal councillors in the then City of Wanneroo. I believe there is a gang or faction of about five members of the Liberal Party serving on the City of Joondalup and, as they did in the old days, they are persecuting anybody who stands up to them.

I was interested to receive advice of a statutory declaration that I understand has been signed by Mr Peter Weygers, someone who is well known to many members of this Chamber, about a conversation he had some time ago with Carol McIntosh who I believe - Hon Alan Cadby might correct me if I am wrong - is the Secretary-Treasurer of the North Shore branch of the Liberal Party. Certainly she is an active member of the Liberal Party in the northern suburbs. During the last federal election, I spent time with her at the same polling booth. I am advised Peter Weygers has signed a statutory declaration that recalls a conversation she had with him in which she claimed to be part of a group that controlled the City of Joondalup. That council must answer some serious concerns.

*Pastoral Leases - Adjournment Debate*

**HON GEORGE CASH** (North Metropolitan) [11.10 pm]: I will raise a matter of accountability with regard to the pastoral industry in Western Australia. Some members may be aware that amendments to the Land Administration Act in December 2000 allowed certain lands to be excluded from pastoral leases for public purposes. Part of the requirements of those amendments was that the lessees of those affected pastoral leases had to be given notice by 7 December this year.

As a consequence, recognising that this notice was due, on 27 November 2002 I put a question on notice to the Parliamentary Secretary to the Minister for Planning and Infrastructure, who is also the minister responsible for lands. I asked whether the minister would provide me with a schedule setting out the affected pastoral leases and the areas from which it was proposed to exclude land. The answer to that question was yes. At the conclusion of question time on that day, I spoke to the parliamentary secretary and asked him whether he would furnish me with that schedule. He said that he did not have it at the time and that under one of the requirements that he had to meet, all the affected leaseholders had been notified. I accepted that answer from the parliamentary secretary. I approached him again some days later and he told me that I would receive a copy of the document by 5 December. However, that did not occur. I again approached him and he advised me that the document would be e-mailed to me. On Tuesday this week I again approached the parliamentary secretary to advise him that I had not received the document that he had promised on behalf of the Minister for Planning and Infrastructure. He immediately left the Chamber to contact the minister's office. Later that night, which was last night, he approached me with a copy of the document and said that although he was not in a position to hand me the document, as an act of good faith he would give me the document - that meant that he would exceed his

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authority - on the condition that the document was not published. I said that I would not receive the document under those conditions and that it was important that a schedule of the affected pastoral leases be given to me as an elected member as soon as possible. That is the way the matter was left. As far as I am concerned, the failure of the Minister for Planning and Infrastructure to produce that document in this House is a clear indication of a lack of accountability on behalf of this Government. That is one of a number of issues that have arisen recently that go to the root of accountability with regard to this Labor Government. I took the opportunity to research what the Labor Party promised in the area of accountability prior to the last election. The executive summary of one of the policy documents headed "accountability" states -

A Labor Gallop Government will aim for:

- The highest standards of openness and accountability in government;

The policy document lists various measures that a new Labor Government would implement.

Hon Tom Stephens Interjected.

Hon GEORGE CASH: Whatever the minister does, he should never raise issues of accountability, or I will move a motion in this House to require him to table certain documents and we will see how accountable he is. I will get to the tabling of some documents in a moment on another issue.

The same policy document, under the heading "Overview", states -

The 1995-1996 Commission of Government (COG) inquiry made 263 recommendations that went to the heart of Western Australia's system of government. It had a bold vision for Western Australia - one of open, accountable and representative Government.

Further on, the document states -

The public has a right to know:

- how their money is being spent; and
- how their public services are going to be delivered.

Labor is committed to strengthening the checks and balances - particularly the agents of accountability - that keep government and the public sector open and accountable.

All those promises are for naught, because they are not happening under this Government. It reminds me of the WA Inc era. I notice that the current Premier had published in the *Canberra Bulletin of Public Administration* the text of an address he gave at Curtin University on 7 August 1996. In that speech he talked about a reform agenda. Part of the speech stated -

- the establishment of stronger mechanisms of accountability both within and outside the Parliament, to ensure that the executive arm of government is subject to proper scrutiny and control.

That is an interesting statement, because it is obviously not happening under this Government. The same document concludes -

... it is up to Parliament and the public to ensure that government is *for and about the public interest* rather than an arena within which private interests battle for their share of power and revenue. That requires a free and open political system, and active and informed citizenry.

That is exactly what is not happening under this Government. I will give another example. Only the other day I asked in this House a question of the Minister for Housing and Works, who represents the Minister for Energy. I asked him whether he would provide a copy of the employment contracts between Western Power and its former managing director, Mr David Eiszele. The Minister for Housing and Works replied, on behalf of the Minister for Energy -

Contractual confidentiality provisions preclude release of the contracts.

That is only part of the answer, but it is the basis of the answer. Today I asked another question about whether the Minister for Energy believed that this Parliament was entitled to the tabling of those documents, and I received a cock-and-bull story back saying that the question was hypothetical, and would breach the Legislative Council standing orders governing the content of questions.

Hon Tom Stephens: You did not couch your question properly.

Hon GEORGE CASH: How would Hon Tom Stephens like it couched to produce the document? I give notice now that tomorrow I will move to require the Minister for Housing and Works to table the documents within three sitting days of the order being agreed to by this Chamber.

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Hon Tom Stephens: I just have to table today's *The West Australian*.

Hon GEORGE CASH: I am saying to the honourable member that this is a bigger issue.

Hon Tom Stephens: And I am saying to you -

The PRESIDENT: Order, members. We are not having an exchange across the Chamber.

Hon GEORGE CASH: I say to the clown, Hon Tom Stephens, that he clearly does not understand the question of accountability.

Hon Tom Stephens: The clown does understand it.

Hon GEORGE CASH: He does not understand it, because the more he speaks, the more he proves he does not know what he is talking about. I will give notice of that motion tomorrow, and we will see whether the Minister for Housing ends up tabling the document. When he tables that document, I will ask him to table another document, and we will see whether he tables that document, which relates directly to his involvement in accountability in Western Australia. It will be interesting. The Minister for Housing and Works can play his little games but, in the end, righteousness will prevail.

Hon Tom Stephens: You would not know anything about righteousness if you fell over it.

Hon GEORGE CASH: The minister proudly talks about how righteous he is. We will see whether he is righteous when the order is agreed to by this Council. We will see whether the minister is required to table the documents that I talked about.

*Ascot Waters - Adjournment Debate*

**HON JIM SCOTT** (South Metropolitan) [11.20 pm]: Some statements were made during the debate on the disallowance motion for the metropolitan region scheme amendment about a public environmental review and the approval by the Environmental Protection Authority of certain works at the Ascot Waters development. I did not realise it, but at the time I had in front of me some information that proves that those statements were not quite correct. I take this opportunity to get a double result from the information as Hansard has asked me to table some of the maps that I referred to during that debate, and I want to provide it with those.

During the debate it was said that the EPA had approved the water body that created an island at Ascot Waters. In fact, the PER considered only the two little channels at either end. It did not look at the major water body that was created between the two inlets at either end of what turned out to be an island. Therefore, it was not correct to say that the change was approved following a PER. I have a map that shows that. I also have the maps to which I referred in the debate and which Hansard is seeking. Map 5 is provided by LeProvost Dames and Moore. The maps that I mentioned during the debate are accompanied by a description of what is contained in the maps. I hope that the parliamentary secretary will look at them. Map 5 shows that the proposal is not for a water body, marina, river diversion or an island but for two proposed connecting channels. That is a different proposition from what has been put forward as an excuse for creating that island. I seek leave of the House to table these documents.

Leave granted. [See paper No 687.]

*Retail Trading Hours - Adjournment Debate*

**HON KATE DOUST** (South Metropolitan) [11.23 pm]: I take the opportunity to talk about retail trading hours. Last Friday *The West Australian* published a couple of articles about retail trading hours based on a report that had been presented by the National Competition Council. The report said that in the council's view, the restricted shop trading hours that operate in this State are resulting in reduced retail sales and employment. It was reported that Western Australian shoppers were likely to see trading hours extended to seven days a week and that the Government was to institute a review of retail trading hours to avoid losing up to \$70 million from the federal Government.

I put on record that I think it is an absolute disgrace that the Commonwealth wants to exert this type of pressure on Western Australia about this issue. This is a state issue and something that has been dealt with over a number of years. A number of reviews have already been conducted. I do not have an issue with reviews; they can be quite helpful, and I look forward to the outcomes of the review that the Premier has commissioned. I believe that our trading hours, as they stand at the moment, are a bit of a dog's breakfast. Sometimes there is confusion about which shops can operate and the types of goods they can sell. I will put my personal position on this issue on the record. I am opposed to any further deregulation of trading hours and of Sunday trading. That is my personal position, and I put that because of my experience of working in the industry over a fairly lengthy time. I know that I can speak on behalf of the people who work in the industry. I hope that when the Government goes through this review process, it takes into account the broad views that exist in the industry - not only those of the

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large employers, as have been expressed in the media by the Chamber of Commerce and Industry of Western Australia and the Retail Traders Association of WA, which speak on behalf of the large employers in the industry, but also those of small businesses, the workers and the associations representing those workers in the industry.

I quite happily put my personal position on this issue because my party has a strong position on trading hours in its platform, which was reinforced again in June this year at our state conference. It is listed under the small business section of the platform and states that -

Labor believes that the wholesale deregulation of trading hours will damage small business (particularly local suppliers), directly causing unemployment, less competition and lead to a greater market concentration against the interests of consumers and small business alike.

... Labor will continue to protect the interests of small business and consumers by rejecting the deregulation path.

Our party is very flexible in making adjustments to its policies. That is currently our platform, and I fully support it. During the review process, I hope that the people on the review panel also take that platform into consideration and do whatever they can to adhere to it. I also appreciate that the Government is under enormous pressure from the Commonwealth to impose this type of negative change upon the retail industry in this State. I know that some change may be required, and I am sure that the party will discuss this at length at some point.

I believe I need to explain part of the reason that I am opposed to any further deregulation of trading hours, particularly on Sundays. It is a fairly traditional opposition, based on the views of the people who work in the industry. As I have said, there have been a number of reviews. There was the Kelly review back in the 1980s. I understand Hon Peter Foss conducted a review in the mid 1990s. Although there may have been some tweaking around the edges, there has not been substantial change. I believe that potentially there would be a negative impact on the community in general, particularly on those people who run small businesses. If this type of change were instituted, I do not believe that it would improve competition in the industry; it would actually destroy it, because those small business people who operate small shops, which are currently permitted to operate additional hours above and beyond those of large retailers, would effectively have to close. They would not be able to compete with the large employers. We would end up with just two or three major employers running the system. Consumers would not have the variety that they currently enjoy in this State. If consumers wanted to pop into their local deli or their local small supermarket at half past seven at night to pick up whatever products they wanted, they would not be able to do so; they would have to access a large supermarket because the small shop would be closed.

I do not believe that it would generate any additional employment. I know that Coles Supermarkets has stated that it would add an extra 500 full-time positions. Since there has been an increase in trading hours, particularly on Saturdays, I have seen a decrease in the number of full-time jobs across the industry and an increase in casualisation. I believe that would happen if any further increase in trading hours were permitted, particularly on Sundays or late at night.

Hon Bruce Donaldson: Small businesses could not afford to open on Sunday because of your Government's industrial relations legislation.

Hon KATE DOUST: Small business does open on Sundays and they do pay higher rates. Recently 238 small supermarkets entered into an enterprise bargaining agreement with the Shop Distributive and Allied Employees Association of WA and they do pay higher rates on Sundays. The member does not know what he is talking about. However, if shops are forced to open on Sunday or on any additional evenings on which they do not open now, it will be to their detriment and to the detriment of workers who must juggle their work and family. It is hard enough now for those who work in tourist precincts when they are required to work on Saturday or Sunday. I do not know whether members have paid attention to workers' needs, but it is predominantly women - about 67 per cent to 70 per cent - who work in the retail industry. Large numbers of those women have children and there are no child-care facilities for those workers on weekends. That matter must be taken into account when the review occurs.

There is another aspect that I find funny when the issue of trading hours is raised: that is, it is raised every couple of years around the peak trading period, particularly Christmas when everyone is rushing around trying to buy gifts and foodstuffs for their Christmas parties. Shopping centres are always a little busier and we have problems getting parking. People think it is great and we should have extra hours for shopping because it will be like that all the time. The people who are pushing for this type of change should visit those shopping centres between mid February and August when they will find that they will be able to drive a tank virtually through most of those places.

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Hon Ken Travers: You can get me a birthday present!

Hon KATE DOUST: I will not be getting that.

One could virtually drive a tank through those places because, by the time schools return in February, sales have dropped right down and the shops, particularly large shops, cull their staff back to base. Some places have enough difficulty trying to accommodate their full-time staff, let alone worrying about how they will accommodate their part-time staff. This problem will be exacerbated if shops are forced to open on Sunday or for additional hours.

Hon Ed Dermer: Surely if there are extra hours we will pay extra for the goods.

Hon KATE DOUST: That is true. The cost of additional hours will be passed on to consumers. I am sure when consumers wake up to that fact, they will not accept it.

I also say that I am expressing my personal view. Fortunately, although I am supporting party policy, my party allows me to put on record my personal view on this issue. I fully appreciate that my position may change at the end of the review when the review panel has taken into account all the views that exist across the community and across the industry. However, I felt compelled tonight to put my position based on my experience of working in the industry and based on the views of the people working in the industry because I know the negative impact it will have on both employees and employers. I look forward to the outcome of the review.

**HON PETER FOSS** (East Metropolitan) [11.32 pm]: I would like to put the view of the owner of my local continental delicatessen. He told me that when this Government got rid of workplace agreements, the deli was put at an enormous disadvantage as against Coles Supermarkets and Woolworths (WA) Pty Ltd because Coles and Woolworths, being national organisations, immediately went across to the Commonwealth equivalent of workplace agreements and now pay their workers less an hour than the deli pays. The real disadvantage for small business compared with large business is that small business must put up with this State Government's stupid industrial policies; whereas at least large business can take advantage of more enlightened national conditions of employment.

While we are talking about the difference between small town mentality and national mentality, I want to speak about the question of trading hours. One thing I got rid of was the stupid Sunday petrol roster. People used to come to Western Australia and see Western Australians driving around every Sunday and being ripped off by a person selling petrol who could raise his prices because he was the only person selling petrol. People had to find out where he was and they ran out of petrol getting there. People from interstate could not believe that we were that primitive in Western Australia. We put up with it because we were so isolated that we did not know otherwise. We put up with it because we always had a roster and we thought it was all right. However, people from the eastern States came here and thought we were barmy. People from overseas came here and thought we were out of our mind. Yet we put up with it. I got rid of it. If members suggested now that we go back to having Sunday rosters, their throats would be cut.

One of the interesting aspects of trading hours is that when customers are surveyed about what they think, elderly people say that the hours are about right but that they do not want fewer hours, and young people say that they want more hours. Again, the eastern States do not have the limitations that Western Australia has. They have removed those limitations. That does not mean that businesses must open 24 hours a day, seven days a week any more than businesses in the north of this State must. There have never been regulations for trading hours in the north of this State. Those businesses do not open 24 hours a day; they open when there is a reason to open. Areas north of the twenty-sixth parallel are not covered by a retail trading hours Act. Personally, I think we should get rid of all the regulations and let things work themselves out. We do not need the Government telling people what trading hours they should have. It will work out. Of course it will mean a change in how things happen. Different people might run things, but that happens in business all the time. That is not my party's view; it is my personal view.

I deregulated the definition of a small shop. One of the reasons that small shops in Western Australia cannot compete with Coles and Woolworths is that as soon as a business is over a certain size, it is at a massive disadvantage because it is instantly put in the same league as Coles. I increased the number of shops a business could have, the employees it could employ and the amount of capital it could have. What happened? Western Australian small retailers grew in size. In other words, now businesses can compete much better with Coles. Previously a business had to be either a corner shop or Coles. If it was anything in between, it had the disadvantage of the Coles working hours, but it did not have the advantage of its bulk-buying capacity, size and capital.

I suggest that if we want to get somewhere, what should happen now - it should have already happened - is that the rules for what constitutes a small business should be further changed. In other words, Western Australian

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businesses should be allowed to grow. If Western Australia moves to wholesale deregulation overnight, businesses will be thrown to the wolves in the way suggested by the member. However, if we increase the number of shops a business can have to, say, three and probably up to nine, the number of employees it can employ from, say, 12 to 25, and the amount of capital it can have by about three times, many Western Australian retailers, which are now of a reasonable size, could grow and be in a position to take on Coles and Woolworths. We must provide the opportunity for a middle-size shop retailer to exist. When deregulation is introduced - as it certainly will be, whether or not we like it - we will be dragged into the twenty-first century to join the rest of Australia. Either we can dig in our heels and throw Western Australian small businesses to the wolves when it eventually happens or we can start planning for the change. I suggest that we increase the number of shops, employees and the amount of capital a business can have and allow a small shop to become a medium-sized shop. Then those medium-sized shops will have the capacity to compete with Coles in the first instance by having more liberal trading hours.

I do not know whether members recall when people used to buy historical sites. Certain sites had 24-hour, seven-day trading. People paid huge amounts of money for those sites. It was great. Now people can buy things from petrol stations. People could buy tinned goods, but not goods in glass jars; there was a crazy list of things people could buy. People can go to Bunnings Building Supplies Pty Ltd but they cannot go to WA Salvage Pty Ltd. Some nonsensical rules are in place. People can buy plants but they cannot buy carpet. Why have those rules? There is no logic to them; their existence is historical. We should start to deregulate and give people the opportunity to adjust slowly to avoid going broke, unlike the situation that occurred as a result of the Labour Relations Reform Bill. Its effect on small traders has been disastrous. The Government obviously does not care a thing for the customer, but the customer must count. Nor does it really care for small traders. If it did, it would not have introduced the Labour Relations Reform Bill. The Government does not care for young people. It suits young people to work unusual hours. They relish them. However, those young people are losing their jobs.

It is wonderful to be able to tell them that without workplace agreements, working conditions and pay rates are much better; but that it is a pity that they do not have a job. They are losing jobs because people cannot afford to pay ridiculous penalty rates, but the time during which penalty rates apply is the only time that young people want to work.

It is time the Government started thinking about employees who might not be members of unions; about businesses and the future. It should get out of its troglodytic past and join the rest of the world in understanding that the restriction on trading hours is purely a historical accident due to this State's isolation.

Question put and passed.

*House adjourned at 11.40 pm*

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