

RETAIL TRADING HOURS AMENDMENT BILL 2003

Second Reading

MR R.F. JOHNSON (Hillarys) [4.01 pm]: On behalf of the member for Mitchell, I move -

That the Bill be now read a second time.

This Bill was put together by the member for Mitchell, and I will read his second reading speech on his behalf.

The original objective of the Retail Trading Hours Act 1987 was “to provide for the establishment of a stable and viable retailing environment”. These are not my words. They were the words of the then member for Maylands and Minister for Labour, Productivity and Employment, Peter Dowding, MLA, when he second read the Retail Trading Hours Bill in the Parliament on Tuesday, 26 May 1987.

At present, section 12 of the Retail Trading Hours Act 1987, rather than providing for a stable and viable retailing environment, is actually doing the reverse and creating uncertainty and anxiety amongst small business operators. This is because section 12 allows for any proposed changes to this State’s retail trading hours to bypass proper scrutiny and debate in the Western Australian Parliament. The Act does this by providing for any changes to trading hours to be made by ministerial order published in the *Government Gazette*. As members will be aware, it is not until an Act is actually working that unintended consequences can materialise or, alternatively, previously unforeseen circumstances may also mean that an Act requires amendment.

The Opposition is of the view that when the Retail Trading Hours Act 1987 was drafted more than 15 years ago, the Government of the day did not foresee the development of national competition policy payments or that section 12 of the legislation could possibly be used to bypass the parliamentary process and bring about the indiscriminate and wholesale extension of retail trading hours. Indeed, until this point, the use of section 12 to bring about changes to retail trading hours appears to have been largely confined to periods such as Christmas when, for example, exemption orders are made to allow for extended trading on the evenings leading up to Christmas Day.

The Opposition has introduced the Retail Trading Hours Amendment Bill 2003 to close the loophole created by section 12. The amendment will mean that an order made under section 12 of the Retail Trading Hours Act 1987 will effectively be treated, for the purposes of the Retail Trading Hours Act 1987 only, as a regulation and thus be subject to the disallowance provisions contained in section 42 of the Interpretation Act 1984.

The objective of the Retail Trading Hours Amendment Bill 2003 is to strengthen the Retail Trading Hours Act 1987 by allowing for proper scrutiny and debate of any proposed changes to retail trading hours. If the article on page 4 of today’s *The West Australian* is correct and current Sunday trading laws are unlawful, the Government has a clear responsibility to bring legislation to Parliament right now to tidy up the current abnormality before introducing the possibility of further deregulation.

With the introduction of this Bill, Parliament will have the opportunity “to provide for the establishment of a stable and viable retailing environment”. I commend the Bill to the House.

Debate adjourned, on motion by Mr J.C. Kobelke (Leader of the House).