

RETAIL TRADING HOURS AMENDMENT (REFERENDUMS) BILL 2004

Second Reading

Resumed from an earlier stage of the sitting.

HON JIM SCOTT (South Metropolitan) [5.07 pm]: I do not intend to speak for very long on this issue because my colleague Hon Dee Margetts gave a very good speech. I have some quite strong feelings on this opinion poll that we are calling a referendum. Earlier, I was thinking that the questions that the Government wants to ask in this referendum remind me of *Fawlty Towers*, which starred John Cleese. In the particular episode I am thinking of, a group of Germans arrived at Basil Fawlty's boarding house and he was running around telling the staff, "Whatever you do, don't mention the war". I later changed my mind and thought that this referendum is not really about "not mentioning the war". By "war", I mean the community impact of this legislation. Another idea popped into my mind that more accurately reflected the situation. I suddenly recalled an old poem that probably every schoolkid learnt at one stage. It was called *The Highwayman* by Henry Newbolt or someone like that. Part of that poem read -

Them that ask no questions isn't told a lie.

Watch the wall, my darling, while the Gentlemen go by!

Hon Peter Foss: That is from another poem, but you very accurately quoted from it.

Several members interjected.

The DEPUTY PRESIDENT (Hon George Cash): Order, members! Let us hear from one person at a time.

Hon JIM SCOTT: The Government wants to carry on as though one of the most important matters in this Bill is not important. On the serious side of this, through the actions of state, federal and all sorts of Parliaments, we are continuing to see a gradual reduction in democracy, because corporate governance is starting to take over the whole planet. We are seeing the wishes of one sector dominating the rights of people, the community, who want representative democracy that looks after their interests. I am concerned that the wishes of the community are being continually overridden in this debate on an opinion poll on trading hours. A change in trading hours will have major impacts on the community. Endless numbers of people have talked in political debates and on talkback radio about an apparent decline in the level of children's reading skills. A change in trading hours will affect those skills when parents are not at home at bedtime either to read to them or to listen to them read. That is happening already, partly because of the extended hours that people are working. In this age people are working longer, rather than fewer, hours, as was promised some time ago. I recall Bob Hawke talked about this very issue before he became Prime Minister. He said people would share work and have more leisure time; however, the opposite has occurred.

Hon Peter Foss: And that no child would live in poverty.

Hon JIM SCOTT: That is right. Now there will be more work for people and more children with reading difficulties. I mention that aspect because it has serious implications for society. Parents will not have enough time to care for their kids, either because they are worn out working extended hours or their hours are such that they have no choice but to work those hours. I point out that in most cases mothers, rather than fathers, tend to read to their kids and to a great extent mostly women tend to work in the retail sector. A change to shopping hours will have a potent impact on the community. The questions posed by the Government in the Bill appear to be about a small issue, but the wrong questions are being asked in the context of whether people want more retail trading hours. People are not being asked the real question. The real question is whether this is a good thing for society or for a group of corporate bodies that dominate the retail industry in this State. The questions are limiting people to these black and white positions.

Many other issues are bouncing around today; for instance, people are talking about daylight saving again. In reality, we should be looking for better and more innovative ways of increasing shopping hours for people; for instance, by staggering the times at which they start work all year round. We must take into account the social impacts of such changes. We in this Parliament should be attempting to make the lifestyles of people better, not simply giving them more time in which to shop, which is a very small part of the issue. We must consider more seriously the impacts on people of changes that we make in this place; nowhere nearly enough work has gone into that issue. My colleague had already referred to the social impact studies that indicated that deregulated trading hours would not be beneficial to the community.

Hon Dee Margetts: I was not actually referring to social impact studies; I was referring to the competition policy public interest test. The Government said it hadn't done a proper social impact assessment.

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Hon JIM SCOTT: As my colleague corrected me, the public interest test indicated that deregulated trading hours would not be beneficial to the community. Before changes of this nature are made, significant social impact studies should be undertaken that go beyond whether people are able to shop for an extra hour or two each day. Studies should analyse the effects of these sorts of changes on society. We should consider whether we should take up the latest cudgels from the National Competition Council or the federal Government from afar. At the very same time as the federal Government is bemoaning the reading skills of children, it wants to implement working hours that will make it impossible for parents to have proper involvement with their children's education. These issues are all connected and that is how we should view them. Far too often, unfortunately, we deal with them as discrete issues. As a result, the outcomes we desire are not achieved because the social impact studies that should have been done have not been done. They should also be made available to everyone in this place. Before we spoke about this legislation we should all have been able to read a social impact study showing the effects of deregulated trading hours. Such a study should reflect reality and not be based on one person's biased view. It should be a genuine study with the benefit of the community in mind. Whenever we question the need to alter shopping hours, or anything else, we should consider the impact of the changes on our community. Unless we do that, I am afraid I will not support the proposal in this Bill, which has been determined on a narrow basis.

I am looking forward to the Government and the Opposition agreeing to the very small amendments proposed by my colleague. If an amended question is asked and people receive good information before the opinion poll is held, we will achieve good outcomes. If the community is given the right information, it will be wiser and, therefore, it will make the right decision.

My support for the Bill is subject to the questions being amended. Before the Government proceeds with either poll - the Bill provides for more than one poll - I would like an assurance that it will conduct genuine social impact studies to ensure that changes to retail trading hours will be in the interests of the community.

HON PETER FOSS (East Metropolitan) [5.20 pm]: I am going to say some words that will sound as though I agree slightly with Hon Jim Scott. Before I say those words, I thought I should make it quite clear that, generally speaking, I do not agree with Hon Jim Scott. I disagree with him in substance, but I will say a few words that will make it sound as though I agree with him. Before members read my speech, I want them to understand that I do not agree with Hon Jim Scott.

In case members do not know this, another warning I should give is that I am what is called a deregulator. That is probably well known to anyone who has been a member of this Parliament for a period. Generally speaking, I am in favour of deregulating most things, although I recognise that every time we regulate something, one of the biggest problems we face in our community is that we create a trading situation which, if deregulated, can cause considerable problems for those who have bought into, worked under or generally relied on that regulated situation. When a business area moves from a regulated to a deregulated position, some people usually suffer economic harm. All sorts of things happen. Indeed, as farmers would be aware, the weather can cause economic harm. Further, markets and all sorts of social trends can cause people harm. Deregulating a certain market can also have an impact on people; it will benefit some and hurt others. Some people will be prepared for it and others will not. If there is to be deregulation, I am always keen to see that some attention is paid to its process. I am a firm believer that we should consider the problems of regulation and deregulation and how we can address them.

I note that I am referred to in the second reading speech on a number of occasions. I think there are errors in the second reading speech. I have said before that I do not agree with Len Roberts-Smith, QC, as he then was. I believe that the particular regulations I put in place are valid. It is interesting that they have stood for 10 years and nobody has challenged them. Nobody has said that they are invalid, apart from Mr Kobelke. He is the first person to cause any doubt about the regulations. Until he raised the issue, there was no doubt in anyone's mind about the validity of those regulations. There is no doubt in my mind, and I do not think that there is much doubt in the minds of those in the community. They have stood for 10 years, and I for one believe that they could stand for another 20 years. The reality is that they are the current regulations, and people have traded under them quite well for 10 years. Interestingly enough, although they did not say this at the time I put the regulations in place, members of the Independent Grocers Association have written to me and said that what I did was one of the best moves anybody has ever made. The reason for that is this: the problem with our current regulations is that a business is either a small shop with the advantages of free hours or it is in competition with Coles and Woolworths. There is nothing in between. In Western Australia that has had the impact of making it impossible for business enterprises to grow. There is no proper competition to Coles and Woolworths because when a business steps over a certain size - that is, as soon as a business gets more partners, shops or employees - it is no longer a small shop and it has to face full competition with Coles and Woolworths. What I tried to do with those regulations was to grow the small shops. Had I continued as the person in charge of those regulations, my

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intention was to gradually grow them a bit more so that by the time we had some form of deregulation in Western Australia, businesses would have had sufficient capital, goodwill and reputation to allow them to provide some sort of competition to Coles and Woolies. Frankly, if we do not do that - if we deregulate just like that - we will make life extremely easy for Coles and Woolies. However, if we carry out a gradual type of increase, there is a real chance that Western Australian businesses will grow and match the likes of Coles and Woolworths. I believe that they can do that. I have a huge amount of faith in Western Australian businesses. When businesses have been given the opportunity to grow, they have grown and become competitive, almost to the extent of being a nuisance. Consider Bunnings, for example. Bunnings has an unconscionably large part of the Australian hardware market. That is a home-grown Western Australian company that has successfully competed with any other company that members might like to name.

Hon Dee Margetts: Because they are using unfair industrial relations practices.

Hon PETER FOSS: Hon Dee Margetts has an explanation for everything. I assure her that the history of Bunnings is not that short; its history goes back a long way. It has been growing steadily for years. It has not mattered whether the Labor Party or the coalition has been in power federally or who has been the regulator. However, one of the things that helped Western Australian businesses grow and helped people who wanted to work on weekends work on weekends and those who did not want to work on weekends not work on weekends was the workplace agreements legislation that was in place. It meant that people could tailor their working hours to whenever they wanted to work.

I was interested in Hon Jim Scott's remarks about flexible arrangements. China has a system of flexible weekends. Different people take their weekends on different days for a different reason. The reason for that flexibility is that China is crowded. There is not enough room in the public facilities, such as parks, to fit everyone into them at the same time. Therefore, the people must vary their weekends to fit into the parks. It is a different reason, but people do it. People take their weekends at different times.

People want to engage in activities during the weekends. My favourite occupation on weekends is shopping. Having been the person responsible for Sunday shopping in Perth, I take great delight in going into Perth, walking around and seeing the city full of families, young people and buskers. Perth is alive on Sundays. Perth used to be dead on Sundays. There is a well-known story - I used to tell it regularly when I was in the process of deregulating Sunday trading - about a Japanese tourist who stayed at the Sheraton Hotel. He came out of the hotel one Sunday and went straight back inside because he thought that a curfew must have been in place because nobody was around. That is what Perth was like. Perth was dead, dead, dead, dead and dead. The fact is that Sunday trading has been fantastic. What is a consequence of that? Joondalup wants to be a tourism precinct, as does Subiaco. Quite a few places have realised the benefits to them of becoming tourism precincts. They know that Sunday trading is beneficial to them. We can move towards deregulation. It does not have to be done in one great slash; it can be done gradually to give people an opportunity to adjust. Deregulation has occurred much more quickly in the eastern States. Strangely enough, the world has not come to an end. Many small businesses exist. The last study into the effect Sunday trading had on small businesses showed that the number of small businesses had increased. Life goes on. People get used to trading on Sunday. It has not destroyed family life. People still vote for the Liberal Party. Members saw how many people voted for the Liberal Party across Australia recently despite deregulation. Obviously family values still exist. A good thing about Sunday trading is that many of the things people predicted would go wrong have not eventuated. Another argument put is that Western Australia is too small. Do members know that the Retail Trading Hours Act does not apply north of the twenty-sixth parallel? All of Western Australia will vote on this matter even though the Act does not apply north of the twenty-sixth parallel. Having cast doubt on the legality of what I had done, I found this was fascinating -

Hon Dee Margetts: Do you recognise that it impacts on people in other parts of the State?

Hon PETER FOSS: I am glad the member mentioned that. When I was the Minister for Fair Trading, I visited some towns in the south west. People from town X told me that they would like me to stop people in Mandurah from trading on Sundays because the people from town X went to Mandurah for the weekend to swim or whatever and did their shopping there rather than in town X. They wanted me to make the local people shop at the local shops although the shop owners were not prepared to open the shops to provide that service to the public. It seems to me that many of the people who argue about shops being open complain because people do not voluntarily go to their shops, yet the shop owners want the Government to force the public to go to their shops.

Members say that we should consider the people. The main people we should consider are customers. Why do customers always get left out of this debate? Customers are the last people considered. Every time we did a survey on customer attitudes when I was Minister for Fair Trading, people never wanted fewer hours once new

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hours were set, whatever those hours were. Once people got used to new trading hours, they wanted them to stay. People might prospectively say that they do not mind a change in hours. Interestingly, the younger the person, the more that person wanted longer trading hours. A direct line could almost be drawn from young people to old people matching support for increased hours to the view of retaining the prevailing hours. Nobody on that continuum wanted fewer hours. No age group was found that wanted fewer hours. At a minimum, people in their 70s and 80s wanted about the same as the current hours, and the 19-year-olds wanted much more time in trading hours - in fact, they wanted complete deregulation.

Hon Dee Margetts: What about the correlation with credit card debt with younger people?

Hon PETER FOSS: What about it? Does the member think providing more trading hours will cause people to push up their credit card debt? I disagree.

The minister nodded to confirm that the legislation will not apply above the twenty-sixth parallel. That is pretty obvious. The minister made another statement -

Under current laws and policy, regional Western Australia can already determine the trading hours that are appropriate for their local communities.

Who started that policy? I did.

Hon Robin Chapple: And it's been a dismal failure. I will talk to that in a minute.

Hon PETER FOSS: No. It has been a very good policy. I will tell members one of the very good things about that policy. I started that policy in the hope that eventually some form of deregulation would result. Some good things have been happening in Bunbury, for instance. At the time of implementing that policy, Bunbury was one of the most non-service-orientated towns I had come across; in fact, it was beaten in that regard only by Albany. Bunbury did not want any relaxation of trading hour regulations, and it did not even want to get rid of the petrol rosters. I had a request from the Shire of Dardanup for 24-hour, seven-day trading. I said, "Certainly. You decide it. You can have it." I wondered how long it would take before Coles and Woolworths would open for extended hours in Eaton, which happens to be in the Shire of Dardanup. I thought that that would get those little people moving and get the people of Bunbury some proper trading hours. It has happened. People in Bunbury can now trade for extended hours if they want to, and Bunbury has better trading hours than those applying in Perth. Hon Barry House and Hon Bill Stretch could probably confirm that Bunbury has good and broad trading hours - that is, if people go to Eaton anyway.

Hon Barry House: It suits that community. It is all about horses for courses.

Hon PETER FOSS: Yes. It is horses for courses.

The Government accepts the policy I introduced and the manner in which it operates. If I have any doubt as to the legality of the regulations, and I hope the minister is listening -

Hon Nick Griffiths: I am.

Hon PETER FOSS: - it relates to the regulations completely deregulating trading hours in certain areas. In other words, the regulations completely non-apply the Act. I refer to the power that the minister has said is quite all right. Page 3 of the minister's circulated second reading speech indicates that the Government is not worried about that aspect.

Hon Nick Griffiths: The second reading speech was circulated in my name, but I think Hon Kim Chance read it out.

Hon Kim Chance: It's all my fault, is it?

Hon PETER FOSS: Okay. If the minister looks at the law - this aspect has nothing to do with politics - the minister's power to fiddle with trading hours is clear. If there will be a problem, it will be if the minister totally abolishes trading hour restrictions using that power. Undoubtedly, the minister can alter the restricted hours, but does "alter" include abolishing? Interestingly, if there is anything wrong with the regulations - I emphasise if - it is in the one area about which this Government is not worried. The second reading speech reads -

Under current laws and policy -

The words "and policy" were slipped past -

regional Western Australia can already determine the trading hours that are appropriate for their local communities.

This Bill is about letting the people decide . . .

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The Government says that we do not have to worry about the country. It says that we do not have to ask country people in this referendum because it is all fixed, but it is not. The minister says time and again in the second reading speech that there is some doubt about the regulations, but I do not agree with that. However, if there is a shadow of doubt anywhere - the minister, a lawyer, would know this, and he is the one person in this Chamber who could appreciate it - it is with the country place that I totally deregulated. No regulation remains in places such as Dardanup. The argument applies to all the things I did about little shops in Perth, the numbers of people and petrol stations so that customers could actually buy things in glass as well as in cans. We had ludicrous regulations. A person could go to a petrol station and buy a can of vegetables, but could not buy a glass jar of vegetables. Customers could buy toothpaste, but they could not buy cleaners for their false teeth. It was just extraordinary; there were reams of regulations. Inspectors were going around making notes about what everybody was selling. They were going into places and seeing what they were selling, and if a shop was selling a glass jar of beans as opposed to a can of beans, it was prosecuted. What a wonderful use of government regulatory time that was!

I am very grateful to the Shire of Dardanup, because it was a great leader in this area. However, the Shire of Mingenew actually beat it to total deregulation. Mingenew was the first place in Western Australia to have total deregulation. The other thing I did, which I think was fantastic, was give small shops the ability to open at any time. They do not have to open at any given time - it is not compulsory. Some of the laws we have had recently have led people to wonder whether some of the things that undermine social cohesion were compulsory. I was fascinated to hear Hon Jim Scott talking about laws that undermine social cohesion. We have had a few of those recently. Just as the other laws were not compulsory, this is not compulsory either. A shop can choose whether to open, and most shops have done so. It has made a difference to small shops. Members have no idea about the problems the small shop operators had. They had to satisfy the inspectors of the Ministry of Fair Trading and abide by all these regulations, but now small businesses can open if they want to and they do not have to jump through all the hoops and do all those other things they once had to do. It has made life easier for those business owners, and that is why they wrote to me telling me what a wonderful thing I had done. They did not think it was a good idea at the time but, looking back, they now consider that it was the best thing that had happened to small business for some time, because they had been given an opportunity to grow. I would like to see small business get another opportunity to grow, and that is why I am disappointed with this Bill. I heard Hon Frank Hough talking about Swiss referenda. There is a small item about it in the Standing Committee on Legislation report on the amendments to the Electoral Act. The essential thing about Swiss referenda is that the Government makes the point of educating the people, and the people make a point of finding out the issues. The hardest task that members of this Parliament have in making decisions is obtaining all the information on which to base those decisions.

Hon Robin Chapple: We have had such a lot of legislation lately.

Hon PETER FOSS: Yes; I and the Greens (WA) have complained about the flood of legislation at the end of the session, and we are supposed to make those laws without a proper opportunity to find out about them and what the issues are to allow us to make a sensible decision. We all want to make sensible decisions, but how can we make sensible decisions if we do not know the facts? In Switzerland, education programs accompany the referenda so that the decision is made on an educated basis. What will we have for this referendum - a newspaper advertisement? What is the readership of *The West Australian*, and who reads the advertisements? If we could manage to sneak the issues into *Modesty Blaise*, we might have some chance of some people knowing what they are; or maybe if we could get Alston to do a series of cartoons, it might be possible. However, if the issues are put in an advertisement, and the Government expects that all Western Australians will therefore be instantly competent to judge all the issues, it is kidding itself. They will not be.

Hon Jim Scott: They could be written on the back of free show passes!

Hon PETER FOSS: Yes, free show passes. That is an idea. There could be a free show pass for anybody who can correctly answer 10 questions about deregulation. There we are! Maybe that would work. Of course, the children are the ones who would know, not the adults who actually must vote.

The problem I have is that, first of all, everybody in Western Australia, whether or not they are subject to the Act and whether or not they are in the country, will be asked to vote on the trading hours in Perth. If people are to be asked about their local area, why does the Government not put the questions separately? It could do that. We know what the metropolitan hours are and are not. Why does the Government not put the questions separately to those people in the metropolitan area and those people in the country areas south of the twenty-sixth parallel? In the case of Perth electorates, they could be asked whether they are in favour of trading hours in Perth being extended, and in the case of people in country areas, they could be asked whether they are in favour of trading hours in the country areas being extended. Why not ask the question of the appropriate people, instead of asking all the country people, and the people who do not come under this Act at all, to vote on the trading hours in

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Perth? What do the trading hours in Perth have to do with the people of Kununurra? Maybe they would phone on a Saturday or a Sunday morning and ask someone, "Have you got a spare part for my tractor?" That could be useful.

Hon Dee Margetts: If they are in a part of Western Australia that is currently supplying goods to the independent grocers and smaller retailers, it will impact on them.

Hon PETER FOSS: It will. That is very true. I stand corrected by Hon Dee Margetts. However, I am asking why we are confining it to Perth. The problem I have is that it would also affect people if the hours of trading were changed in Bunbury and Albany, and if we changed the hours in Kununurra so as to bring those changes into effect above the twenty-sixth parallel.

I am really upset about another thing. Do we have any indication of a gradual process of deregulation? Do we? No. However, would the public object to gradual deregulation? No. Would the grocers and other such people object to gradual deregulation? Quite the contrary; they have written to us and said that they believe the size of those businesses should be grown gradually. That is the very alternative that people want. I am not one to believe the sorts of arguments I heard over the republic referendum. That was a referendum, not a plebiscite. It was truly a referendum, and the law would have been changed if people had voted in favour of the proposal. However, I have heard the left-wing parties say, "People didn't really vote against a republic; they voted in favour of a republic. They just didn't like that particular model." The socialist parties are wonderful at that sort of post-event construction. They said that Mark Latham won the last election campaign but lost the election. I have never been able to understand it. People on the left can always explain it.

There was a great deal of rationalisation by the Democrats when President Bush won not only a majority of the electoral college votes but also the votes of the popular majority. According to the commentators, the people are dumb. They were deceived. They are stupid. Last time they were cheated. However, the Democrats hoped to get Iowa so that they could win the electoral college votes, even though they might not have had the legitimate majority of votes of the people. The way in which the left suddenly took a different view of things when it was their candidate was extraordinary.

I have digressed a little. I do not want us to get involved in the same sorts of arguments over this plebiscite as we had over the republic referendum, when the apologists for the republic came along afterwards and said, "It wasn't that the people didn't want a republic. Actually, we could see into the minds of all those people and we could tell that they really wanted a republic. They just didn't like that particular model." We are abolishing references to the Queen and everything else, we have lost the wooden crown from the Chamber and we seem to have lost a couple of pictures of certain people that were on the back wall of the Chamber. This is notwithstanding that the people of Australia voted against a republic! If we do not get these questions right, we will have the same problem.

The questions do not have to be exclusive. One question could ask voters whether they would like the extension of trading hours in Perth to be a gradual process, yes or no. The Government might at least get a useful indication of what to do from the answer to that question. If the Government does not do that, deciding the matter will be extremely hard indeed. A similar approach could be taken with the question on Sunday trading; that is, whether people favour a gradual process of deregulation. Trading hours have already been extended in Fremantle and Perth. Good arguments have been put by Joondalup, Subiaco, Midland - I should not forget my own electorate - and Rockingham to become tourist precincts of a similar nature. We could easily handle that without causing major disruption to trading patterns or anything much at all. That could all happen without doom and gloom, yet that is not being offered as an alternative.

People could theoretically vote against or in favour of both questions. Who knows what we will get? Will the people who want gradual deregulation vote yes or no? How will one vote for that? If the majority of people vote in favour of deregulation, it may be that an even larger majority are in favour of gradual deregulation. It seems to me that we will get an answer from the referendum, but that we will then hear the same sorts of arguments about what the answer means as we had with the referendum on the republic, especially if the outcome is yes, no or no, yes. Of course, we do not even get the same answer from various ministers in the Government. They all have different ideas about what it will be. Without doubt, people can guess that I will vote yes, yes.

Hon Dee Margetts: Which bit of Hon Jim Scott's suggestion do you agree with? I have not yet caught that.

Hon PETER FOSS: I agree with a number of things. We have been through them. Did the honourable member not hear me?

Hon Dee Margetts: I must have missed it.

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Hon PETER FOSS: The member should pay attention. It is a rare occasion when I agree with Hon Jim Scott, although not so rare these days, but I would like members to know about it when it does happen. I confirm that I listened for a short time to Hon Jim Scott speaking on the radio today and I did not agree with anything he said. It was really interesting. I thought that he made wonderful statements but totally without providing any support for them. I was listening to him on Radio Fremantle. I thought that it was very interesting that we would need to redesign Perth so that we could all get around on public transport, as Hon Jim Scott proposed. He did not mention that this would mean that we would all have to live in high-rise apartments and change our lifestyle. I can just imagine how well that would go down in Fremantle!

The DEPUTY PRESIDENT (Hon Kate Doust): I think the member is wandering off on a tangent.

Hon PETER FOSS: I divert, Madam Deputy President, and I should not. I wanted to assure Hon Dee Margetts that my occasional lapses into agreement with Hon Jim Scott are rare and very specific. I do not want to give the impression that it is becoming a trend.

I am very concerned that some things are wrong with this legislation. For instance, the Government is not dealing with the country. It has also misrepresented that it is established law. It is not established law. It is the same law on which the Government has cast doubt with regard to the city. If there is to be doubt, it is a fortiori applicable to the application in the country. That is the first thing that I say, not that I agree with Len Roberts-Smith, QC, as he then was.

Secondly, how does the Government expect the public to make an informed decision on this matter based merely on education through newspaper advertisements when members of Parliament are struggling with many of the impacts and facts and with just what is the situation around Australia? When I was minister, the people who were against deregulation put a whole lot of facts to me. However, those facts did not match the reality of what was happening around Australia. People said that small businesses would go out of business. They have not done so anywhere else. That has not happened in other States. Another argument was that Western Australia was too small and that deregulation would not work. It works in the north of Western Australia, which is an even smaller area. The second question therefore is: how will people gain that knowledge?

The questions do not indicate the degree to which small business will be able to trade 24 hours a day should it decide to do so. Huge numbers of small businesses can trade 24 hours a day, including, for example, any business that falls within the size that I delineated in those regulations, hardware stores, petrol stations and quite a few other businesses. Numerous businesses are totally deregulated; they are not prevented from trading 24 hours a day, seven days a week. The first question states -

Are you in favour of trading hours in the Perth Metropolitan Area being extended to allow general retail shops to trade until 9 pm Monday to Friday?

Some general retail shops with specific areas of selling can operate those hours. How will that information be conveyed to the public? Why has the Government not suggested a further question asking people whether, if deregulation is to take place, they favour gradual or immediate deregulation? That will be a very important indication to whichever Government is returned at the next election. I say that it is important because one of the reasons I opposed the Government's previous Bill when it came before this House is that it took away the power of the minister. How does the Government expect to get legislation allowing deregulation through this House with all the vested interests that exist? I am sorry to say that the only way to get deregulation is by ministerial fiat. I am sorry about that, but unless the Government has a really clear indication, that is the only way it will do it. This is not clear. In the same way, Hon Jim McGinty has continually introduced legislation that removes reference to the Queen and the Crown and pretends that the sovereign does not exist because he does not accept the result of the referendum on the republic. It was a clear referendum of the people, not just an opinion poll.

Hon Jim Scott interjected.

Hon PETER FOSS: If people did not accept that referendum, how will people accept this one? This referendum is no different. It is open to exactly the same arguments that the republicans used for that referendum. I do not accept that argument. However, the fact is that it is being made, and the republicans will not let go. I can hear one barking in the corner of this place. On cue, in comes Hon Jim Scott and shows how certain people who believe in the republic do not accept the result of that referendum. He is already barking out what he thinks was wrong with the referendum. He says that the right questions were not put forward. That is exactly what people will say about this referendum, and even more so because it is justified. My explanation of the referendum on the republic is that people had a gut feeling and did not trust those blooming republican people because of who they were.

Hon Dee Margetts: I know how I voted and I voted no because I did not like the model that Gareth Evans put forward.

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Hon Norman Moore; Deputy Chairman; Hon Dee Margetts

Hon PETER FOSS: Good on Hon Dee Margetts! She should stick with it. She is one in 13 million Australians who voted no for that reason. It is good to see that there are some with that -

The DEPUTY PRESIDENT (Hon Kate Doust): Order! Hon Peter Foss should address his comments to me and not encourage members to interject.

Hon PETER FOSS: Thank you, Madam Deputy President. I am suitably admonished.

Hon Nick Griffiths interjected.

The DEPUTY PRESIDENT: My comments also apply to the members who are interjecting.

Hon PETER FOSS: As I said at the beginning of my contribution, I am a supporter of deregulation. I did not like the previous Bill the Government introduced because I thought it doomed the chances of gradual deregulation in Western Australia, which I saw as the only way to achieve it with consensus and minimum economic impact and damage. I firmly believe that we owe to the small businesses of Western Australia a real chance to expand and adjust to a new environment. Canutes will always say that it will not happen, but it will happen. The important point is that it happen at a pace that will enable people to adjust and not go broke instantly as a result. If we are careful with deregulation, that is what will happen. If we are not careful with deregulation, people will be threatened, and there will be a battle every time legislation is introduced and deregulation will not happen until the Commonwealth makes us do it.

I happen to think there is a lot to be said for getting the questions right. If we get the questions right, there is a real opportunity that we will be able to get some form of acceptance about where we can go after the next election. I do not have a problem with the Greens' questions. I do not think they will solve the problem I have raised, which is a more serious problem. Until we address those questions we will not achieve any form of closure by having this plebiscite. It would be terrible to waste all this money, to not even bother to educate people and then to have a plebiscite that everybody describes as a bit of a Mugabe plebiscite because it did not give a true indication of what people thought, nobody knew what the issues were and they were not asked the right questions. It might even divide people even more seriously.

I am interested in the Government at long last coming around to the idea that people should decide. I do not remember the same sort of acceptance when we were dealing with the electoral laws. We suggested then that any change to them would be a good issue for the people to decide, because it seemed to affect both country and city people, and a referendum would have given them an opportunity to be heard. I do not think the city people wanted it and the country people certainly did not want it. This democratic rush of blood to the head suddenly disappeared when we started to deal with the electoral laws, but who was surprised? This particular democratic rush of blood to the head was seen as a great little political trick. I had been predicting daylight saving as the grand diversion. That was used by Brian Burke on a number of occasions. Whenever he thought people were looking too closely at his performance, he would try to divert them to another issue, but the retail trading hours issue has come along opportunistically and will allow this Government to divert people's attention from how hopeless it is. It is just typical of the way terminal Governments operate, particularly terminal Labor Governments that have had any association with Brian Burke. Brian Burke is the master of this sort of grand diversion.

I do not have any doubts about the origin of this particular ruse; it has been used by that same gentleman on a number of occasions previously. I am a bit cynical about this matter and I do not think it is a genuine attempt at democracy. I certainly do not think, as a result of this, that we will get closure, unless the Government is prepared to include another question that asks whether, if we are to have deregulation - and that will be determined by the other two questions - the people wish us to have a gradual process of deregulation. I bet that 99 per cent of Western Australians would say yes to that question. I do not know what the vote would be on the first two, but if there were to be deregulation I am almost convinced - I would lay money on it - that the majority of Western Australians would say it should be introduced slowly so that it would not cause economic pain to the small traders of Western Australia who, by virtue of the current law, are deprived of the opportunity of becoming larger traders and gaining proper capital to support their businesses and being able to compete with the large companies such as Coles and Woolworths. I would like to see those businesses compete with Coles and Woolworths, because I believe Western Australian business has the capacity, the nous, the enterprise and the ability to take on anybody provided it does not have one hand tied behind its back or things taken from it without having the opportunity or the capacity to fight properly. It is very important, if small business is to compete, that we give it the opportunity to compete fairly.

Hon Jim Scott: Do you agree with small businesses having the equal ability to get their products at the same prices at a wholesale level as well?

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Hon PETER FOSS: Yes, I do. We must be very careful how we compose that. The Robinson-Patman Act in the United States was enacted with much the same idea in mind for the small stores and the large chains. For many years that Act operated as an anti-competition incentive. It was actually anti-competitive. It was originally included in the Trade Practices Act when it was first enacted by the Commonwealth. The Robinson-Patman provision was included in that legislation but was later removed because it was seen to be anti-competitive. If we were to include those provisions we would have to be very careful how they were phrased, because we obviously cannot expect a person who buys large quantities to get the same deal as a person who buys small quantities, but for those small quantities a big supplier or a small supplier should pay the same price.

Sitting suspended from 5.59 pm to 7.31 pm

HON ROBIN CHAPPLE (Mining and Pastoral) [7.31 pm]: I will speak briefly this evening on the plebiscite. One of the issues raised in the Chamber is that of a social impact study. I am of the view that, in many ways, a social impact study has already been conducted. We know of the issues that have beset many of the shopping centres in the north west of the electorate that Hon Norman Moore, Hon Jon Ford and I represent. In many cases, it is as a result of unregulated trading. In many shopping centres in the north west there are large numbers of vacant shops, which were being run in a very effective manner and in a vibrant way by many small businesspeople in the Pilbara. It is an interesting dichotomy that in a couple of shopping centres that I am aware of, at one stage, when the major traders such as Coles and Kmart were operating in a regulated framework, small businesses - delicatessens and others - were trading on the weekends. I am referring to fishing and tackle shops and those sorts of businesses. When the market became unregulated, the big players such as Coles, Woolworths and Kmart went to 24-hour trading in some cases. After that, a complete reversal occurred. In one location Kmart started getting into many of the aspects that the small businesses were dealing in. Because it was able to operate on a 24-hour basis or an extended basis, it cornered the market. When the big operators first came to Port Hedland they agreed with the council that they would not interfere with small traders. One such shop was Cotterells in Port Hedland. After a while Kmart decided, against the spirit of the agreement, that it would start operating a photographic laboratory. It operated in a very competitive manner against Cotterells to the point at which, because of the extending trading hours, Kevin Cotterell was not able to trade because he could not afford to pay the staff and did not have the ability to open for the length of time that Kmart could open. He eventually decided to leave the community. The Leader of the Opposition may remember that John van Uden ended up acquiring many of the historic photographs that Kevin had taken of the town over many years. Kmart then decided that it would open the photographic laboratory for only short periods during the day because it thought it could not sustain a photographic laboratory. Eventually after a number of months the photographic laboratory closed. Extended trading had destroyed a very valuable long-term business that had been in the town for many years. We see this happening quite often. Extended trading hours do not mean that a small shop will sell more material. It will sell the same amount of material over the extended hours. This means that the profit margin is reduced. Many small businesses in the north west are only just viable. When they are forced to compete with the Coles and Kmart of this world, they will not be able to sustain their business. They will slowly go to the wall.

Hon Dee Margetts: That is what Hon Peter Foss meant by slow change.

Hon ROBIN CHAPPLE: Yes, it is slow death. Once Kmart, Coles, Woolworths, Foodland or one of the major operators has captured the market, it will then determine itself that it is not viable to open extended hours and will start reducing its opening hours. Coles and Kmart in the north west are now operating on virtually the same hours as they were when they originally came to town. They went through a 24-hour trading process and annihilated small businesses. Once they were out of the way, Coles and Kmart went back to economic trading. That is a clear example of what has happened in many of the towns in the north west where small business has been decimated by an open trading policy. That is one of my real concerns with small business in this State. Once large multinationals are allowed to gain control of the agenda, they will manipulate pricing and hours to rule out any competition. Once they have done that, they will go back to hours that are within their economic parameters. We have only to look to the eastern States where many shopping centres that were having extended trading hours have come back to normal trading hours now that the competition has gone.

HON ALAN CADBY (North Metropolitan) [7.39 pm]: I did not intend to speak on this Bill, mainly because I was unsure of my position. My perception is that members of the Labor Party and the Liberal Party are not speaking with one voice on this issue. Different views are being expressed within the parties. Hon Kim Chance was right when he said that the issue even splits families. In my immediate family of five my three children would vote yes, yes to the referendum or plebiscite; I would vote no, no; and my wife has not indicated yet which way she would vote, but I suspect she would probably vote yes, no. During the debate I was fairly worried because I was agreeing with everything that Hon Dee Margetts was saying. However, I was suddenly brought down to earth when she started to compare big business, small business and the industrial relations laws.

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The reason I was brought down to earth is because what she said is right: small business will be disadvantaged because of the industrial relations laws. However, let us not forget that those laws were brought into this House by the Labor Party, supported enthusiastically by the Greens (WA). Therefore, Hon Dee Margetts must take some responsibility for fact that the industrial relations laws will disadvantage small business.

Hon Dee Margetts: But I did not vote for the draconian IR laws that the federal Government brought in.

Hon ALAN CADBY: The member has had her turn. It is my turn now. I had intended to speak for only a little while, but the member might force me to go on for longer. I hope that when it comes to election time, small business will realise the role that the Greens (WA) and the Labor Party played in the industrial relations legislation that went through this place in 2001 and 2002.

In my humble opinion, the Government's questions are okay. My background is in pure mathematics, but I have done a bit of statistics too. My daughter is doing honours in applied statistics at this moment. In my daughter's humble opinion, the questions are okay. That is probably because she is biased -

Hon Kim Chance: Never!

Hon ALAN CADBY: She wants to say yes, yes.

Hon Kim Chance: She is a smart girl!

Hon ALAN CADBY: The questions are simple and to the point. I am confident that before the plebiscite goes out to the community, all of the arguments will be thrashed out. Of course, like all arguments, they will be biased. However, that is fair enough. Therefore, I do not think the community will be in the dark when they answer those two simple questions. I have a feeling that the electorate will be more interested in those two questions than the election propaganda that all of the political parties will be putting out at that time. I believe that is the real reason that the plebiscite is being held at the same time as the election. However, at least people will feel that they have some opportunity to make a difference and that their decision will count. Unfortunately, people do not feel that the decision that they make when they vote for a Government counts at all.

The reason I am speaking tonight is because of what Hon Peter Foss has said. What Hon Peter Foss said made a lot of sense. Unfortunately, commonsense has no place in legislation, so I do not suppose that what he said will go very far. I am sorry that Hon Peter Foss is out of the Chamber on urgent parliamentary business.

Hon Nick Griffiths: I am sure he will read your speech tomorrow.

Hon ALAN CADBY: I am sure he will. In my discussions with small business over the past three and a half years I have come to the conclusion that small business understands that deregulation is inevitable. The main issue for small business is the timing of the deregulation. That is why I believe there should be two additional questions to those put forward by the Government. As Hon Peter Foss said, those questions are basically: should the deregulation be gradual, or should the deregulation take effect immediately? I do not believe my proposition will be supported by anyone in this House. However, it will at least allow people to consider some of the concerns that have been expressed by both the Greens (WA) and the Liberal Party, because, before people make a decision on those two questions, they will need to consider people other than themselves. It will give them the opportunity to consider the position of small business and whether it will survive if deregulation happens immediately or whether it will need time. I personally think small business will need time to adapt to the change. However, small business has already had three years. This is not new. We have been talking about deregulation for a couple of years. Small business knows it is coming. Therefore, in a couple of years small business should be ready for deregulation.

Most people stand in this place and tell a story about their experience. I will tell members about one of mine that happened this weekend. I had a problem with my lawnmower and I needed new blades, so I thought that while I was getting new blades I would get a new air filter, two new back wheels and a new plug. I like to support local businesses in Joondalup and Wanneroo, so I went through the *Yellow Pages* to find some outlets at which I could buy those three or four things. I wrote down three addresses. This morning I went out to those addresses, and all three businesses had closed down. Small businesses are facing pretty tough times at the moment. I do not know whether those businesses had closed because they could not compete with big businesses such as Bunnings, Woolworths or K-Mart or because of the habit that we all seem to now have of not cutting our own lawns but getting Jim's Mowing to do it for us. I am not sure what the cause of the problem is, but as I drive around I notice quite a few other small retail outlets have closed. If the Government were to change immediately to a deregulated shopping system, the effect would be quite disastrous for small business, which is why I believe that the question the Government should be asking in addition to the two it already plans to ask is: "Should it happen now or should it happen within a short period of time?" Perhaps that time frame could be two years; I am not sure. After all, are not Governments elected to decide when to introduce legislation? We cannot go to the

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Hon Norman Moore; Deputy Chairman; Hon Dee Margetts

community every time we are not sure of what to do. This morning I read the speech given by Hon Norman Moore last Friday. I thought that what he said about the seven other issues that we should have asked the community about -

Hon Norman Moore: It was 17 issues.

Hon ALAN CADBY: Okay, I was 10 out -

Hon Nick Griffiths: Which is unusual for you, given your experience.

Hon ALAN CADBY: Well, seven is an approximate number; it is only one out - the "1" in front! We should be asking the community about far more important issues than deregulated shopping hours. However, the Government is committed to doing so. In the other House, the Liberal Party supported the Government in going to the public with this question. I have a query about the Liberal Party. The Liberal Party is a good friend, and nobody likes to criticise good friends. However, it seems that the Liberal Party has lacked leadership on this issue, and that disappoints me. I do not think it has lacked leadership in this House. The leadership in this House is outstanding. However, the leadership in the other House is somewhat lacking. I am still not sure what the position of the Liberal Party is, and I do not think it knows yet. I know the position of the Greens (WA). The Greens are quite firm, and for the reasons they said, I agree with them, but I want to remind them again that industrial relations is a problem it brought about with the assistance of the Government, and there is no getting away from that.

Hon Dee Margetts: Does the issue of parents not being able to spend time with their kids have any interest to you, with your political ambitions?

Hon ALAN CADBY: Absolutely, and deregulation will possibly destroy sport. It will force students to work hours that they should be -

Hon Dee Margetts: Have you somehow equated the impact of industrial relations with the impact on families perhaps -

Hon ALAN CADBY: I have said no and no, but that is why.

Hon Dee Margetts: Do you understand that deregulated industrial relations also -

Hon ALAN CADBY: If the member gives me some credit -

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order, members! Hon Alan Cadby is addressing the Chair.

Hon ALAN CADBY: I was trying to, Mr Deputy President, but you interjected on me. I apologise, Mr Deputy President. I have thought about the issues, which is why I will vote no and no. However, I still think those two extra questions are worth considering, and at that point I will resume my seat.

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [7.50 pm]: The position of the Labor Party on this issue is united. We propose to implement the will of the people. I hope that if members opposite find themselves sitting on this side of the House, they will also implement, and not stand in the way of, the will of the people.

Hon Norman Moore: We have already said that.

Hon NICK GRIFFITHS: I am very pleased that the Opposition will do its utmost to ensure that occurs. I suspect, though, that the people will not give the Opposition that opportunity. I thank all members who have spoken.

Hon Norman Moore: Why don't you make it a binding referendum, if you are so keen on the outcome?

Hon NICK GRIFFITHS: I am very keen on the outcome, but we have a particular issue before us and we are dealing with it now.

I thank all members who have spoken, including those who have interjected from time to time. Hon Norman Moore raised a number of issues and I will endeavour to deal with most of those issues, although I probably will not deal with all of them. I say, with great respect to him, that he first exercised a degree of cynicism when he suggested that other questions could be included in the referendum. This is a referendum about retail trading hours. The Referendums Act requires that the question submitted to electors be prescribed in the Act by which the referendum is authorised. The issue is retail trading hours. Therefore, the proposed referendum, or plebiscite, deals with retail trading hours - or, as I prefer to put it, and I suggest accurately so, extended shopping hours - in a part of the State that does not have the advantages that are offered to other parts of the State. The Leader of the Opposition expressed an interest to know why the question about Sunday trading was included in the Bill when the Government proposes extended shopping hours on weeknights in the metropolitan area. The

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Government decided to go down the path of including the Sunday question because it recognised that there was an ongoing unresolved debate in the community about shopping hours in the metropolitan area, and Sunday trading is very much part of that debate. Therefore, the Government made a decision to put before the Parliament, and hopefully the people, a question dealing with Sunday shopping hours.

I acknowledge the point made by the Leader of the Opposition and other speakers about small businesses in shopping centres, particularly large shopping centres that have very large anchor tenants who may be under pressure to open at hours during which the small business does not wish to open. That is a matter that we sought to fix in the Bill that was defeated by the House. We are determined to fix that matter after the next election by the passage of appropriate legislation through the Parliament. Notwithstanding that, I note the concerns raised by Hon Norman Moore and Hon Dee Margetts about the way in which some people behave. I acknowledge those concerns, but we propose to legislate, and if that legislation comes to pass, people who behave in such a way will no doubt be prosecuted. The Government is not proposing that businesses shall be open for specific hours but that they will be able to be open for specific hours if they wish.

Hon Norman Moore: You shouldn't have said that; you just demonstrated your lack of understanding.

Hon NICK GRIFFITHS: I just dealt with the concerns Hon Norman Moore raised, and I note his point of view. I think the member has a very bleak view. I will address my comments to the Chair.

Hon Norman Moore: Rent yourself a shop in a shopping centre and see what treatment you get. Regrettably, it is a fact of life that no matter how many laws we pass, landlords will get around them.

Hon NICK GRIFFITHS: I will address my comments to the Deputy President. The member is taking a very dim view of our society when he suggests that people will flagrantly break laws. Should the law that I am proposing be passed - I trust it will be passed - it will be strictly enforced.

The Leader of the Opposition made reference to a proposition that the Government is supporting the yes case. The Minister for Consumer and Employment Protection is supporting a yes vote. That is his personal position. Members of Parliament who support a yes, yes vote will have the opportunity to confer using the procedures under the Referendums Act, just as will those who have a contrary point of view. They will be able to engage in a process that will enable the particular cases to be put. The Minister for Employment and Consumer Protection is offering leadership in promoting the yes, yes position. I suspect that many other members of Parliament will have a similar view, and that many of them are in the ranks of members opposite. I think I understood Hon Peter Foss to say that he was advancing down the yes, yes path.

Hon Norman Moore: Will the minister use the resources of government to argue the case?

Hon NICK GRIFFITHS: I understand that the process, in rather crude terms, is for those who want to go down a particular path to confer and present their arguments to the Electoral Commission. It is in that sense that government resources will be used, but not in the sense to which I think the honourable member was alluding.

Hon Norman Moore: Will they be available to the no case also?

Hon NICK GRIFFITHS: Government resources will be used through the Electoral Commission process to advance a yes, yes; a no, yes; a yes, no; or a no, no position, as the case may be. They will be the same resources. It is not a matter of government resources being used to push a particular line.

Hon Norman Moore interjected.

Hon NICK GRIFFITHS: The honourable member should acquaint himself with the referendum process.

Hon Norman Moore: The Hansard reporter could not record my laughter in the Chamber, but that is what happened. You know full well that the resources of government are considerable and people can do all the writing of all the propaganda government wants at government expense. Those promoting the no case will do it at their own expense in their own time.

Hon NICK GRIFFITHS: I very much regret that many cynical comments have been made during this debate. I do not share the honourable Leader of the Opposition's cynicism.

Hon Norman Moore: Will you give me an absolute assurance that I have no reason to be cynical and tell me that the resources of government are not available to either side?

Hon NICK GRIFFITHS: I do not believe for one minute that the Leader of the Opposition has any reason to be cynical.

Hon Norman Moore: I have every reason to be cynical and so has everybody else in the Chamber.

Hon NICK GRIFFITHS: I regret that the honourable Leader of the Opposition has that point of view. I look forward to his being dissuaded by events.

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The honourable Leader of the Opposition - and some other members who have spoken about this Bill - kept referring to this process being about deregulation. It is not about deregulation at all; rather, it is about extending shopping hours. It is not about cutting out regulations or laws that currently exist; rather, it is about providing the people of Western Australia with the opportunity to tell those who will comprise the Legislature after the election what they think shopping hours in the metropolitan area should be. This process is about the people of Western Australia providing a point of view which, I trust, will allow the people in the Perth metropolitan area to avail themselves of the same advantages enjoyed by those in other parts of the State. It is interesting that certain parts of the State are disadvantaged. I look forward to the people of Western Australia expressing a view and, in due course if the answer is yes-yes, to the new Legislature acting on that view to ensure that the discrimination against people in the Perth metropolitan area ceases.

The Leader of the Opposition asked: why a referendum and, if we are to have a referendum, why have a referendum about shopping hours? I note that Hon Peter Foss expressed a different view about the legal advice that the Government received that questions the legality of the current law. The Government's position is this: when the Government receives advice to the effect that the current legislative regime is of questionable legality, the legality of that regime should be fixed. We all know what happened in this House when the Bill dealing with retail trading hours and matters to do with unconscionable conduct and the like was defeated by the Legislative Council. The plebiscite process was considered carefully by the Government and is being advanced as a mechanism to break the deadlock.

Hon Norman Moore: Why did you not do the same with one vote, one value? It is the same scenario.

Hon NICK GRIFFITHS: That is an interesting question, but I am dealing with the important issue of a mechanism to extend shopping hours. The Leader of the Opposition canvassed the important part of the Bill that deals with the wording of the questions, as did Hon Dee Margetts. He put forward his thoughts last Friday and dealt with the issue today. I note that there are now on the supplementary notice paper a number of propositions that foreshadow the committee debate. In accordance with the custom of the House, those matters will no doubt be dealt with during the Committee of the Whole.

The Leader of the Opposition raised the issue of the cost of the referendum. The advice provided to me is that the cost is envisaged to be \$600 000. I do not have a breakdown of that figure. Concern was raised about what the Electoral Commissioner would do to publicise the for and against arguments for the questions that will be posed in the referendum. First, I am advised that it is proposed to place an advertisement in *The West Australian*. That was mentioned in the course of discussions this evening. Secondly, I am advised that it is the intention of the Electoral Commissioner to publish the arguments for and against changing the retail trading hours in the state election guide. I understand that the guide is distributed to households throughout the State about two weeks before the election and contains a reasonable amount of information. In addition, I am advised that the Electoral Commissioner advises that the commissioner's advertising campaign for the state election will involve advertising in the media, including print, radio and television. That advertising will be adjusted to advise people about the referendum and the election.

Hon Dee Margetts made a number of observations. She referred to the issue of deregulation. I have given the Government's point of view on that matter. She made reference also to working hours and families. In that regard, as Hon Peter Foss correctly pointed out, I note that the subject of the referendum does not operate above the twenty-sixth parallel. People who work for Dewsons, Foodland and the like and people who work for shops in Perth, Mandurah and Fremantle have families and those issues do not seem to be a concern for them. The honourable member made reference to industrial relations issues, as did a number of members. In the context of industrial relations issues and the honourable member's point as I understood it regarding the operations of the big retailers Coles and Woolworths on the one hand and other retailers on the other, I am advised that Coles and Woolworths operate under enterprise bargaining agreements. I understand that, for the most part, the shops that form the independent grocers group, including Dewsons, Foodlands and the like, operate under EBAs also. However, there is a difference. The honourable member may be interested to know that my advice is that people employed under an EBA in Coles or Woolworths are better paid than are people employed by the smaller retailers. It is an interesting proposition.

Hon Dee Margetts: Who made that comment?

Hon NICK GRIFFITHS: That is the advice with which I have been provided. If that advice is correct - I have no reason to think it is not - and the honourable member's concerns about the interests of employees and her view of the world comes to pass - I do not think it will - the people she is concerned about will not be worse off, if the recent experience continues.

Hon Frank Hough provided a very worthwhile contribution, and I thank him for his observations and what I understood to be his support of the Bill. I note that he was prepared to support the second reading. He may have

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a different view about the wording of some clauses in committee, but that is fine; that is what occurs in the process of debate.

Hon Jim Scott made a number of observations. I agree with Hon Peter Foss from time to time, as the House may have noticed, and I agreed with Hon Peter Foss in many respects in this debate when he disagreed with Hon Jim Scott, who seemed to suggest that the Government was in some way overriding the community's view. I find that to be a very interesting proposition given that the Government is seeking the community's view on this important issue. Hon Jim Scott was very concerned about moving to make changes without seeing how the changes would impact on society. I understand that Hon Jim Scott has an acquaintance with Fremantle. I understand from what I have read that he seeks to have a stronger relationship with Fremantle than his current relationship. I wonder what his views are about shopping in Fremantle. Is he so concerned about families in Fremantle that he wants businesses in Fremantle to shut on Sunday?

I regret that Hon Peter Foss is away on parliamentary business because I would have liked him to hear me say that I enjoyed his speech very much. He pointed out some home truths; that is, the eastern States' experience is that small businesses still operate there. The member pointed out, although I did not like the context in which he made his point, that family life still exists in the eastern States. I hasten to add that family life still exists in the city of Fremantle, in the city of Perth and in areas outside the metropolitan area of Perth, including areas north of the twenty-sixth parallel.

Hon Norman Moore: I suspect you should go and have a look some time rather than sitting here in splendid isolation in the city ignoring what's going on -

Hon NICK GRIFFITHS: I very much appreciate the opportunities I have had to visit areas of the State north of the twenty-sixth parallel, and I intend to take up whatever future opportunities arise in that regard.

I will summarise what Hon Peter Foss said: I found his to be a real Liberal speech. On economic matters, the member spoke like a member of the Liberal Party, in a way that the Western Australian community and Australian community generally understand to be the view of the Liberal Party. It was the Liberal speech in this debate.

Hon Barry House: Don't try to speak for the Liberal Party. You'll make a fool of yourself.

Hon Kim Chance: Come on; he was being complimentary.

Hon NICK GRIFFITHS: I was, and I was being accurate. Unlike Hon Barry House, who interjected, Hon Peter Foss is a true Liberal.

Hon Barry House: That's a snide and nasty remark.

Hon NICK GRIFFITHS: It is not snide and nasty. The member is just a conservative.

Hon Peter Foss asked why the entire State would be involved in the voting process. That situation results from a provision of the Referendums Act to the effect that voting is to be undertaken throughout the State. The State cannot be divided into bits and pieces; under the law, voting must occur throughout the State.

Hon Peter Foss raised the issue of the advertising campaign; I have dealt with that matter. The member also expressed his point of view about gradualism, which I note that Hon Alan Cadby also took up.

Hon Norman Moore: That's not what you're offering in this referendum, minister - not at all.

Hon NICK GRIFFITHS: When this measure goes before the people of Western Australia, the Leader of the Opposition has indicated that the Opposition will abide by its terms. He nods, and I trust the position is the same for the Leader of the Opposition in the other place. As Hon Alan Cadby has properly pointed out, Hon Norman Moore has provided leadership for the Opposition in this House. I will not refer to what goes on in the other House - I do not think that is appropriate - but I note the words of Hon Alan Cadby.

A question will be voted on at the time of the next general election if this Bill passes the Parliament. The Government following that election, subject to there being no underhand behaviour on the part of the Leader of the Opposition in the other place in the unlikely event that he should win government, will carry out the will of the people in a measured way, so as to ensure that the welfare of the people of Western Australia, including small business, is looked after. In those circumstances, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Simon O'Brien) in the Chair; Hon Nick Griffiths (Minister for Housing and Works) in charge of the Bill.

Hon Jim Scott; Deputy President; Hon Peter Foss; Hon Robin Chapple; Hon Alan Cadby; Hon Nick Griffiths;
Hon Norman Moore; Deputy Chairman; Hon Dee Margetts

Clause 1: Short title -

Hon NORMAN MOORE: I have a very quick question for the minister. He ignored my interjection at the end of his second reading response. I want him to tell me whether the measured approach the Government has in mind for the implementation of extended trading hours, in the event that the referendum succeeds and the Government is re-elected, means a gradual approach as argued by Hon Peter Foss or something different.

Hon NICK GRIFFITHS: Firstly, if the decision is no and no, that is the end of the matter. Secondly, if there is a yes vote, the Government will not be bringing in a Bill the day after the election. The legislation will be drafted, and there will be debate in both Houses of Parliament. I envisage that there will be further debate and community education, and there would be a reasonable time before the change occurred. I cannot give a definition of reasonable; however, the action will be appropriate and, as I said in the second reading debate, measured.

Hon DEE MARGETTS: As I have mentioned, the Greens (WA) see the referendum and the way it is worded as an opinion poll, a push poll or a plebiscite. Therefore, there is an issue with that. However, I remind members that it is not an amendment about trading hours for supermarkets only. A lot of the debate has been about supermarkets. However, it could be a poll that decides the availability in the future of certain pharmacies within the metropolitan area - that is, the ones that we know will always be available from 8.00 am to 8.00 pm, from 8.00 am till late, or whatever, every day of the week - and the real choice we will have of not only a range of speciality shops during normal working hours, but also those businesses that currently survive because of the trade they can pick up during those "convenience" times, including pharmacies. That is what we will be looking at. Therefore, when the details of those issues are provided to the public, it is important that they are put clearly.

My question on the short title is: how will we know what the actual process will be? If Parliament rises at the end of this week, how will people communicate with each other? Logistically, I believe it will be a very interesting process indeed. If members of Parliament are to have some input into this, how will we communicate with the Electoral Commission? How will the Electoral Commission communicate with us? If we are not in Parliament, how will that be coordinated? With the yes case and the no case, it has been suggested to me that it will be a matter of numbers; whoever can amass the greatest numbers will have his viewpoint put as a yes and no case. That seems to be a rather interesting way of putting together this process. The Government might come up with more noes than yeses, and perhaps it will lead the no case as well as the yes case. Who is to say? That is really unclear. How will the process take place?

There is another important issue on the short title. Arguments are to be set up in blocks of 2 000 words - that is, 2 000 for the yes case and 2 000 for the no case - and will be delivered to the community in the election guide, which will be the size of a booklet or an undergraduate thesis. Will that be accessible? If there are pages in newspapers, I assume that nobody will attempt to print 8 000 words. Therefore, I presume that there will be a dot-point summary of the yes and no cases on whichever questions are asked. The question then is: is this the case, and who will decide which dot points are picked? Is that part of the putting together of the yes case and the no case? If there is an agreed dot-point case for the yes case and the no case, is there an understanding that those cases will be provided on either side of an open page at the front of the booklet so that a person who does not want to read the entire 8 000-word thesis can pick up the main dot points and then, if he decides he wants to go into more detail, read further? However, quite frankly, if we do not want people to read it, I guess it could all be put in close type, in blocks of 2 000 words. There is a range of questions. Yes, there is the Referendums Act, but that does not set out the absolute logistics of a summarised argument and how we will communicate with each other if we are not in Parliament.

Hon NICK GRIFFITHS: As the honourable member so accurately pointed out, there is the Referendums Act. The procedure for what members of Parliament are to do is set out in section 9 of the Referendums Act, headed "Arguments in relation to referendum question". The other question the honourable member asked was about the logistics of contacting other members of Parliament of like mind. It is fair to say that if, as we anticipate, the Parliament rises at the end of this week, it will be several weeks before the writ is issued. I cannot imagine that the electoral writs will be issued before the end of this year, so there will be several weeks in which members of Parliament of like mind will be able to confer. I accept that some members do not see other members face-to-face all that much following the adjournment of Parliament, but we all have access to a variety of means of communication, with which all members are familiar. I do not envisage any difficulty whatsoever in members of like mind communicating with each other.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 43 inserted -

Hon Jim Scott; Deputy President; Hon Peter Foss; Hon Robin Chapple; Hon Alan Cadby; Hon Nick Griffiths;
Hon Norman Moore; Deputy Chairman; Hon Dee Margetts

The DEPUTY CHAIRMAN (Hon Simon O'Brien): The supplementary notice paper contains several proposed amendments. I note that amendments Nos 1/4 and 2/4 are contingent upon the passage of other amendments to this clause. Therefore, I propose to put them to one side for a moment. We will deal with the next amendment.

Hon DEE MARGETTS: I move -

Page 3, lines 5 to 8 - To delete the lines and insert instead -

Do you believe that the Western Australian community would benefit if trading hours in the Perth Metropolitan Area were extended to allow general retail shops to trade until 9 pm Monday to Friday?

This is the first of two amendments in my name that follow a similar pattern. I have argued that the specific reason the Greens (WA) favour this amendment over our other proposed alternatives to the Government's words is that it is the only question that reflects the question that the National Competition Council said is vital; that is, it indicates that these decisions should be in the public interest or of public benefit. Therefore, it is entirely logical, consistent and important that the question asked reflects the process that has occurred until now. In effect, this decision is being pushed by the national competition policy process and the National Competition Council. It is extremely important that the community is finally given the chance to confirm where it thinks the public interest and public benefit lies. As I say, there already has been a public interest test under national competition policy, which had an enormous response from a wide range of sectors. It was found that the proposed changes, even under that narrow definition, which was very circular and included the impact on competition - the very things that we initially thought might go into a preamble - were found to be not in the public interest. Therefore, I urge support for this amendment. Last week the Government indicated that it would look at our question 6, and I would be very happy if the Government continued to support this wording.

Hon NORMAN MOORE: There are two aspects to this amendment, one of which is to delete the Government's question 1 and replace it with the Greens' question 1. As I indicated during my contribution to the second reading debate, the Opposition thinks that both questions should be asked. We will vote against the proposal to delete the Government's question but, as members will see from the next amendment on the supplementary notice paper, we will move that the Greens' question be question 2 in the referendum. I trust that all the arguments that the Greens have used for that question to be asked will come to bear when we decide on the next question.

Amendment put and passed.

Hon DEE MARGETTS: The first amendment dealt with weekday trading. In a similar fashion, the second amendment deals with the question of trading for six hours on Sundays. I move -

Page 3, lines 14 to 17 - To delete the lines and insert instead -

Do you believe that the Western Australian community would benefit if trading hours in the Perth Metropolitan Area were extended to allow general retail shops to trade for 6 hours on Sunday?

Hon NORMAN MOORE: I wonder if I can be presumptuous enough to ask the minister to advise the committee of the Government's position on this question, as he voted against its question on the previous amendment without any explanation at all. I wonder whether the committee can have the benefit of the minister's explanation of what the Government will do on this amendment.

Hon NICK GRIFFITHS: The Government had a choice. It preferred to go with what the Greens proposed rather than what the Opposition proposed.

Hon Norman Moore: What about your own?

The DEPUTY CHAIRMAN: Order!

Amendment put and passed.

The DEPUTY CHAIRMAN: The next amendment would fall away. I also believe that the remaining amendments would fall away, including amendments 1 and 2 on the previous page.

Hon NORMAN MOORE: Yes, absolutely.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

Hon Jim Scott; Deputy President; Hon Peter Foss; Hon Robin Chapple; Hon Alan Cadby; Hon Nick Griffiths;
Hon Norman Moore; Deputy Chairman; Hon Dee Margetts

Leave granted to proceed forthwith through remaining stages.

Report

Report of committee adopted.

Third Reading

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [8.36 pm]: I move -

That the Bill be now read a third time.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [8.37 pm]: What an extraordinary state of affairs! The Government could have had its own questions, plus the Greens' questions, yet chose to have just the Greens' questions - in fact, the Government voted against its own questions, which I find very peculiar indeed. We always said that the Greens' questions were preferable in the context of this issue, but because the Government had its own reasons for its own questions, we were prepared to go along with both. The outcome is strange, to say the least. Of course, we are very pleased with the outcome, because the questions will now give people a chance to think about the issues to a greater extent than they would have had we simply passed the Government's questions alone. It is disappointing that these surprises turn up along the way and the Government does not feel the need to explain to the House and to the people of Western Australia why it has jettisoned its own questions, having argued for them all day, having argued for them in the media, having told everybody that the Greens' questions were stupid and having argued that it would insist on its own questions. It is incumbent upon ministers in future to at least give some explanation to the House why the Government has changed its mind on an issue that it was so passionate about to start with. That is very strange indeed. Anyway, the outcome is fine, but I wonder what the Legislative Assembly will do with this Bill. If it is sent back again, it will be an extraordinary state of affairs. One can only assume, from the decision tonight, that the Government in the Assembly will support the amendments made by the Legislative Council. If I am wrong, the minister might tell me.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Before we proceed, I explain to the House that, under the terms of the amended sessional order, I will interrupt debate at 9.20 pm in order to allow for members' statements.