

# Legislative Assembly

Thursday, 29 March 2012

**THE SPEAKER (Mr G.A. Woodhams)** took the chair at 9.00 am, and read prayers.

## **BELMONT WATERSKI AREA**

### *Petition*

**MS L.L. BAKER (Maylands)** [9.01 am]: I have a petition signed by 103 people that has been certified as complying with the orders of the house. It reads —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, are opposed to the Barnett Government's proposal to retain and extend the Belmont Ski Area. This section of river is simply too narrow to safely accommodate water ski boats and other more passive types of recreational boats. The ski area currently being proposed will disturb the special bird breeding area at Berringa Reserve, reduce the Maylands Yacht Club's sailing area by up to 200 metres and create noise pollution for local residents.

Now we ask the Legislative Assembly to ensure that the Barnett Government closes the Belmont Ski Area.

[See petition 568.]

## **PROSTITUTION BILL 2011**

### *Petition*

**MR P. ABETZ (Southern River)** [9.02 am]: I have a petition that has been certified as conforming with the standing orders and is in relation to the legalisation of prostitution. It is addressed as follows —

To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

**We, the undersigned, say** we are concerned that legalising brothels will increase exploitation and abuse of women and children in our community.

We believe that to make brothels legal anywhere in WA will send the wrong message to society. It would also lead to a major growth in this harmful industry—with legal and illegal brothels flourishing—as seen everywhere else in the world that has taken this approach.

**Now we ask the Legislative Assembly** to either heavily amend the WA Prostitution Bill 2011 such that brothels are not legalised anywhere in Western Australia; or to reject the WA Prostitution Bill 2011 completely.

The petition has 1 005 signatures.

[See petition 569.]

## **CONTAINER DEPOSIT AND RECOVERY SCHEME BILL 2011**

### *Petition*

**MR D.A. TEMPLEMAN (Mandurah)** [9.03 am]: I have a petition that reads —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, say the WA Parliament should pass laws to give Western Australia a Container Deposit Scheme to increase the number of beverage containers recycled in Western Australia and assist in improving the ongoing litter problem we have in our state.

Now we ask the Legislative Assembly to take full and comprehensive action to ensure the passing of the Container Deposit and Recovery Scheme Bill 2011.

I confirm that the petition conforms with the standing orders and has 77 signatories.

[See petition 570.]

**PAPERS TABLED**

Papers were tabled and ordered to lie upon the table of the house.

**METROPOLITAN RAIL NETWORK — PUBLIC SAFETY**

*Statement by Minister for Transport*

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [9.04 am]: Today I wish to inform the house of a new campaign to improve public awareness and safety on the Transperth rail network. People who trespass by either failing to use pedestrian crossings or ignoring the signals are a growing concern for the rail industry. In 2011 the Public Transport Authority recorded 108 level crossing incidents on the urban rail system. This included 63 incidents at pedestrian gates of which 19 were classified as a near miss, which indicates the driver has applied the emergency break and sounded the horn. When we consider that trains can travel up to 130 kilometres an hour, these people risk serious injury or death when they cross the tracks illegally. At this speed a train needs 600 metres to come to a complete stop.

The PTA's "Trains move faster than you" campaign is aimed specifically at improving safety at pedestrian crossings and minimising the trauma for rail staff who witness a serious accident or near miss on the tracks. People might not consider the impact of these horrific incidents on witnesses such as train drivers, transit officers and emergency services staff. Even a near miss can traumatise a train driver and other witnesses. The centrepiece of the campaign is a confronting advertisement that shows that death is the possible ultimate consequence for those who choose to take an unnecessary risk when crossing train tracks. Targeted at young people, this advertisement started screening in cinemas this week. The campaign also includes a Facebook page and educational resources for high schools. The PTA also released footage of several near misses at various metropolitan stations in 2011 as well as interviews with people about the impact of near-miss incidents. The "Trains move faster than you" campaign coincides with the establishment of a national rail safety foundation known as trackSAFE, which was also launched in Sydney this week. I encourage all members to have a look at the "Stay off the Tracks" Facebook page and spread the word about this campaign, particularly to young people in their electorates.

**COMMUNITY SPORT AND RECREATION FACILITIES FUND — MAJOR GRANTS**

*Statement by Minister for Sport and Recreation*

**MR T.K. WALDRON (Wagin — Minister for Sport and Recreation)** [9.07 am]: On 7 March I announced the outcome of the 2012–13 major grants round for the community sport and recreation facilities fund. I would like to acknowledge the interest shown by members on both sides of the house in the outcome of the current CSRFF round. To me, the interest shown and support demonstrated for local projects by members underlines the value of this important program to our community. The decision by the Liberal–National government following the last state election to increase the CSRFF from \$9 million to \$20 million per round was met with great broad support and has enabled this government to support a larger number of worthy projects. What this most recent CSRFF round has shown us is that the demand for state government support of community facilities is higher than ever.

The CSRFF committee considered 66 applications requesting in excess of \$31 million in the current round. In all, I have approved funding for the amount of \$15 088 000 for 46 projects. Members may be interested to know that 41.3 per cent or \$6 238 984 of the funding was allocated to the metropolitan area and 58.7 per cent or \$8 849 016 went to regional WA. In fact, 18 out of 19 metropolitan applications in the current round were successful in receiving either full or partial funding. Some grants of significance that will interest members include \$2.5 million to the City of Mandurah for the redevelopment of the Mandurah Aquatic and Recreation Centre; \$1 047 000 to the City of Swan for the construction of a community building at Ellenbrook District Open Space; \$350 000 to the Shire of Wyndham–East Kimberley for the installation of floodlights on the Kununurra Agricultural Society Oval; \$875 000 to the Shire of Plantagenet for the development of Souness Park, including change rooms, upgrade of the football oval and floodlighting; \$62 155 to the City of Cockburn for the installation of recycled timber flooring in the Wally Hagan Stadium; \$858 568 to the City of Stirling for the refurbishment and extension of the Carine Open Space pavilion; \$700 000 to the City of Rockingham for the construction of the Secret Harbour Surf Life Saving Club building; and \$405 908 to the Shire of Yalgoo for the installation of a covered Rage Cage, BMX track and skate park, and resurfacing of a tennis court. I want to make special mention of a project in the City of Melville. An amount of \$1 million has been approved for the installation of a multi-use synthetic surface at Len Shearer Reserve. I will be watching this project with much interest as I believe synthetic surfaces can play a significant role in the future provision of playing fields, particularly in areas where water availability is an issue.

I would like to finish by acknowledging the work of the staff at the Department of Sport and Recreation across the state who work so closely with their local communities to get these projects up. I also extend my appreciation to the local government authorities across the state, which also work hard to assist their communities in the provision of sport and recreation infrastructure.

**YANGEBUP PRIMARY SCHOOL — AIR CONDITIONING***Grievance*

**MR F.M. LOGAN (Cockburn)** [9.10 am]: My grievance is to the Minister for Education and concerns Yangebup Primary School, which is in my electorate. Yangebup Primary School was built in the 1970s and progressively expanded through the 1980s. It has a consistent population—it has always had a relatively consistent population—that has gradually grown, as has the school, over the past 20 years. Its students primarily come from low-income households and it has a significantly high Indigenous population. Some students with minor handicaps attend the school because it has facilities to assist them. As a result of the Building the Education Revolution program, the school received a fantastic new hall. As the minister knows through my communication with her, there were a few problems with the landscaping around the hall. Just on that, what I indicated would happen in the first instance—which was why I suggested a wall should be built—did happen. The earth bank at the back of the hall collapsed and went down the side of the bank, knocking down the fence below. I suggested to the minister and the Department of Education that a reinforcing wall should be installed to hold the bank in place. However, the minister and the department refused my request. What has happened is exactly what I predicted would happen.

**Dr E. Constable:** How good local members are!

**Mr F.M. LOGAN:** Exactly. It is just as well some local members are engineers, because they let me know exactly what would happen.

**Dr E. Constable:** Has that been rectified?

**Mr F.M. LOGAN:** Yes. It has been rectified.

Out of the BER program, Yangebup Primary School got a school hall, which is a fantastic asset.

The school is listed for stage 2 in the rollout of the air conditioning program that the minister announced last year. The primary issue for the school is that it does not know where it sits on that stage 2 list. Assuming that it is in the middle or at the bottom of the list, the school community is very concerned that its students will not have air conditioning until the summer of 2014, which is three summers away. What grates the school community is the fact that it has been responsible for the installation of air conditioners in 60 per cent of classrooms at Yangebup Primary School. Despite being in the area that it is, the Yangebup school community is a very active and involved school community that over the years has fundraised and sought donations from organisations in and around Cockburn to successfully have air conditioning installed in 60 per cent of the school's classrooms onsite. It should be congratulated for that. Through the program announced by the minister, the Yangebup school community is seeking the completion of the air conditioning program in its school. What really irritates and grates the Yangebup school community is the fact that South Lake Primary School, which is only three kilometres away from Yangebup Primary School, was put on the list for stage 1 of the program. The installation of air conditioners in that school is nearing completion. The Yangebup school community does not understand why a school that is really only three kilometres away on the other side of North Lake Road and has a similar demographic and a similar population and mix of students has been classified for stage 1 in the air conditioning program while the Yangebup school has been classified for stage 2. It does not understand—quite rightly—why it was listed as a stage 2 school. The criteria for selection was not explained to the school community, including the principals of both schools. It seems that an arbitrary decision was made, because the school on one side of the road has received air conditioning in stage 1 while the school on the other side—whose school community has put in effort to get some air conditioning installed—has been selected for stage 2. They are obviously irritated and upset because they do not think that it has been done fairly. That is one issue. If the criterion for defining which schools are put into stages 1 and 2 has been relatively arbitrary—it has been as arbitrary as a simple line on the map which represents the freeway—I will be greatly concerned. If we look politically down that line on the map, all the schools in Labor electorates are on the coastal side of the freeway, and all the schools in Liberal electorates happen to be on the other side.

**Dr E. Constable:** Not always.

**Mr F.M. LOGAN:** Most of them are on the eastern side of the freeway. I am sure the minister would not do a white-boarding exercise of selecting which schools are in Liberal Party—

**Dr E. Constable:** If you go north of the river it is the opposite.

**Mr F.M. LOGAN:** I cannot speak about that. I am just saying what is going on in my electorate. I am positive that the minister would not do that type of white-boarding exercise. Those are the issues that I bring to the minister's attention.

**DR E. CONSTABLE (Churchlands — Minister for Education)** [9.17 am]: I thank the member for Cockburn for raising this issue. It is obviously very important to his constituents, especially those with children at Yangebup Primary School.

Mr Speaker, you will recall the announcement of a \$52 million program over four years to air-cool all the schools around the state that had not been air-cooled or air-conditioned, including those around the Geraldton area, which is 489 schools over four years. I understand that this program will be completed well and truly inside the four years. It is going really well at the moment.

The decision was made to do this in two stages. Obviously, for a lot of reasons, the program could not be done in one go. The first reason was that it could not be done financially in one go. The second reason was that it would have been impossible to find people to install air conditioners in the 489 schools or to get all the units required to do it all very quickly; therefore, it was decided to do it in two stages. The member is right in saying that basically a line was drawn at the freeway, although there are schools west of the freeway that are close to other schools that were included in stage 1. The idea was that because it is hotter east of the freeway during summer, we would start with schools in that area and move towards schools nearer the coast. That was the principle we set. The freeway is an obvious arbitrary line.

**Mr F.M. Logan:** It is not really like that. It gets hot all around there in summer.

**Dr E. CONSTABLE:** To be systematic, the notion was that we would start on the eastern side of the freeway and move across towards coast over four years. I think that was a fair decision. As a result of that decision, all schools will be air-conditioned and we changed the construction brief for new schools so that air cooling will be included in the brief for new schools, which is particularly important and sensible, rather than putting it in later on when it would be more expensive to attack the classrooms after they had been built. Geography determined the manner in which this is being rolled out. The scale of the undertaking has meant that it has to be staged, which goes without saying in a way. With that arbitrary line that was drawn—I do not know why—in the first instance, South Lake was put in stage 1, but as audits were done and that list was refined, it was put in stage 2. As the member for Cockburn knows, and as I know, that is a moot point because that school had already been progressively air-cooled or air-conditioned—I think it is air-cooled, but I have not confirmed that, but the work has been done. That was completed in 2007, as the school community and others had been working on that for a number of years, and I commend them for that, as I commend the Yangebup school community for the work it has done in air-cooling the school.

**Mr F.M. Logan:** Seriously, minister, I do not want to politicise this, but as a local member I sit here and see those decisions being made, and, as you say, the arbitrary decision made by the Department of Education was to air-condition the eastern side rather than the western side of Perth, yet South Lake was chosen.

**Dr E. CONSTABLE:** That was the first run at it, and I think that was probably an error, just looking at it. If the member for Cockburn or I had been doing it and we had checked it, we would have said that was on the western side of the freeway.

**Mr F.M. Logan:** Call me paranoid —

**Dr E. CONSTABLE:** Paranoid!

**Mr F.M. Logan:** — but that happens to be in the member for Jandakot's electorate—just on the other side of the road. I do not know; he may have lobbied.

**Dr E. CONSTABLE:** I do not know either.

**Mr F.M. Logan:** It just seems coincidental.

**Dr E. CONSTABLE:** As the announcement was made, I was given a list; I did not scrutinise that list. I trusted the department to come up with a list for each stage. Over the past 10 months that list has been finetuned. They have been auditing the schools to see what work needs to be done. In that audit, South Lake was nominally put in stage 2. As it turns out that is a moot point, because it is actually fully air-conditioned or air-cooled—one or the other—and that was done progressively up to 2007, so it is some years since that was completed. This means that in the end they were treated, in the finetuning, in exactly the same way, which is where South Lake should have been in the first place. Those schools are only three kilometres apart. I actually looked them up on Google maps and they are very close together. That decision is the correct one, even though having it on the list is only nominal.

**Mr J.M. Francis:** It is just that the outcome is that one is completed and one is not.

**Dr E. CONSTABLE:** It was not completed under this program but by parents through fundraising. In many, many schools across the state, parents and communities have contributed to their air-cooling program. That is what makes a good school community, where people decide on preferences and priorities for their school and work towards that. My hat is taken off to them. Every time I visit a school, I see the work that parents and the communities do in contributing to the schools. That community input is why our school system is so strong. I do not have a date for when Yangebup will be finished, but I will get that for the member and talk with him about it. If the member would like me to visit the school with him and speak to the parents, I will be more than happy to do that so I can see for myself firsthand. Overall our priorities for schools have changed. My impression is that

our summers are getting longer; they are going longer into February–March, as we witnessed this year. We have made a terrific decision to make sure that all our schools are well catered for in this regard, for students, teachers and all the people working in the schools and it can only enhance the teaching and learning environments. It may be that in years to come, if there is continuing change, we will change the school holidays, because February is a very hot month.

**Mr F.M. LOGAN:** Mr Speaker, before you take further grievances, I take this opportunity to table 191 letters to the minister from parents.

**The SPEAKER:** As they are letters and not a petition, they can sit on the table for the remainder of this day's sitting.

[The papers were tabled for the information of members.]

## WANNEROO SCHOOLS — FACILITIES AND STANDARDS

### *Grievance*

**MR P.T. MILES (Wanneroo)** [9.24 am]: My grievance is directed to the Minister for Education, Hon Dr Elizabeth Constable. Firstly, I acknowledge the huge improvement in the facilities and standards of state schools in my electorate of Wanneroo over the past few years; firstly, with the previous amalgamation of Wanneroo Primary School and the Wanneroo Junior Primary School, which resulted in a brand new campus incorporating both schools. Ashdale Secondary College in Darch is another excellent example of the high standard of state-of-the-art secondary school facilities that local students are enjoying.

The minister announced only last week that the new Banksia Grove high school will open in 2015. This will also be a modern school with excellent facilities, which will also have a green four-star rating for the comfort of teachers and students. The government has also taken a giant leap forward with the installation of air cooling in all Wanneroo schools recently. The standard of facilities at most of my local schools has improved tremendously, but there are just a couple of schools that lag behind the modern standards enjoyed by the other schools. It is these two schools on which I base my concerns today.

Firstly, the East Wanneroo Primary School has a current enrolment of about 430 students. The school was built around 30 years ago and is one of the oldest schools in the area. It still has the old-style tuckshop–canteen and there is no purpose-built library or teaching facilities. Open plan classrooms make life quite difficult for the students and teachers, given the noise levels and constant distractions. This is one of the buildings that has the old concertina doors from the 1970s. East Wanneroo Primary School is situated in an area of Wanneroo that is still growing and developing. With some rural areas currently being developed for housing, the school's most pressing need is an upgrade to the expanded library, which is central to our children's learning. The principal of East Wanneroo Primary School, Mr Bill Dawson, has a very dedicated staff and they do a tremendous job under trying circumstances.

The second school I would like to highlight is the Wanneroo Senior High School. Currently the school has 818 students, and the student numbers are predicted to increase over the next few years to around 1 000, and as that part of Wanneroo becomes more urbanised this increase will be even higher after the next couple of years. Let me preface my remarks by saying that this school now has a first-class performing arts building, which was opened by the minister in 2010. It incorporates a music recording studio, dance studio and refurbished larger theatre. Pauline White, the principal, is doing a marvellous job with the students, and I am very impressed with her efforts to improve student behaviour and academic achievement. However, a number of the school's facilities are dated and in need of upgrading. The current gymnasium no longer meets the design brief of the department, is undersized and does not cater for the indoor sports that our kids do such as basketball; the school needs a new sports centre. Again, like East Wanneroo, it has the old-style tuckshop and cannot serve hot food, so the school needs a modern canteen. The toilet blocks are very old and in need of replacement, and some of those in the back part of the school backing onto the oval really need to be demolished and rebuilt. The current toilets, because they are old, are constantly being graffitied and attacked, by not just the students but also people walking through the school. The school does not have a lecture theatre, which again does not meet the Department of Education's design brief. Rooms 22 and 27 received some funding in a previous upgrade, as did the art and craft rooms, but the funding that came through was slightly insufficient. There are concerns about a number of safety issues around design and technology, and equipment needs to be upgraded. The education support classroom needs upgrading and refurbishing, along with the school library, and the English, maths, science, and technology and enterprise staffrooms. Finally, the school oval needs automated reticulation and some work on the bore that services this important sports facility, which is, in part, shared by East Wanneroo Primary School.

I would be pleased if the minister could look into and investigate these very important matters, and would like to invite the minister to accompany me on a visit to both schools in the near future so that she can see firsthand the needs at both these schools.

**DR E. CONSTABLE (Churchlands — Minister for Education)** [9.30 am]: I thank the member for Wanneroo for raising these issues. I know that he is a very keen advocate for the schools in his electorate. I have visited other schools with him and know of his great interest. The growth in the Wanneroo electorate has been huge. As the member has outlined, some new schools have been built and the recently announced Banksia Grove high school is expected to service an area with a population that will eventually grow to 12 000 people. That part of the metropolitan area is moving ahead very quickly.

The member will agree with me that the quality of teaching delivered to the children of this state is most important. However, I think of second-most importance is the need to ensure that there are good facilities for teachers and children to work in. The schools mentioned in the member's grievance, East Wanneroo Primary School and Wanneroo Senior High School, are excellent schools. The attendance rates at both schools are good and East Wanneroo Primary School's National Assessment Program — Literacy and Numeracy results for 2011 were excellent. Wanneroo Senior High School has had a 100 per cent graduation rate for the past three years, and the number of year 12 students has increased each year. They are very good schools.

My first visit to Wanneroo Senior High School was many years ago when it was a fairly new school and I was working at the University of Western Australia supervising student teachers. At that time, it was considered a state-of-the-art school. I have known of the school over many years and of course I visited it recently for the opening of the music and drama centre. There is no doubt that consideration must be given to capital works funding over the next 10 or 15 years for our older high schools and to that extent I am conducting an audit of schools built before 1980. As you know, Mr Speaker, given what is happening in Dongara, our new high schools are second to none and we are doing very well, but there is a bit of catch-up work to be done. The Building the Education Revolution, or BER program, allowed us to catch up in primary schools, but over the next decade or so we have to turn our sights to our older high schools.

Some money has been spent on the music and drama centre at the Wanneroo Senior High School and more recently it has received \$5.28 million of state-funded capital works, including additions to student services and the English block, as well as upgrades to the science, maths, home economics and gymnasium facilities. However, it is an older school and we do not expect older schools to have all the facilities of newer high schools, which is something that has concerned me as I have visited many schools around the state. We need to progressively upgrade older schools and, as is the case with Wanneroo Senior High School, that type of upgrade cannot be done overnight or in one go. Rather, it must be done gradually as part of a program to progressively upgrade older high schools, which is what this government is doing. The member listed areas that need work and I agree wholeheartedly with him, but that work will form a part of the progressive notion that I have set out.

Did the member mention a lecture theatre?

**Mr P.T. Miles:** Yes.

**Dr E. CONSTABLE:** Lecture theatres have been included in the standard brief for secondary schools only in the last 15 years and that is why the school does not have one. Again, that is the sort of thing we need to progressively think about as we look at the facilities in our high schools.

East Wanneroo Primary School is probably one of the few schools in the member's electorate that I have not visited—we have been to quite a few.

**Mr P.T. Miles:** Yes, that is correct.

**Dr E. CONSTABLE:** I will certainly take up the member's invitation to visit the schools. However, given that we are almost at the end of term, it would have to be sometime in the second term, but I would be happy to do that.

**Mr P.T. Miles:** Thank you, minister.

**Dr E. CONSTABLE:** Given the growth in Wanneroo, we also have four or five future primary school sites. This is an area that we must keep our eye on.

The BER building was, I understand, an undercover assembly area with a new canteen. Is that right?

**Mr P.T. Miles:** Yes.

**Dr E. CONSTABLE:** I think that solved a problem in the school that people were concerned about. Over the past three years, East Wanneroo Primary School has had almost \$330 000 spent on repairs and maintenance, including the replacement of gas heaters. Funding has been provided to the school. From the descriptions that I have read, I believe that it is a typical mid-1970s school in its design. The design of many of those schools holds its own today. The building comprises three separate flat-roofed cluster teaching blocks of six classrooms each with concertina doors between the classrooms that allow for the type of modern team-teaching that we so often see in schools today.

The school was involved in determining its priorities for the BER projects and chose an undercover assembly area and canteen area and an art block, but did not apply for a new library. However, I will be interested to see

the state of the library when we visit the school. I am told that it is functional but that it is typical of what was built in the mid-70s. No surprisingly, East Wanneroo Primary School is not listed for a library upgrade, but the school would do well to contact the regional education office to ensure that its library becomes a part of the upgrade program. There is always funding in the budget to systematically upgrade libraries. There is a priority list but the school needs to be on that list if it wishes to upgrade its library.

I am told that the classrooms are a benchmark size and, importantly, they have internal access to the wet area, which is an important part of modern design. That is very useful for activities outside the regular classroom. Although I am sure the school will be listed for ongoing improvements, as so many of our older schools have been, at this point I think it best that we visit the school and then talk some more.

### WATTLE GROVE PRIMARY SCHOOL — CROSSING GUARDS

#### *Grievance*

**MR A.J. WADDELL (Forrestfield)** [9.36 am]: My grievance today is to the Minister for Road Safety and is in relation to Wattle Grove Primary School.

**Mr R.F. Johnson:** It is actually to the Minister for Police, because Police deals with these things.

**Mr A.J. WADDELL:** Thank you for the correction, Minister for Police.

It seems that we have a primary school theme today. My grievance is specifically about Wattle Grove Primary School and access to crossing guards. To provide a little of the history, Wattle Grove Primary School is a new school that opened only last year. In fact, one of the first things I was able to do on the campaign trail in 2008 was join with the current Leader of the Opposition to announce the building of this school on what was a pristine piece of bushland. The history of Wattle Grove Primary School dates back more than 100 years when it was previously sited on Welshpool Road, which is an extraordinarily busy road. As a result of its location, the school had flashing 40-kilometre-an-hour zone signs and a crosswalk attendant. Naturally, the school community had come to believe that it was entitled to these facilities and was quite surprised when, on moving to the new location, it no longer had access to them.

Wattle Grove is a fairly unique suburb in that it is landlocked between Tonkin Highway, Roe Highway and Welshpool Road, and divided by another busy road, Hale Road. The school is inside this little area of probably not quite 1 000 houses, but it draws from a community wider than the landlocked area and many of the children have to cross one of those busy roads. I have received correspondence from the parents and citizens association president who has expressed his concern at the lack of crossing guard attendants servicing Wattle Grove Primary School.

**Mr R.F. Johnson:** Can I ask when you received that?

**Mr A.J. WADDELL:** I was first approached about this back in February. Having had general discussions with the principal last year, I knew that they were going through a process. At that point she was not making any complaints whatsoever, but I understand that the parents and citizens association president has approached me because that process appears to have stalled somewhat or, at least, no information is flowing back. The president of the P&C wrote to me and told me about the previous site and how effective that was, but then went on to say —

The new St John Road Facility whilst not built on a major arterial route is built into a suburban area bounded by major roads. The school has in excess of 400 students, which is growing ...

Even though the school was opened less than 12 months ago, it has been proposed to bring transportable buildings onto the site because the school attracts a large number of students. I probably need to point out my vested interest in this; my daughter goes to this school and I have experience of the kind of traffic congestion that occurs around it. The president continued —

The main road crossed by students is Hale Road that divides the suburban part of Wattle Grove (known as Cell 9) almost in half. It can be assumed that half of the school population lives on the Eastern side of Hale Road and have to cross this road daily whether by foot or in a vehicle.

Unfortunately, the school has not managed to pick up a category A crossing guard because, according to the surveys, it apparently does not get enough traffic. As I understand it, a survey conducted on 25 February last year found that in the morning the road was used by 16 primary school students, five high school students, 52 heavy vehicles and 866 through-traffic vehicles. In the afternoon it was used by 18 primary school students, nine high school students, 22 heavy-traffic vehicles and 817 through-traffic vehicles. Further correspondence occurred throughout the year. Another survey was conducted on 10 August 2011 near the former school site. Again, further correspondence took place and further surveys were conducted last year on 26 October and 7 November. Further correspondence was received on 22 November. I am certainly not accusing the government of not doing anything in this area. We have a classic chicken-and-egg problem because the road is so dangerous

and so busy that no parent will allow their child to cross it when there are no facilities to help them cross. Our surveys continually fail to show that the demand is there. If we were to have a crossing guard in the area, the demand would come. It really is a chicken-and-egg situation.

I am pleading for some reconsideration of the strict guidelines, even just for a trial period, to see what can be done to assist the children in getting to and from school and to get rid of all the cars dropping students off there. Then we could do something about getting kids back on bikes or walking so they get a bit of exercise on their way to school.

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [9.44 am]: I thank the member for Forrestfield for his grievance. I understand and I sympathise with not only him and his children who attend that school, but also parents of children who attend any school where there is a conflict ratio between the number of students and the number of vehicles, particularly when they are heavy vehicles. I was approached by Hon Alyssa Hayden a couple of weeks ago about this issue, which made me put things in train. I am not unhappy that the member has brought this up in the house today because he is also a local member there and he has every right to come forward with a grievance in this area.

The situation, as I understand it, is that a crossing—which has to happen—was applied for by the school in December 2010. Surveys were carried out in early 2011—from memory, in April and May. The final approval was given in July last year. Between July last year and today, not enough has happened. I can assure the member that I am not happy with that at all. Some human problems have contributed to this. One particular person who was dealing with it went on holiday and when they came back, unfortunately, they fell ill. Then somebody else left who would normally take over that workload. A litany of problems has occurred in the section that deals with children's crossings. Wattle Grove Primary School certainly meets the criteria for a crossing. As I understand it, negotiations and the necessary paperwork is taking place between Main Roads and the local authority. The Shire of Kalamunda also has a part to play here.

I have given instructions that this be expedited, because I do not believe it is acceptable that this school community does not have a crossing when it is as busy as it is and has a number of conflicting vehicles going past and putting children's lives in danger. I take the member's point; until a crossing is put in at a school, caring parents will take their kids to school rather than let them cross a main road. I did it for many, many years with my kids. I would not let them walk to school if there was a busy road on the way. Fortunately, they moved to different schools and could cycle to school off main roads where there was not a lot of traffic. I agree with the member once again; we want to try to encourage children to, when possible, cycle or walk to school. They have to be aware of stranger danger. I always emphasise that when children walk to school, and even when they cycle to school, they have to pick the best route and not go on their own. At the end of the day, it is a good thing for children's health for them to exercise on their way to school and on their way home again.

Of paramount priority and importance to me is the safety of those children, not only the stranger danger issues. The role of my area in relation to the school crossing wardens is to ensure that whenever a school qualifies for a type A or a type B crossing, we install those as quickly as possible. To me, a delay of months and months is not acceptable. The buck stops with me. I am the minister and I take responsibility for the delay. I apologise to the school community at Wattle Grove Primary School. It should not have happened in the way it has. A crossing should have been in place by now and I regret that it is not. I assure the member that I have taken every step I can to ensure that now happens as a matter of urgency.

**Mr A.J. Waddell:** How quickly do you think the school community could expect to see something?

**Mr R.F. JOHNSON:** Unfortunately, it is not in my hands anymore. The local government and Main Roads have to do some things. They will work together in this area. We must have the infrastructure in place, obviously, to have a school crossing warden. Otherwise, we would put their lives in danger and cause all sorts of problems. We must try to ensure that it happens as soon as possible. I will give the member an assurance that I will keep following this up until it happens. The school knows that I am on the case. When things do not happen that should happen and safety is concerned, I get a bit cranky. I very rarely get cranky, but I get cranky when people's lives are put at risk. I assure the member that I will do everything I can to make sure that that crossing is put in place as quickly as possible. If it is not, please come back to me and let me know. As I said, I will do everything I can to make a safer environment for the children who attend that school.

## **DAMPIER TO BUNBURY GAS PIPELINE CORRIDOR — LAND RESUMPTIONS**

### *Grievance*

**MR A.J. SIMPSON (Darling Range)** [9.49 am]: My grievance today is to the Minister for Lands. In the southern part of Keysbrook in my electorate of Darling Range, land resumption is proposed for the widening of the Dampier to Bunbury gas pipeline corridor. The corridor is 30 metres wide and the government wants it widened to 60 metres in the next few years for the extension of the gas line. A process has already started of the acquisition of land from the affected landowners. I will provide a bit of background on this whole process. It

started some time back in 2005 and 2006. Affected landowners were offered a voluntary agreement for the government to take up the land. In that process a number of landowners were paid out some time in 2006 and 2007. Affected landowners in Keysbrook have come to me, and three in particular went through that process and were not happy with the offer from the Department of Regional Development and Lands. They went off and did some quite extensive evaluations and looked at cross values and other sales to take consideration of the land and come up with a valuation. The department rejected that valuation; it said the valuation did not meet the figure that it thought it should be.

I guess one of the main points in this issue is that although we are talking about just a piece of land in a bit of rural countryside, in Keysbrook we are talking about something in the vicinity of 200 to 300 hectares of land. These days it is getting harder and harder to make a living off that land. However, because of the gas pipeline, when the land is taken, it comes with a lot of conditions. Yes, a hole is dug and a gas pipe is buried in the ground, but the land also comes with a condition, for instance, that people cannot put a truck that weighs more than four tonnes on the land across the top of the gas pipe, so there can be only certain entry points. People cannot build any sort of dwelling within so many metres of the buffer of the gas line. That is another issue that has come up in this process. Under the new rules, currently one of the houses will be within the buffer zone.

As the situation unfolded, the land was just being taken, but it comes with a lot of conditions. That is also part of that evaluation that has to be done. When we look at the valuations and what was paid for properties further up the road compared with what was offered to my neighbours, we see that the amount is considerably less. I have looked at the valuations that were done. These people spent quite a considerable amount of money getting what I would call a very good valuation. They paid a land valuer to go through that process, and that report reads quite well.

This is a classic example of the Department of Regional Development and Lands and the affected landowners trying to work out the valuation of the land. Part of my grievance today, minister, is that under the act there is a process whereby people can go through what I think is called the forced acquisition of land. Under that mechanism, the valuer, the department and the landowners can go to the State Administrative Tribunal, and the tribunal becomes the umpire in regard to that land. This issue has been ongoing from 2006 to 2012, and they are still trying to resolve this issue. What we really need to do is try to get to the forced acquisition of land stage, so part of my grievance today is to ask the minister to start the process for the enforced taking of the land, because in that way the matter will end up in the State Administrative Tribunal. The umpire will be brought into the matter, and these people can have their day in court, so to speak, and put their case before the State Administrative Tribunal to try to get that valuation sorted out. If the minister can help me with an answer to that, it would be much appreciated.

**MR B.J. GRYLLS (Central Wheatbelt — Minister for Lands)** [9.51 am]: I thank the member for Darling Range for this grievance and congratulate him on his vociferous advocacy for his local constituents in the Keysbrook area. This is a matter that the member for Darling Range brought to me quite early in my time as Minister for Lands. It must be remembered that the Dampier to Bunbury gas pipeline is a very vital piece of state infrastructure, and the expansion of it is important because our state is expanding. The state is growing at a rapid rate, and we do not want to get to the stage that we run out of gas, as happened under the previous government. Therefore, the expansion of the pipeline is important, and the member has acknowledged that. I am nervous about grievances from the member for Darling Range, because he grieved to me about the non-eligibility for the Country Age Pension Fuel Card of members of his local community and had a resounding win on that as well. So in the grievance games of the member for Darling Range versus the Minister for Lands; Regional Development, I am losing roundly! Again, the member comes to the Parliament today with a solution rather than a problem. Of all the people who come to see me, he is one of the few who come to me with a solution rather than a problem, and I look forward to helping him out.

The corridor is currently being widened from Kwinana to Kemerton. The existing corridor is 30 metres wide in the Keysbrook area, and is being widened to 50 metres. The former Department for Planning and Infrastructure obtained valuations to enable negotiations to commence with landowners for the acquisition of the state corridor rights in the existing and widened Dampier to Bunbury natural gas pipeline corridor. Voluntary negotiations to widen the corridor were initiated with landowners in September 2006.

I think one of the problems here is that the landowners look back at the compensation that was paid to landowners who have previously settled. However, they are looking back to a different time in the property market cycle and saying, "Well, our neighbour got that, why is our valuation saying this?" The problem is that the market has changed substantially, and the Valuer-General works on the values of the day, not on the values as they were. We would all love to have our properties valued as they were at the height of the property market. Unfortunately, that is not possible. However, I understand that that is why these people are concerned.

On 3 November we met with the owners' representatives and the valuer for the Department of Regional Development and Lands, Mr Brian Zucal. Following a request, Kevin and Roberta Thorn were also included in

the negotiations; so the relevant affected landowners now are Kevin and Roberta Thorn, Robert Giura, James and Allan Hill, and James Hill. They are the four landowners affected. We had revised valuation reports done for all four properties as of 30 December. However, after the valuation, revaluation, negotiation and everything else, it still seems that we are not going to reach a landing point with these landowners, as the member for Darling Range has pointed out. The landowners seem to have anticipated compensation for the widened corridor, including an allowance for injurious affection and consequential losses, as well as market value for the land, and this is not supported by the valuation advice supplied by RDL. That is really where the gap is.

As I said, the member for Darling Range quite properly is not looking at just highlighting a problem; he is looking at coming to a solution. His suggestion is that the government should essentially, without agreement of the landowners—obviously, we would have liked to have negotiated an agreement—move to acquire the corridor, as it needs to do, to widen the pipeline. Because no negotiated outcome has been reached with landowners, that will allow the landowners and the state to go to the State Administrative Tribunal, and essentially we can have an umpire decide what a fair compensation would be.

Off the back of the member's advice and strong advocacy for his landowners, I will set that process in train. We will move to compulsorily acquire those pieces of land needed for the widening of the corridor. Because we have not reached a negotiated outcome with the landowners, it will mean that they will be able to go to the State Administrative Tribunal and get an outcome adjudged by an independent umpire in regard to their compensation for that land. We have tried over a number of years to come up with a settlement, but we have not been able to do that in terms that RDL can agree to. Therefore, I think this is a good solution. I thank the member again for his advocacy for local landowners, and again I thank him for coming from the local level with a solution to the problem, rather than having this issue continue for many more years to come. This is a good grievance and I thank the member for it. Hopefully, once we move to compulsory acquisition, we can get an outcome that satisfies both the needs of the state and the needs of the affected landowners.

#### **JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

##### *Twenty-sixth Report — "Exceptional Powers Revocation" — Tabling*

**MR J.N. HYDE (Perth)** [9.58 am]: I present for tabling the twenty-sixth report of the Joint Standing Committee on the Corruption and Crime Commission entitled "Exceptional Powers Revocation".

[See paper 4662.]

**Mr J.N. HYDE:** The Corruption and Crime Commission currently acts as a gatekeeper of a suite of exceptional powers that the Commissioner of Police can apply to use. It was therefore of great interest to the committee that the Corruption and Crime Commission 2010–11 annual report indicated that one of the exceptional powers findings had been revoked. It is important for the whole community that such powers have robust monitoring and accountability mechanisms in place, and the revocation of the granting of such powers indicated a possible problem with the system.

Initial inquiries with the Corruption and Crime Commission acting commissioner and executive at a hearing before the committee confirmed the basic details of the revocation. The committee referred the matter to the Parliamentary Inspector of the Corruption and Crime Commission to ascertain details about the revocation. An exceptional powers finding was granted in May 2011, but in June it was found that a written delegation from the Western Australian police commissioner required under the Corruption and Crime Commission Act had not been in the possession of the applicant. The Acting Commissioner of the Corruption and Crime Commission immediately revoked the finding, even though this was not required under the legislation, and instituted a more formal written application process, together with guidelines and written information sheets to assist applicants. This swift response from the Corruption and Crime Commission in identifying and resolving an issue has maintained the integrity, accountability and transparency of the exceptional powers process. The Western Australian community requires a strong and dedicated gatekeeper of powers that can infringe upon the usual and expected rights. The actions of the CCC in this case provide reassurance and are commended by the committee.

#### **JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

##### *Ninth Report — "Amendment of Finding 5 and Finding 6 from Report No. 8" — Tabling*

**MS A.R. MITCHELL (Kingsley)** [10.00 am]: I present for tabling the ninth report of the Joint Standing Committee on the Commissioner for Children and Young People entitled "Amendment of Finding 5 and Finding 6 from Report No. 8".

[See paper 4663.]

**Ms A.R. MITCHELL:** On 1 March 2012, I tabled the eighth report, entitled "Report on the Functions of the Commissioner for Children and Young People: Working with children checks". Since that time the committee has reconsidered the findings contained within the report and has resolved to amend finding 5 and finding 6 on

page 17 for the purposes of clarity. The amended findings are as follows: finding 1, which was previously finding 5 in the eighth report, reads —

There are advantages to working with children checks being administered by a body independent of government, such as an independent Children's Commissioner with a specific child protection focus.

Finding 2, which was previously finding 6 in the eighth report, reads —

In Western Australia, as the Children's Commissioner does not have a narrow child protection focus, it is appropriate for the Department for Child Protection to continue to be responsible for the administration of working with children checks as the Department's main focus is child protection.

The committee hopes that the Minister for Child Protection will consider the committee's new findings in conjunction with the findings and recommendations contained within the eighth report during the statutory review of the Working with Children (Criminal Record Checking) Act 2004 that is currently underway.

**MR M.P. WHITELY (Bassendean)** [10.02 am]: I will be very brief. I just want to say that the ninth report corrects the errors I spoke about when we tabled the eighth report. The previous error was, I think, an error in the translation of our thoughts during the committee process. The last report had a tight deadline, and somehow we did not quite sign off on the right things. I simply wanted to highlight that the anomalies that I pointed out when we delivered the eighth report have been addressed through these amendments that have made the intention of the committee clearer so that there could be no confusion. I commend the report.

### **WESTERN AUSTRALIA DAY (RENAMING) BILL 2011**

*Returned*

Bill returned from the Council without amendment.

### **GAS SERVICES INFORMATION BILL 2011**

*Second Reading*

Resumed from 20 March.

**MR W.J. JOHNSTON (Cannington)** [10.03 am]: I rise to make some comments on the Gas Services Information Bill 2011. I just want to make it clear that this is actually very important legislation, and the opposition supports it. The bill needs to pass today; I appreciate that the government probably wanted to debate the bill on Tuesday, but I was not able to be briefed by the minister's office until Wednesday, so that is why the bill has come on today. It needs to pass today. We do not have any reason to cause a delay; we look forward to the bill being debated. The Minister for Transport is handling the bill in the absence of the Minister for Planning, who is representing the minister from the other place, so I appreciate that he probably does not have as detailed a knowledge as the minister who would usually handle it, so I am not going to torture the Minister for Transport in any way. In fact, if the minister likes, I can give him a couple of issues now and he might like to get some advice and make some comments in reply; that way, we might skip the consideration in detail stage. I will just raise those with the minister straightaway before I talk about the policy issues, if that helps.

**Mr T.R. Buswell**: Do you want to give me the policy issues first, if you wouldn't mind?

**Mr W.J. JOHNSTON**: Is that okay? Does the minister want to do it like that?

**Mr T.R. Buswell**: Yes.

**Mr W.J. JOHNSTON**: I will just go on a bit about the policy issues while the minister's advisers are being sought.

The Gas Services Information Bill does two things. Firstly, it creates the gas bulletin board, which will provide a web-based information source for gas market participants so that they can see, for example, the amount of gas flowing from the Dampier to Bunbury gas pipeline; where the gas enters; where it leaves; and the capacity of the gas pipeline. Therefore, a new gas consumer will be able to work out the gas available to be transhipped on the pipeline. That is just an example.

Secondly, the bill creates the opportunity for the publication of the gas statement of opportunities, or GSOO, which is a future-looking report that can be updated biannually or annually so that gas market participants can see how the gas market is expected to develop. That is already being done in the electricity industry, and it allows market participants to make their own decisions on the investment they are going to make in the electricity industry. The gas industry will now be allowed to do that.

These important ideas and proposals arise from the gas emergency management committee established by the member for Cockburn during the Varanus Island incident; they are also recommendations of the sixth report of the Economics and Industry Standing Committee entitled "Inquiry into Domestic Gas Prices". I was very fortunate to be the deputy chair of that inquiry.

Is the minister now happy for me to ask him some specific questions?

**Mr T.R. Buswell:** Yes.

**Mr W.J. JOHNSTON:** To get things formally on the record, I would like it confirmed that the Independent Market Operator will be the body that runs the gas bulletin board and prepares the gas statement of opportunities. The legislation facilitates the appointment of an organisation to do that, and we have already been told that the Independent Market Operator established for the operation of the electricity market will be doing the work prescribed by the bill. I just need that confirmed. Also, I would like an indication of the expected annual cost of running the gas bulletin board and the GSOO. I know the expected total price for the operation each year will be calculated by the price impact on market participants, but what will the potential costs for residential consumers, small business consumers and medium-sized business consumers be? I understand, minister, that that information is available from the advisers, so it would be good to get it on the record. I would also like an indication of when the regulations and rules are expected to return to the house. I appreciate that these are very complex issues, but if the minister could provide those sorts of comments back to me, I do not think we will need to go into consideration in detail, which, I am sure, will please the minister greatly.

I turn to the policy issues involved. Gas is absolutely critical for Western Australia. More than 50 per cent of the primary energy consumption in WA is gas, and well over 60 per cent of our electricity is generated by gas. Western Australia is the most gas-intensive state in Australia. Unlike anywhere else in the country, WA needs a good supply of gas. Western Australia has a very long history in the gas market. As we all know, it is based on the very large take-or-pay contracts entered into by the government in 1979 to underpin the construction of the North West Shelf. Those very long gas contracts were converted to volume-based gas contracts in the 1980s, and they will all expire in the next few years. That enormous supply of gas underpinned the very low cost of gas in Western Australia up until about 2005–06. It is interesting that originally the gas price in WA was actually very high, but because of the nature of the contracts, by the time we got to the 1990s, that gas price was becoming very low by world standards and underpinned the development of major processing industries in alumina, nickel and other such areas.

The world has moved on. In 2002, the Parer report on the gas supply market in Australia was released. I have previously quoted the Parer report, which made the point that in Western Australia there were multiple suppliers and a low price. In the report, WA was compared with the east coast, where there was limited supply, limited infrastructure and a higher price. The weight of the long-term take-or-pay contracts with the North West Shelf joint venture meant that there was no continuing development of the market in Western Australia, and so when we moved from an oversupply to an undersupply during the boom of the first decade of the 2000s, the price pressure suddenly jumped. This is published information. I am quoting from the DomGas Alliance's "The facts on Domestic Gas" document. In its opinion —

Wholesale gas prices have risen from around \$2.50 per gigajoule in 2005 to \$7–8 and, as high as \$10–12. WA gas prices are up 2–3 times the price of gas in Victoria ... or the United States ...

The reason for that is that WA went from being oversupplied to undersupplied in gas because the overhang from those long-term take-or-pay contracts meant that there had been very little exploration for gas in Western Australia and there had been very little development of domestic gas-focused processing infrastructure. We had a serious problem. The Gas Services Information Bill 2011 is a response to those issues. The government is to be commended for that.

The government has not taken up a couple of the other recommendations of the inquiry. One of those recommendations was to establish a short-term trading market. The government's position is that this may be reconsidered in the future. It is saying that some private operators are now getting into the trading operation and so it wants to see how that develops. The Labor Party's position on that is that is fair enough, but short-term trading needs to be done in public, as the gas market will develop more strongly if more information is available to gas market participants. The more information that is available and the more we know about price and volume, terms and conditions et cetera, the better we will be in the market. The gas bulletin board is an important contribution to the market, because for the first time there is a source that sets out where the production capacity is, where the pipelines are, what the volume use is, whether there is spare capacity, and where the opportunities are for a market participant. Again, the gas statement of opportunities is a great idea, because it indicates the future course of developments in the industry and a market participant can see the opportunities. A market participant might say that there is plenty of gas in this location but not in that location or, alternatively, that the Perth basin fields no longer produce gas and so the Parmelia pipeline, which runs from the Dongara area in the Perth basin fields to Perth, is available and then ask how it can use that in an innovative way. The Mondarra storage facility is an example of how the market can develop. Other opportunities might arise from the gas statement of opportunities. But our view is that establishing a short-term trading market in the full light of the market participants would be an advantage in Western Australia in the same way as it has been an advantage in the electricity industry and in the gas market in Victoria. Having said that, the opposition acknowledges the

issues in Western Australia, because we effectively have two suppliers and six big users. It is a very different market from that on the east coast. But to the extent that we could have additional market developments to encourage more participants, we think that would be better. We understand the government's position; we just do not agree with it.

Developing the gas market in Western Australia is, as I say, very important. One of the critical issues for us will be the ongoing price of gas. In the first term of the previous Labor government, a number of offshore gas projects—Wheatstone is an example—were being looked at as export supplies to the United States, because the United States was at that time looking down the barrel of an undersupply of gas for its domestic use. Since then we have had the shale gas revolution. The member for Riverton, who was the Chairman of the Economics and Industry Standing Committee's inquiry into the domestic gas price, and I were very fortunate to go to the United States as part of that inquiry to participate in the world shale gas conference in Fort Worth. We talked to industry participants and listened to people at the conference. We saw the operations undertaken by Chesapeake Energy Corporation, which is one of the pioneers in the shale gas industry. We visited a couple of gas companies in Houston. It was a great opportunity. Shale gas has revolutionised the gas supply industry in America. It has gone from being undersupplied to potentially having a surplus of gas. In the United States, the export of liquefied natural gas is limited to the import of LNG. Although it is not the molecule that gets re-exported, that is the cap on the current export component. The United States has 30-year take-or-pay contracts with gas suppliers in Algeria and other places, and it now has gas that is surplus to its requirements, so it is converting some of its facilities to export LNG, but it cannot export a volume greater than the volume that is imported. It is true that the United States gets a lot of its gas from Canada, so there are Canadian LNG proposals, which effectively means that American gas will be exported, but it will be exported through Canada, which is an interesting issue. But that is beside the point. What I am getting at is that the United States has a massive oversupply of gas, and there has been a market response. The price of gas at the Henry hub is now about \$3.50. I understand from reading reports that even forward gas contracts going out for five years still have it at only \$5, which is very, very low.

**Mr F.M. Logan:** It is \$5 cheaper than ours.

**Mr W.J. JOHNSTON:** Yes, it is \$5 cheaper than ours. That is the point I was getting to. If our domestic price is \$8—I am not breaching any parliamentary privilege by telling members that that is what people are saying about the price in the WA market—we now actually have a problem because if an investor is looking at developing and spending \$1 billion on a new processing facility in an industry, why would they do it in Western Australia if they can go to America and get a current price of \$2.50 on the spot market and \$5 for forward gas? Why would they spend \$1 billion here, given that our currency is \$1.04 or \$1.05 against the US dollar and, because of the massive expansion of the iron ore and offshore oil and gas industry, we have huge labour problems and cannot find enough skilled people to do some of the work we need, which is pushing up costs?

Why would they expand? Indeed, that is exactly what has happened with Alcoa. Alcoa's Wagerup expansion has all the government approvals in place already but Alcoa is not making investment decisions for two reasons. Firstly, it does not want to be competing against the current construction boom in the offshore oil and gas and iron ore industries. Secondly, it says that Western Australia's energy prices, given that alumina is effectively solid electricity, are higher than can be found elsewhere in the world. Therefore, this is a major impediment.

It has been put to me, not by BHP Billiton but by other people in the industry, that the nickel industry operations of BHP Billiton are equally under cost pressures on energy prices in Western Australia. The nickel smelter in Kalgoorlie and the nickel refinery in Kwinana are major employers in Western Australia. It is already in the public domain from BHP that it is changing its operations. It has reduced the amount of mining it is doing and it is using a stockpile of particular ore that it has set aside that it has not used previously; it has had to readjust the operations of its equipment to cope with that ore, and that ore will take about 18 months to run through its plant. Therefore, it is not clear what decisions it will make in 18 months' time. Again, if BHP cannot get a good energy price in Western Australia, why would it continue to invest in those operations? These are very important issues that are absolutely critical to our future every day that we come to work as members of Parliament.

Electricity prices are also linked to gas prices. Verve Energy gave evidence to the inquiry. One of the witnesses from Verve was asked about the price of gas—I am not quoting exactly, but it is in the transcript—and he said something like, "I would not want to be competing against an iron ore company to buy gas to generate electricity." If the iron ore industry gets \$140 a tonne and has production costs of \$45 a tonne, it has plenty of money to play with for a high energy price, but there is obviously an issue for an electricity generator operating in the domestic market that wants to keep down its electricity prices to home consumers. Therefore, it is a critical issue. I make the point, of course, that a 10 per cent increase in the cost of gas does not mean a 10 per cent increase in the cost of electricity in the home, because over half the cost of delivered electricity has nothing to do with generation—40 per cent is the distribution cost. However, there is still a direct link and we want to keep a downward pressure on prices. If everyone is coming to terms with paying \$8 for gas, we certainly would not want it to be at \$12. On the east coast it costs \$3.50 to \$4, so we have some real issues to contend with.

These are all critical issues to Western Australia's future. The Gas Services Information Bill deals with some of them and we congratulate the government for introducing it. However, there are other issues, including the short-term trading market, the gas reservation policy and ensuring that there is enough gas available. Another thing is that the gas statement of opportunities will have to deal with the issue of the gas supply to the North West Shelf joint venture. As I explained, that gas supply has underpinned our gas market in the state for a very long time. We are lucky because we are getting other producers such as Apache Energy at Devil Creek. I recently went to the opening of Apache's Devil Creek project. In addition, BHP and Apache are developing the Macedon project, Gorgon is coming on-stream—the government has already signed up a major gas contract with the Gorgon partners—and there is also the Wheatstone project. These are all opportunities for Western Australia. However, they are only opportunities if gas continues to be supplied by the North West Shelf joint venture. This is a non-renewable resource and the fields that underpin the North West Shelf joint venture are currently in decline. The North West Shelf joint venture partners have spent about \$1.5 billion on applying technology to those fields so that the flow of gas continues to come ashore at the same rate; they are not getting extra gas out of it. That means that the actual volume of gas coming ashore has remained the same, which enables them to continue to operate their five export trains and two domestic trains. Obviously that means that the length of the field is shortened.

Sometime in the next 10 years there will be a real question about what will happen to that multibillion-dollar investment in the North West Shelf. Where will they get gas from? The number one issue out of that for domestic gas users is keeping those two domestic trains, which provide about two-thirds of our domestic gas supply. That is roughly 750 to 800 terajoules a day out of a daily total gas supply of 1 200 terajoules. We need to continue to produce that volume, because if we do not, the Gorgon project will simply replace half of the volume produced by the North West Shelf and there will be no growth in supply.

The other projects I have talked about are also not incremental increases in supply; they only replace the existing supply. If that happens, there will continue to be cost pressures, problems and massive challenges. Therefore, in my view, this is the number one issue in the energy sector in Western Australia and indeed in state development. When the member for Rockingham asked me to do this job, he put the two portfolios together and he is exactly right. When he told me he was making that decision, he said to me that he thought energy and state development were inextricably linked, and he is right. The number one issue is what happens to the supply from the North West Shelf gas fields as those fields run out. That is not a criticism of the North West Shelf joint venture. I know what will happen now: all these lobbyists will ring me up and come to see me to give me PowerPoint presentations. I will be very happy to see those and I will look forward to it, but this is the number one issue. We discussed this issue in the report. In fact, recommendation 5 of the committee's report stated —

The Department of State Development commence discussions with the North West Shelf Joint Venture to obtain a commitment from the joint venturers that production capacity at the Karratha Domestic Gas Plant will continue at current levels, as per the terms of the existing State Agreement, until at least 2025.

Scope should remain open within the agreement to allow third party gas processing at the Karratha Gas Plant should North West Shelf reserves prevent full production capacity from being maintained after 2020.

The government's response to that recommendation reads —

**Noted.** The Department of State Development has written to the North West Shelf Joint Venture and commenced discussions on these issues.

I recently asked the Minister for State Development, the Premier, about that and I do not have the answer in front of me, but I think two meetings have been held so far. To my mind, this is the number one issue in this state. If we cannot ensure that those two domestic gas plants continue operation over the long term, we have a major problem, because they currently provide, in round figures, two-thirds of our domestic gas. The major problem is that we will not continue to have electricity in our homes and we will not have an opportunity to develop industries that process our mineral wealth in this state. Let me make it clear: Western Australia will not have iron and steel operations. It will not have some big blast furnace at Geraldton. That will not happen because it is not economically viable. No company will invest capital in Geraldton when it can invest capital in China, Indonesia or somewhere else, where the cost structure is completely different. The energy cost is one thing that we have some influence over. Industries such as the alumina industry, in which investment in Australia makes sense, need to have that opportunity to continue. That can only continue when we have competitive gas pricing.

I make the point that there is no world price for gas, unlike liquid fuels. The great thing about oil is that it is completely tradable. There is an indexed price. We wake up every morning and hear on the radio that the Brent crude price is blah, blah, blah, the Singapore price is blah, blah, blah and the Texas price is blah, blah, blah. Over the past two years there has been a bit of variation between those indexes, but generally speaking the indexes are about the same, based on the chemical properties of the oil. In gas, that is not the case. As the gas markets are not connected to each other, except via liquefied natural gas, there is different shelf pricing in what is called

“stranded gas”, as New Zealand had in the 1970s and 1980s. It is a gas field that cannot support an LNG project and has to be marketed domestically. That is effectively what happened until recently on the east coast, or what is called “associated gas”, which involves trying to get oil out of the ground and the gas comes up along with the oil. They do not care about the gas because the oil is so profitable. That is what happens in the Middle East. Leaving aside those types of gases, we need a good, effective regime. That is why the domestic gas reservation policy is so important. That is recognised by the Premier. The Premier has adopted the position that was created by Alan Carpenter in this state. It is not without controversy. Gas producers will say, “We’re investing billions of dollars, we should be able to choose the market we sell our gas to.” I can understand that, but only if that decision does not negatively impact on Western Australia’s continued economic success.

At a social event on the weekend I spoke to a guy from one of the major gas companies. He said, “If you’re going to do that, shouldn’t you have an agenda? If you’re going to say to the gas exporters, ‘You can’t export it to your choice market, you’ve got to use at least some of it for the domestic market’, shouldn’t you also have a plan telling us what the benefits are?” That is absolutely true. The alumina industry sells products on the world market. The nickel and iron ore industries sell their products on the world market, so it is not fair to say the gas companies cannot sell their products on the world market. I understand that, but there is not a world price for gas. If there was a world benchmark price for gas, we could index it against the benchmark. But there is not one, so we cannot do that.

At the time of the Economics and Industry Standing Committee’s inquiry into domestic gas prices, Tom Baddeley was the representative for the Australian Petroleum Production and Exploration Association Ltd. That organisation represents the oil and gas companies. He did a very good job on behalf of his members and put the position of the industry. It is a very professional organisation, and does a great job. He said in his submissions, “In the view of industry, the long-term price of gas in WA would settle at about the long-term price of gas on the east coast.” I said, “So you’re prepared to cap your price to the east coast price?” He said, “Oh, no; we can’t do that!” That is the problem—we do not have a proper index as we do for all the other industry sources because of the way gas is. The fact that it is a gas and not a liquid or a solid makes its transportation so complex. There either has to be an LNG system or a pipeline—it cannot be transported in any other way. That makes these things complex. That is why we need to have a good, complete scheme. We need a proper plan. We need all the elements implemented.

That is why the opposition welcomes the Gas Services Information Bill. We think it is an important step, but we think that some of these other recommendations are just as important. We believe that a short-term trading market should be transacted in public so that everybody has the information available to them in the same way the gas bulletin board will give us a clear picture of infrastructure. It would be great to have some elements of price done in public. The absolute essential issue is resolving the questions of the North West Shelf joint venture’s production capacity in the two domestic trains and what will happen to them in the future. It is not about who buys the gas, it is about making sure the gas is sold into the market in Western Australia so that we can keep cost pressures out of the system.

I commend the bill. I hope we can have some responses to those particular technical questions, and I look forward to seeing the gas bulletin board start from 1 July.

**MR C.J. TALLENTIRE (Gosnells)** [10.37 am]: I rise to add my support to the Gas Services Information Bill 2011. I begin by saying that this concept of a gas bulletin board to be run by the Independent Market Operator, a body that has built up its expertise and practices through the running of independent market operations in the electricity market, is a very good thing. It can get us towards greater transparency in the pricing and availability of gas. Obviously, when it comes to the supply of bulk commodities, in this case energy—gas—we need the highest degree of transparency. It is not acceptable when pricing is determined by bodies that are not subject to the highest levels of scrutiny. That is the positive side of this legislation. There is also capacity for policy formulation and future directions to be set as a result of this legislation.

I want to take the opportunity to make a few other comments around the situation. As the member for Cannington, the shadow Minister for Energy, has said so well—I acknowledge his expertise in this area—gas is absolutely critical to the future development of Western Australia. We are very fortunate that we have an abundance of gas. Not only do we have the North West Shelf, but we also have a proven track record of being able to develop our gas resources. The North West Shelf development is testimony to that.

We have to ask questions about the pricing of gas, given we have an abundance of gas. There are questions to be asked about how much Western Australian consumers pay relative to the cost extracted from the people we export gas to. It is a great frustration to many in the Western Australian community when we hear of the prices, in terajoules, of products sold. It seems to be that those who are overseas get our gas at a rate that seems to be far, far cheaper than the actual unit rate that Western Australian consumers get gas at. I know the previous Carpenter government looked to remedy this problem and looked to assure a supply of gas to Western Australians through a domestic gas reservation system. That was a very sensible initiative because we have to

look after our own energy needs first and foremost. We have an abundance of gas. Also, much of our electricity generation—I believe up to 60 per cent—comes from the burning of gas in gas turbines, which are an excellent means of providing our baseload electricity requirements. They are also very good at providing peaking plants. It is often said that the complementarity between gas and wind turbines, which have a problem with intermittency, is nicely remedied by the ability to almost flick a switch and have a gas turbine peaking plant come on at very short notice. That is a nice complementarity between gas-driven electricity and renewable energy and it is therefore of great value to Western Australia. I know that companies such as Perth Energy are designing their business models around this very issue. They can foresee that an ever-increasing amount of renewable energy will provide us with the electricity that we use and that much more of it will need the capacity to be offset by gas turbines through a peaking plant.

I want to raise a few other issues about the actual system itself. First, I acknowledge the quality of work that was done in the report of the Economics and Industry Standing Committee inquiry into domestic gas prices. I note that some of the findings in the report that particularly struck me were around this issue of wholesale gas supplies and how the report notes the concentration of wholesale gas supply in Western Australia. Indeed, chapter 5 of the report, which looks at the domestic wholesale market, states —

Despite the impending entry of several new upstream projects, —

I will come to those later —

the wholesale gas market in Western Australia ... remains highly concentrated. Currently, two major producers supply almost all of the state's domgas with over 90 per cent of demand coming from five major buyers.

That leads to all sorts of problems. I believe the industry talks about a “lumpiness” that that situation creates, but I do not think it could be healthy for the pricing of the product on which we are becoming so very reliant. Clearly we need a better situation, and I think that is where this legislation is going; it will help tackle that problem by bringing a higher degree of transparency to the situation.

I note also that the committee concluded, I believe in finding 15, that the Western Australia market lacks the level of liquidity, transparency and competitive pressure that is evident in other states. That is where I come back to my point that I support this legislation because it will help bring about that transparency, that liquidity and those competitive price pressures. The report goes on —

Whilst not the dominant factor, these market deficiencies have arguably contributed to the price differential now being witnessed between the local market and the eastern states.

I previously made the point that Australian consumers of our product seem to be paying considerably more than overseas consumers. But it is also the case that while we in Western Australia have this abundance of gas, we seem to be paying a lot more for gas than eastern states people. There are certainly some very interesting issues around this, and it is obviously our actual institutional arrangements to administer the sale and purchase of gas that are the deciding factors. That is what needs to be worked on here, while at the same time being very mindful of the need to ensure consistency and security of supply. When it comes to the supply of gas—I guess almost stating the obvious—we are dependent on the good management and security of gas pipelines. Our engineering capabilities enable us to pipe gas incredibly long distances, and to do that very efficiently. Naturally, the owners of those pipelines want to extract profit from the service they provide. They want to be able to enter into longer term contracts as well, which is understandable, but we have to be able to ensure that the interests of domestic consumers are best looked after.

I want also to touch on a couple of other quite topical issues that relate to gas. I note that only in the last week the Minister for Environment made a decision on a proposal that is looking at a shale gas or coal-seam-type gas operation—I believe the technical term is shale gas—from the Warro field, which is in a region some 60 kilometres east of Jurien Bay and 200 kilometres north of Perth. A bit of a first for Western Australia, as I understand it, is the use of the hydraulic fracturing method—sometimes known as fracking. Most members would have heard of, if not seen and been very concerned about, the documentary *Gasland*. We also have seen the very big Lock the Gate campaign that is going on in the east coast, with the radio shock jock from Sydney, Alan Jones, walking hand-in-hand with people from the Greens party. It is a quite extraordinary alliance. I think those people in that alliance—many are farmers and private landholders—are very concerned about the implications of fracking on their land and on their community, and I think they have every right to raise their concerns. I am still unclear on how different the geology is in Western Australia compared with the Liverpool Plains area of New South Wales, for example, and other parts of Australia, and that is why I am particularly disappointed that the Minister for Environment decided not to require the Environmental Protection Authority to do a formal assessment of the proposal I mentioned just inland from Jurien Bay. When there is an issue that has a high degree of community concern, to me that ticks one of the boxes that the Minister for Environment needs to look at when making a decision about a formal assessment. He has to give members of the community the

opportunity to engage in the process and to learn about what is at stake to allay their concerns. That is one of the reasons I believe the minister has made a serious error in not allowing a formal assessment.

Another reason I think the minister has made a serious mistake is that he has done nothing to correct the current information knowledge imbalance. The companies involved are very rich, multinational companies that can commission all kinds of reports and do lots of research, and lots of lobbying as well. I know that there is legislation on the notice paper regarding the control of lobbyists. I think it is probably hard to find an equal to the lobbying capacity of those in the oil and gas sector; they are amazingly wealthy, capable and subtle in their lobbying capacity. I note, for example, the Santos company. I am a very keen cyclist, as most members know. It is hard to enter a cycling event that is not sponsored in some way by Santos. These companies, therefore, are ever-present in our community. They have a way of ingratiating themselves in our community. They are very effective at being able to approach members and put their point of view across. But is there an opportunity for an equivalent strength of argument to be put by those who have concerns? I put it to members that there is not, and that we unfortunately have what is, effectively, a power imbalance. That is very unfortunate. It leads to the sorts of strange alliances that we see on the east coast where people are, in desperation, having to form coalitions with people like Alan Jones, when their own inclinations and worldviews might be very different from those of people like Alan Jones. They are forced to use that public profile just to obtain the information they need and to get the public debate to a point where there is some recognition that they have a legitimate concern, so that greater research can be put into it.

I return to my point: I remain to be convinced that the geology of Western Australia is so different that we do not face any of the risks attendant upon fracking that are experienced in the United States and on the east coast of Australia. That said, it may be that, given their closer proximity to Perth, new tight gas fields in the mid west could provide a nice complement to our domestic gas supply. It may just be that we could leave our North West Shelf gas, our Browse Basin gas and our Gorgon gas fields for the international market, and have our own local domestic market supply.

The shadow Minister for Energy touched on the relationship between the pricing of international gas versus local gas. That is a really interesting issue. Part of me says we should be bringing those together, especially when it seems that sometimes, international gas prices are cheaper than the price that domestic consumers are paying. I would like to think that the combining of international and local gas pricing would be beneficial to Western Australians, but I also believe that we have every right to protect our fellow Western Australians by making sure that their gas is as affordable as possible, so I would be perfectly happy for Western Australian domestic consumers—by that, I mean household consumers as well—to pay considerably less for their gas than those who are consuming our gas overseas.

I should have explained a little more that, when we are talking about domestic gas consumption, we are actually talking about consumption by some very big businesses, but they are organisations that are critical to our state's economic activity. I think only about five major operations account for most of the state's gas consumption. The actual percentage of domestic gas consumption that is consumed in households is relatively small; it is only a very small percentage of the overall consumption of gas in Western Australia. Nevertheless, that is the area that I am most interested in because it impacts on households and families who are struggling to pay bills and who are often looking to diversify their energy consumption away from just electricity. They are looking for more efficient means of heating their homes and heating their hot water systems, so they are keen to have gas as a major energy source in their homes. We need to look after the prices that they will have to pay.

Mr Acting Speaker, I am not going to ask for an extension. I will conclude by saying that I support this legislation. I know that the shadow Minister for Energy has raised a number of issues that I am sure the minister representing the Minister for Energy will be able to clarify for us. I hope that we can proceed with an Independent Market Operator–managed system that provides the necessary transparency so that Western Australians can feel that they are getting gas supplied to their homes and businesses at a fair and reasonable price.

**MR F.M. LOGAN (Cockburn)** [10.55 am]: In my contribution to this debate, first of all I congratulate the government on bringing the Gas Services Information Bill 2011 to the house. It is a timely bill that formalises the current informal arrangement of bringing buyers and sellers together by way of a market trading mechanism. In this case, that mechanism is the gas bulletin board that will be operated by the Independent Market Operator. I put on record my thanks to Allan Dawson, chief executive officer of the Independent Market Operator, not only for his commitment to getting a gas bulletin board up and running, but also for having the gas bulletin board formalised by way of legislation, which is what we are doing today.

Background was provided by the government to the opposition by way of briefing notes. They refer to the time lines for the development of the Independent Market Operator's bulletin board, which goes back to July 2008 and the Varanus Island incident. That was the genesis of the bulletin board, and it came about because of the 60 per cent restriction of the gas supply that resulted from the loss of the volume of gas supplied by Varanus

Island after the explosion there. That resulted in an unfair distribution of gas to companies in Western Australia that desperately needed that limited supply of gas to keep going.

I say that the distribution was unfair on the basis that companies that had contracts with large shippers of gas on the pipeline were being refused gas completely, whereas some of their competitors were still being supplied certain volumes of gas and were able to keep trading and keep producing. As the Minister for Energy at the time, I had to find out exactly why certain companies were able to get access to gas from the shippers, while others were not. The member for Vasse raised this matter numerous times in his previous role, particularly in respect of the way in which some of his constituents in the south west were being denied gas. When we investigated the reasons why some companies got gas and others did not, they went into the contracts that were drawn between the companies and the gas shippers. To my understanding, it came down to how much was paid. If they paid more, they got gas; if they did not pay more, they did not get gas. It was as simple as that. No matter how much I tried to explain that to companies who were denied gas—I am sure the member for Vasse had the same situation; he probably understood it and tried to explain it to them—they would still complain bitterly.

**Mr T.R. Buswell:** Member, I may have used a slightly different explanation in dealing with those customers who were missing out; it may have involved you!

**Mr F.M. LOGAN:** Let us get this very clear: if the member for Vasse still does not understand that now —

**Mr T.R. Buswell:** No, member; there is a lot more clarity around the issue now —

**Mr F.M. LOGAN:** I know there is a lot more clarity around the issue! Read the Senate report again and read it clearly!

**Mr W.J. Johnston:** I'm still waiting for the royal commission!

**Mr F.M. LOGAN:** Yes; I am still waiting for the liquefied natural gas tankers to drop the gas in Kwinana, like the member for Vasse promised!

**THE ACTING SPEAKER (Mr P.B. Watson):** Members, I am still waiting for us to get back to the bill!

**Mr F.M. LOGAN:** Let us go back to reality and remind ourselves quite clearly of those times. This is the whole basis behind this legislation.

**Mr T.R. Buswell:** Member for Cockburn, I'm not saying you were wrong.

**Mr F.M. LOGAN:** No, but I think we need to put it on the record anyway, member for Vasse. Let us get it very clear. None of the molecules and infrastructure in the Western Australian gas system belongs to the government. It is all in the hands of the private sector, whether it is the Woodside joint venture bringing it from the North West Shelf or Varanus Island or the owners of the pipeline that transports the gas or the retailers who sell the gas, every single aspect of the gas industry is in the hands of private sector companies. The only control the Western Australian government has in the gas market is whether or not it agrees to a proposed increase in the price of domestic gas for households, which is put forward by Alinta as the major retailer of gas to households. The only decision that the government can make in the gas system is whether or not it agrees with Alinta to increase the price of gas—that is it. Everything else is in the hands of the private sector. That is why I congratulate the government for bringing in the Gas Services Information Bill. The bill does not go far enough, but I congratulate the government for bringing it in and recognising that the Western Australian government has a role to play in assisting with regulating and marketing gas in Western Australia. It comes out of the Varanus Island issue, which I am trying to rationalise with the member for Vasse; however, he seems to have a different view about the whole world.

**Mr W.J. Johnston:** He doesn't anymore. He only had that view in opposition.

**Mr F.M. LOGAN:** That is right. He had a very different view in opposition!

**Mr T.R. Buswell:** That does happen, as we have seen in this place from time to time.

**Mr F.M. LOGAN:** Yes, of course. I certainly agree with the member for Vasse.

I would like the member for Vasse to address some of the critical issues that arise from this bill. First of all, as the member for Cannington highlighted to the house, the major supplier of gas to the Western Australian market is the North West Shelf, which supplies 60 per cent of the gas into the system. That gas is marketed through the North West Shelf joint venture, whose operator is Woodside. There have been a number of challenges to that cartel. One such challenge was launched with the Australian Competition and Consumer Commission by the Labor government. It argued that the six members of the North West Shelf joint venture should have the ability to individually sell gas into the Western Australian market. They should not have the right to sell domestic gas as a cartel. The cartel exists in law and is recognised by the ACCC. Until now, there have been very good reasons for its existence; that is, to maximise the price of the supply of Western Australian LNG into the international market place. It was never envisaged that the cartel would also be used to control the price of gas in the domestic market.

**Mr W.J. Johnston:** I make the observation that recommendation 13 of the inquiry suggested that the government pursue the elimination of the joint selling arrangement at the next review and that it oppose the extension of Gorgon until the next review. None of the joint venture partners now market gas collectively overseas.

**Mr F.M. LOGAN:** That is right.

**Mr W.J. Johnston:** Like Gorgon, each participant is selling LNG separately —

**Mr F.M. LOGAN:** But the cartel exists only for the domestic market. That is right. The cartel has disintegrated somewhat over recent years and the partners have started to sell gas individually.

I ask the minister representing the Minister for Energy whether the Liberal–National government will continue to pursue the break-up of that cartel so that when this house, through this legislation, encourages the creation of an open, transparent and flexible trading market in Western Australia, the major supplier of gas into that trading market is not operating by way of a cartel. As the member for Vasse knows, if that continues to happen we are banging our gums and wasting our time. That is one of the major problems of domestic gas supply in Western Australia. I would like to know whether the member for Vasse agrees with that point and whether the government will take any action to break up that cartel; and, if it will, when it will do so.

The second issue that arises from this bill is flexibility in shipping. Members should remember that the bulletin board is not a formal trading structure. It is not a trading structure that has a formal trading platform like the short-term energy market, the electricity industry, the Stock Exchange or any of the metals markets. It does not provide market settlement services, such as the Stock Exchange or any of the metal markets. It is simply a way of bringing buyers and sellers together, of getting some idea of what the settlement was based on and of letting the market know the price of that sale. That is exactly the type of structure that was put in place literally over the weekend by Allan Dawson and his team at the Independent Market Operator to overcome some of the problems that the member for Vasse's constituents had in the south west of being unable to get gas. It was put in place so we could get an idea of who had excess gas and whether they would be willing to onsell that gas to some of the member for Vasse's constituents in the south west—and further north—who were suffering from an end-of-the-line problem. There were also some unfair practices by their principal contractor, who is the shipper. It is great that this trading market is now being formalised this way. It is unfortunate that it is not being taken to the next step of becoming a more formal trading platform, of becoming far more open and transparent and ultimately developing into a proper marketplace structure. I understand why it does not go to that extent; it comes back to the issue of flexibility in shipping. Organisations that negotiate to buy gas from the two major suppliers—the North West Shelf and Apache—are big-volume purchasers; they purchase massive volumes of gas. A laundry service from Bunbury, for example, does not have the market capacity to approach Woodside and the pipeline operator to ask if it can buy gas and pay to have it shipped down the pipeline to Bunbury. It would neither get through the door, nor have its telephone call taken because the volume would be too small. It would not be sold that volume of gas and the price of shipping it would be far too much. It would not work out.

The people who purchase gas in Western Australia are the big-volume users. They pay for the gas in short and long-term contracts with the suppliers in the north west and ship that gas at a price down the Dampier to Bunbury pipeline and into their own operations. When they have excess gas there is some informal trading between buyers and sellers. The gas bulletin board will not deliver any flexibility to that system; it simply records the buying and selling of gas.

The Labor opposition strongly supports the creation of a gas market as it did when in government. The real problem in trying to create that market is having some idea of the price of gas as it comes down the pipeline in the same way that we have some idea about the price of oil as it is shipped around the world. In fact, the oil price may change five or six times from the time that oil is loaded in the Middle East until the time it is delivered in Japan. The idea is for buyers to have not only some idea of the price of the gas in the pipeline, but the ability to aggregate the price and ship the gas themselves—that is, third party market players in the market who do not use the gas but purchase and onsell the gas to users. That is the real flexibility, transparency and depth needed for the market to operate properly. The point, as the minister knows, is that without that depth there is no market. At the moment there is no market depth and even with the creation of a gas bulletin board there will be no depth because the big players ship primarily for their own use, selling only a little of the gas on the side. That little bit on the side and the idea of informal trades that we are talking about today need to be addressed. The ability to ship needs to be addressed. The ability to aggregate needs to be addressed. The ability to introduce third players into the marketplace in order to ship and onsell to other players needs to be addressed. And in order for that to take place, it needs to be addressed by way of legislation. It is not simply the case that a market mechanism will allow that to occur, even with all the government's best intentions! I would like to hear the minister's position on this matter.

The third and critical point, also made by the member for Cannington, is that of price. Regardless of the creation of a gas market, even if it were created as a proper trading platform and a proper market in the same way as other

commodities are traded around the world, the real issue in Western Australia is that at this time we have only two suppliers. Up to five or six suppliers will perhaps enter the marketplace, but unless the cartel is broken and there is genuine price variability from the suppliers of domestic market gas, we are all whistling *Dixie*.

**Mr T.R. Buswell:** Member, when you requested that the ACCC review the cartel arrangement, what was the response?

**Mr F.M. Logan:** It did not agree with us. However, I think the situation is different now because, as the member for Cannington said, the cartel virtually does not exist. The cartel was set up—it was allowed for by the Australian Competition and Consumer Commission—in order to market gas internationally. However, they are out there selling their own stuff, but the cartel continues to exist for us! So it is very challengeable now and in my view, and that of the Labor opposition, it needs to be challenged.

Coming back to price, Cockburn Cement is an example of the impact of gas prices directly impacting on the community in Western Australia. Cockburn Cement used to burn 80 per cent gas and 20 per cent coal; it now burns 20 per cent gas and 80 per cent coal because coal is cheaper than gas. The ability to wrap up long-term contracts at the price Cockburn Cement is looking at is virtually impossible. I am hoping that legislation like this will help and that we are able to change that fuel mix somewhat. As I have gone on and on about in the house, for the general community the end result of Cockburn Cement burning coal is a stockpile of 100 000 tonnes of Collie coal in the middle of the suburbs that catches fire and covers the entire area in sulfur. That coal is also mixed in the kiln fuel burn, thereby adding to the sulfur smell in the suburbs. And this is all caused by the price of gas! That is the real example of the impact of high gas prices on the community and it is one of the most critical issues facing Western Australia.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [11.14 am] — in reply: I thank the three members opposite who spoke in support of this legislation—the members for Cannington, Gosnells and Cockburn. I am handling the Gas Services Information Bill 2011 on behalf of my colleague, the Minister for Planning; Culture and the Arts; Science and Innovation, who represents the Minister for Energy in this place and who is absent today. I am of course well supported by advisors, seated at the back of the chamber, who have provided me with some additional information to support my knowledge and assist me to respond to the issues that members have raised. Firstly, I thank members opposite for their generally positive reflections on the bill and their observations about the challenges faced in the Western Australian domestic gas market, with its complexities of limited suppliers and purchasers. Reflecting on my economic studies, I am not sure what we call this market type. I know what we call a market with two major suppliers, but what do we call it when two major suppliers are mixed with four or five major consumers. Perhaps the member for Riverton can help me; there must be a technical term for that.

**Dr M.D. Nahan:** Oligopoly.

**Mr T.R. Buswell:** An oligopoly in terms of the purchasers—but in terms of the suppliers?

**Dr M.D. Nahan** interjected.

**Mr T.R. Buswell:** You are absolutely no help, member for Riverton! I am not going to look at you anymore!

However, members opposite raised some good points and an oft asked question is why we pay so much for our domestic gas when we have so many suppliers. I reflect on the old adage, “Water, water, everywhere; and not a drop to spare.” I acknowledge the contributions and obvious knowledge of members opposite. I am pleased that the member for Cockburn was able to correct a public record that perhaps in the middle part of 2008 —

**Mr F.M. Logan:** You might have been a bit testy about!

**Mr T.R. Buswell:** I am not testy at all, but in 2008 I was very testy! As the member for Cockburn knows, occasionally in the heat of political debate some facts may be misunderstood or overlooked—never deliberately, of course, member for Cockburn!

**Mr F.M. Logan:** No! Never!

**Mr T.R. Buswell:** I think that we stuck to our message and I am perhaps prepared to admit for the public record that some of the criticisms that we may have levelled at the government and by extension the member for Cockburn may, in hindsight, have been a little overinflated.

**Mr F.M. Logan:** Can I run through them again?

**Mr T.R. Buswell:** They were pearls! I am sorry to digress, Mr Deputy Speaker, but I remember my last time in this chamber as Leader of the Opposition, which was in fact the last day before the election, when I sat on the other side of the chamber and, on this very topic —

**Mr P. Papalia:** The good old days!

**Mr T.R. BUSWELL:** They were good days. They were pretty tough days, actually, member for Warnbro. I was ejected from the chamber by the then —

**Ms M.M. Quirk:** They were the good old days!

**Mr T.R. BUSWELL:** And we were debating this very issue. I was reflecting in the chamber yesterday about how robust things may or may not be, and I have to say, albeit I am not trying to reignite that debate, that they were very robust debates.

**Mr F.M. Logan:** They were.

**Mr T.R. BUSWELL:** I think that if we were to complain about what happened yesterday, we are way off the mark. They were pearlers!

I remember when the then member for Wanneroo and Deputy Speaker ejected me from the chamber. I said, “You will live to rue this day; I know a lot of people in Wanneroo,” and look what happened to her! Therefore, I sense the current Deputy Speaker’s apprehension to eject people from the chamber.

However, this is a good piece of legislation. It delivers some important reforms. The member for Cockburn made comment about it not going far enough in terms of adopting what he termed a more formal trading platform. That is acknowledged. It was acknowledged in the introduction to the bill. It does not pretend to be anything that it is not and the gas bulletin board will not deliver that. However, that is not to say that as a result of the gas bulletin board some of those broader market-based reforms may not now be enabled. Some of the advice I have received suggests that there are indeed private companies that will now become involved, or may now become involved, in providing gas trading services. That is a positive. As I understand it, there are two private companies. Therefore, from our point of view, in terms of the public policy around the development of a gas trading market, perhaps we will see the sorts of outcomes this reform delivers. As I said, there are companies that we would hope to give room to move within the market to help them succeed in providing that link, as the member said. In my case, I think we had Prime Laundry or Iluka Resources in the south west. If the CEO of Prime Laundry rings the head of Woodside and says that he wants to buy some gas, he has absolutely no chance, first, because Prime Laundry is small, and, second, because it has no information about the market—none whatsoever. It was a very, very frustrating time. If I see them again, I will point out to them that perhaps the member’s role in that frustration was a little less than I perhaps indicated to them at the time.

There is also the changing nature of supply. Other suppliers will enter the market—some of them definitely not as large as existing suppliers—and that can also change the nature of the market. However, I think this is a good step forward in moving towards a more active and open market for the trading of gas, in particular gas for—I will not say smaller users—users outside the five or six big users that currently exist. I think everyone generally acknowledges that.

The member for Cockburn raised another issue that is really an extension of the same theme, and that is the use of the cartel. I cannot provide the member with a ready answer to the question that he has asked. That is a policy decision. I would have to check with the Minister for Energy, so I cannot give the member an answer about the extent to which the government will once again test the validity of the cartel, as the member calls it—the north west joint venture cartel—and use it to trade or to supply gas domestically. I acknowledge the point the member has made that the cartel no longer operates effectively in the international sale of what would be liquefied natural gas. The minister may well have made comments about that in the other place. I am just not aware of that. So I would have to get back to the member on that matter.

The member for Cannington asked a number of specific questions that I will attempt to answer. One was: effectively, will the Independent Market Operator be the body that runs the bulletin board and produces the gas statement of opportunities? The information I have is that that is entirely correct. The legislation will enable regulations to be developed that will create powers that will be conferred on the IMO. As the member rightly pointed out, the IMO has developed some significant expertise in its roles in and around energy markets. Basically, the short answer to that question is yes.

The member asked some questions about costings. The advice I have is as follows: there will be some capital costs involved, as the member would anticipate. I expect a lot of that will be around the IT base that will need to be in place. There will be half a million dollars this financial year and \$2.5 million in the 2012–13 financial year, which will be the capital costs to establish the IT platform needed to deliver what is required. There will be an operational cost of about \$1.1 million per annum from then on. What does that mean to users? The advice I have is that that means an additional cost of between 0.05c and 0.07c per megajoule. If we flow that through to households, it is a net impact on households across the year of less than \$1. The member also asked what the cost impact of that would be on businesses. Unfortunately, I do not have that information, but I think that the \$1 for households probably puts it into some framework.

There were also some questions about timing. The timing advice I have is that the expectation, if this bill passes through the house today and moves through the processes, is that in July this year the regulations will be, I am

assuming, laid before Parliament, as would be the case with regulations. On the establishment of the rules, which is the other part of the question that the member put to me, the advice I have is that that will really depend on the IMO's engagement with industry, and that will happen within the framework of the Gas Advisory Board. But, certainly, the target is to have the rules in place by the end of the calendar year.

**Mr W.J. Johnston:** The calendar year?

**Mr T.R. BUSWELL:** Yes.

**Mr W.J. Johnston:** I understood it was by the start of the financial year. That is fine; I am not worried about that.

**Mr T.R. BUSWELL:** I have a couple of bits of additional information about that. The construction of the gas bulletin board will start in July this year.

**Mr W.J. Johnston:** It's already done.

**Mr T.R. BUSWELL:** Yes. Once the IMO is empowered to deliver the bulletin board, some work will still be done on building the IT system, which reflects the capital that we talked about. Obviously, information flows from industry, and the advice I have is that we are expecting results out of the system—that is, when it is functioning fully—in about 12 months. So there is a period in and around implementation. I am hopeful that that has answered the questions that the member for Cannington asked, and hopefully I have dealt with the issues that the member for Cockburn raised. If members have anything else that they wish to ask, I am happy to attempt to answer those questions, or I will seek some more advice by way of a nod and a wink from the back of the chamber. The principal question asked was: will the government be pursuing the cartel? I just do not have that advice at the moment. I can get that for members at a later stage. I would be interested to receive that answer.

I again thank members opposite for their support for this bill, and also members on the other side in the other place. It would be fair to say that the explosion at Varanus Island in 2008 raised some very serious issues. When we cut away all the political claptrap that goes with those sorts of things, it raised some very, very serious issues for our state. In my time as opposition leader, I remember that I asked for a briefing on the supply of gas. I am pretty simple; I am from Busselton. I said, "All the users are down here; the two suppliers are up there. There are basically one or perhaps two little things that join them to us." There are some massive risks in that to the state. I think we are dealing with some of those risks.

**Mr W.J. Johnston:** Yes. The risks are not really with the pipeline; it's the production facilities.

**Mr T.R. BUSWELL:** Yes. In that year, as the member may recall, prior to the Varanus Island explosion, there were some issues with the domgas plant at the North West Shelf.

**Mr W.J. Johnston:** Yes.

**Mr T.R. BUSWELL:** That was a sneeze. With Varanus we caught the cold. Often when people are in government, they look at risks and think, "No, it'll probably be okay." Inevitably, it was the old adage —

**Mr F.M. Logan:** The integrity of the pipeline is fantastic, as is its capacity to be expanded. With the foresight of the builders, the capacity for gas to be compressed in there is fantastic. Where the government has no control is over the suppliers of the gas that goes into it. We don't run their plants.

**Mr T.R. BUSWELL:** Mind you, the Ukrainians think they have a good pipeline, but if the people turn the tap off, it stops working—which those Russians often do.

**Mr F.M. Logan:** I'm just glad they don't run the North West Shelf.

**Mr T.R. BUSWELL:** It is an interesting point. Notwithstanding that, it highlighted how important current and long-term cost-effective gas supply is to our state.

**Mr W.J. Johnston:** It's critical.

**Mr T.R. BUSWELL:** The member for Cannington is right. Energy is critical to state development, as are other things such as ports. However, when we look at state development, if we cannot resolve the energy issues and the energy challenges, not only is it important to consumers, but also it is fundamentally important to the long-term growth of the state.

I appreciated very much the contributions of members opposite and thank them for their support of this important reform.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr T.R. Buswell (Minister for Transport)** on behalf of the Minister for Planning, and passed.

**BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011***Second Reading*

Resumed from 22 March.

**MR F.M. LOGAN (Cockburn)** [11.30 am]: The Business Names (Commonwealth Powers) Bill 2011 now before the house has been transmitted from the Legislative Council, where it recently passed. It was created as a result of a commitment given by Western Australia in July 2009 at a Council of Australian Governments meeting to have consistent control of the register of business names in Australia, to have centralised control of the register of business names, and a centralised place where business names can be registered from across the whole of Australia. The bill, effectively, cedes powers from Western Australia to the commonwealth to allow that new structure to be established. It is a move supported by the opposition and given the process of registering business names in Australia and the level of interstate trading, it seems a very logical approach to take. Many, many companies—even small to medium-sized companies—operate across states. Companies have branches in other states and territories of Australia, and if we can take one small step in achieving a reduction in costs and red tape by ensuring that they have to centrally register their business name only once, that is a good thing.

I have a couple of issues to raise with the Minister for Transport representing the Minister for Commerce. The first is the way names will be registered, particularly if a company in another state has the same or a similar name. For example, if a company in Western Australia was trading as Quirk Engineering Pty Ltd.

**Mr T.R. Buswell:** Quirk?

**Mr F.M. LOGAN:** Quirk Engineering Pty Ltd in Western Australia —

**Mr T.R. Buswell:** That is a catchy name!

**Mr F.M. LOGAN:** — and there was a Quirk Engineering in Queensland, for example —

**Mr T.R. Buswell:** I imagine there would be one in every state!

**Mr F.M. LOGAN:** — how will the matter be dealt with under this legislation?

**Mr T.R. Buswell:** Member, can I check for clarity so I can get the advice: is that if, when the legislation comes in, there is a pre-existing Quirk in every state?

**Mr F.M. LOGAN:** Yes. If there are separate companies with identical names registered in each state, how will the register deal with that? That is the first issue I would like the minister to address.

The second issue, which was raised by the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review, is given that we are effectively ceding our powers to the commonwealth for the purposes of having a single registration entity, it appears from the legislation that future changes to the regulations and legislation can be by way of note or advice from the ministerial council. In other words, any changes that will have an impact on this legislation will not come back to this house; they will be simply be undertaken at the ministerial council level, with, obviously, the approval of the Western Australian minister.

**Mr T.R. Buswell:** Is that regulations and legislation?

**Mr F.M. LOGAN:** Yes; to my understanding it is the whole thing. In which case, as the independent Parliament of Western Australia, a question has to be asked about the role this Parliament will have in the control, monitoring or amendment of this legislation once this bill has passed. Although it will be an act of this house, my understanding is that the implementation and administration of the act will disappear to another jurisdiction and that this Parliament will have no control whatsoever. I would like to know whether we will have any future role to play in any changes to this legislation that might be in Western Australia's interests, or have we given that power away? The legislation is not clear on that.

The third issue is something that is very dear to the minister's heart, because he has spoken at length on it in this house; it is the issue of cooperatives. Only last year the minister brought forward the cooperatives bill for the establishment of Co-operatives WA, but this bill does not deal with cooperatives and the registration of cooperatives' names. How will they be dealt with at the national level now that there will be a central body and system to register business names? The legislation is silent with respect to cooperatives, so will they have access to that system; and what impact will that have on cooperatives in other states that might have similar names?

I am not sure whether the minister can give me answers on the fourth issue, which is that of access to the register. Members have not been informed about how the register will operate in practice, and whether an individual who wishes to check a business name will have access to the register. Will only people who have

registered business names have access to the register? I would like to the minister to advise whether individuals in our community will be able to check business names on the register; and, if so, how, and will those individuals not involved with a company be charged a fee to access the register? They are the four points I raise with the minister.

The opposition supports this legislation. We believe it is an appropriate and timely bill that will overcome unnecessary red tape in the registration of business names. We understand that it will be economically effective for all forms of business in Australia and for the encouragement of business development in Australia, and it is just common sense to have a central platform to register business names in Australia. With that in mind, I will wrap up. There are just four items that I ask the minister to address. The opposition indicates its support for the bill.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [11.39 am] — in reply: I thank the member for Cockburn for his contribution to the debate on the Business Names (Commonwealth Powers) Bill 2011. I share his view that this is a logical and sensible reform. It will basically mean that if a small business is registered in Western Australia, it will be registered right across Australia. As the member rightly pointed out, a number of small, medium and large businesses operate right around Australia. In fact, in my old days when I was a humble bus driver, the business operated right across Australia.

**Ms M.M. Quirk:** I don't think you were ever a humble anything, member for Vasse!

**Mr T.R. BUSWELL:** Member for Girrawheen, "Quirk Enterprises" now operates in every Australian state and territory and has offshore expansion plans! Humility is in the eye of the beholder.

This is good reform. It is like the reforms for weights and measurements; in other words, why would we maintain a register to tell us how much a kilogram weighs or how much fuel passes through a bowser in a litre of fuel when it could be done right across the board? There are occasionally some areas of national reform in which we hit a bit of a bump in the road, but that happens to both parties. The Liberal Party has a reluctance with the industrial relations reform agenda and some elements of the occupational safety and health reform. I recall when the Labor Party was in government in Western Australia and it participated in a High Court challenge against the IR reforms of the then commonwealth government. Some issues are naturally combative in the field of politics, but this is not one of them—thankfully. It is good reform.

I will work through the four issues that the member has raised. I will get more advice shortly about the changes to legislation and regulation and how that will flow through. I will deal with the first issue, which is the registration of names. The member asked a good question. It may well be the case that there is indeed a "Quirk Enterprises" in Western Australia.

**Dr M.D. Nahan:** Quirky or quirk?

**Mr T.R. BUSWELL:** No; "Quirk Enterprises", which provides quirky products to quirky people! I think it is a catchy name.

**Dr M.D. Nahan:** We could register it.

**Mr T.R. BUSWELL:** It will soon be able to be registered right across Australia. A person of a similar disposition to the member for Girrawheen could have set up "Quirk Enterprises" in New South Wales. The issue is how the two "Quirk Enterprises" would be dealt with on the business names register. I think that is basically the nature of the question. The advice I have is that to avoid confusion when there are two identical business names, the Australian Securities and Investments Commission is permitted to nominate a word or expression to be used to distinguish between two identical or nearly identical business names. In the example I have, for the purpose of registration, the Western Australian "Quirk Enterprises" would become "Quirk Enterprises (WA)" and the New South Wales business would become "Quirk Enterprises (NSW)". This has been anticipated. It will be dealt with on a case-by-case basis. ASIC will add words or expressions to distinguish between two business names. An important point to note is that the distinguishing word or expression will not be a part of the entity's business name, and the entity will not be required to display it on signage or written communication. It exists for the purpose of managing the registration; in other words, a business will not have to change its letterhead or anything else. I think that is eminently sensible. I am pleased to report that to the house in answer to that question.

The member also raised the issue of how two identical business names will be dealt with if a business registers a name that is already on the register. That will be dealt with in much the same way as it is currently dealt with. I assume there will be certain tests and certain capacities to appeal should a business be unhappy with the outcome.

In relation to cooperatives, the advice I have is that the registration of cooperatives will remain a matter for the state. As such, cooperatives will not be affected by the business names reforms; in other words, the register of

cooperatives in Western Australia and those in other states and territories will link to the national business names register for the purpose of name availability and it will not be possible for a business to register a name that is identical or similar to an existing cooperative name. The regulation and control of cooperatives will remain a matter for the state, but there will be a link from the cooperative names database to the national business names register. On the balance of probabilities, if there is an XYZ cooperative in Western Australia and an XYZ cooperative in another state, that link will be triggered. In effect, the name will be protected, although the regulatory framework will remain at a state level.

I have been advised that access to the business names register, which was the fourth point that the member raised, will be completely open to the public. An individual will not have to be on the register or be a proprietary limited business to have access to it; any individual will have access to the register. It will be available online through the ASIC website effectively, I think, 24/7. I assume that if it is online, it will not cost anything to access, although that is not stipulated in my notes. Basically, there will be an online register of names. There will be a transitional period during which the Department of Commerce will provide a terminal to help members of the public should they need to access those details. That sounds as though it is a pretty decent part of the reform process.

I could not find my notes on the final issue that the member raised as he was speaking. The commonwealth government cannot amend the business names legislation without the approval of the ministerial council, as the member has indicated. Approval by the ministerial council will require a positive vote by the commonwealth and at least three other members, two of which must be states. As I understand it, once it goes through the ministerial council process, the state will have no opportunity to change the application of the commonwealth law. It will all be done at a ministerial council level. I think that is an issue. I suspect that this will be an issue in every state Parliament. I have not read the *Hansard* of the discussions in the other place. I imagine that some of my colleagues in the other place would have raised it, as would the colleagues of the member for Cockburn. The issue was raised by the Standing Committee on Uniform Legislation and Statutes Review. I will read the recommended response. It states —

The Ministerial Council voting arrangements contained in the IGA were agreed to by the Commonwealth, State and Territory Governments.

Obviously, at one of the Council of Australian Governments meetings, at which intergovernmental agreements are signed off, everyone said that that was a good idea. Perhaps that is when we should have raised the issue. It continues —

They are comparable to voting arrangements established by other Intergovernmental Agreements and are the same as those in relation to Corporations law, which have operated successfully under different Governments, both State and Commonwealth, for a number of years.

I think we can take some comfort from the fact that I am not aware of any significant issues that have arisen under the Corporations Act. It continues —

A decision by the Ministerial Council to repeal the Commonwealth business names legislation would necessarily require the Western Australian Government to withdraw from the national scheme and cease to be a party to the IGA. Similarly, if the Ministerial Council agreed to amendments that were not supported by the Western Australian Government, the IGA provides the States and Territories with a method for withdrawing from the national scheme.

I suppose at the end of the day that if it got that bad, we could say, “Nick off; we’ll go back and do our own.” In fact that was mentioned in the second reading speech. I suppose that is the ultimate safeguard we have; that is, if we are not happy, we can leave. It is difficult to imagine that there will be an issue with business names being contentious; however, one thing we have learned is to never say never. Hopefully that addresses the four issues the member for Cockburn raised. I again thank him and the opposition for their support of this important reform. The member is right, this will only be a small thing, but for businesses that get caught up in this, trying to register names in all other states, with all the crosschecking and stuff that goes on, will potentially be a nightmare. I think this is good positive reform and it is good to see that it is supported in this place by both sides of Parliament.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

#### *Third Reading*

Bill read a third time, on motion by **Mr T.R. Buswell (Minister for Transport)**, and passed.

**RETAIL TRADING HOURS AMENDMENT BILL 2012***Second Reading*

Resumed from 22 March.

**MR M.P. WHITELY (Bassendean)** [11.53 am]: The liberalisation of trading hours, and particularly the issue of Sunday trading, has a very long and convoluted history in Western Australia. Many of us have changed our positions numerous times. When he was Leader of the Opposition, the current Premier's opposition to the liberalisation of trading hours was the catalyst for the Labor government's referendum. Labor then changed its position to reflect the results of the referendum. The former opposition leader became the Premier and he, of course, changed his position. The rollout of the precinct approach has led to this ongoing process of change from Labor and now we are in a position in which we have achieved a consensus and we are going forward from that.

One person who has held a consistent position through the whole of this debate is the secretary of the Shop, Distributive and Allied Employees Union, Joe Bullock, who has consistently opposed Sunday trading. The position of the National Party, as well as Joe Bullock's considerable influence within the Labor Party, which meant that the Labor Party has held his line until the circuit-breaker of the appointment of the new Leader of the Opposition, meant that it was not possible to get this legislation through. Therefore, Joe Bullock has been incredibly influential in this whole debate. What motivates Joe Bullock to be so influential in this debate has been a matter of some media concern. For instance, there was an article on 10 October 2009 in the "Agenda" section of *The Weekend West* written by Robert Taylor entitled "Shopping on a Sunday? God forbid says union boss". In the article, Joe Bullock acknowledges that, in part, his religious convictions informed him of his position, but he also said that the primary concern was the welfare of his rank-and-file members. The article also quotes former state secretary John Halden who said —

... I ... think the issue of shopping centre hours has more to do with God rather than anything else," ...

He is referring to Joe Bullock's belief that Sundays should be kept free of work as influenced by his religious traditions, which is fine; any individual is entitled to hold those positions. Joe Bullock certainly does not attribute his opposition to Sunday trading to his religious views; rather he argues that he is a servant of his union. In fact an article written by Ben Harvey, the former state political editor of *The West Australian*, on 1 March 2011 entitled "Union boss softens on shop hours", states —

Mr Bullock, who controls the WA ALP's Right faction through the voting rights accorded to his 20,000-strong union, said his opposition to deregulated Sunday trading was driven by the views of the union rank and file.

In the end, it does not matter whether it was his religious views or the wishes of his members that motivated his position; that was his position. However, I frankly do not believe that Joe Bullock does much that is motivated by the interests of his members; I think Joe does what it is in Joe's best interests. There are a number of colleagues within the union movement who are infinitely more qualified to talk about that than I am, but I have heard stories of sweetheart deals done to trade away the pay and conditions of his members to get the cooperation of employers and achieve near-universal union membership. I do not intend to talk about that at length, but obviously the more members that he has in his union, the more union fees he has, and the more influence he has within the Labor Party. I will not name those particular trade unionists who have been critical of his cosiness with business leaders, but nonetheless, if they are courageous enough, they can name themselves. I frankly do not believe that Joe Bullock is interested in his members' welfare; I think he is interested in the things that actually benefit him.

A fortnight ago I was alerted to an article in *The Australian Financial Review* from 12 November 2011 entitled "Remastered ceremonies". The article states —

Joe Bullock, a staunch monarchist, Catholic and right-wing Labor union powerbroker in WA, also seems to have developed a distaste for some matters ceremonial.

Word has only just filtered through to the Prince —

"The Prince" in this case being *The Australian Financial Review* equivalent of "Inside Cover" —

that at the garden party for the Queen in Perth a week or so back, Bullock did something rather odd.

Standing shoulder to shoulder with WA's elite, he staged a one-man silent protest, turning his back on the welcome-to-country ceremony.

Bullock was reluctant to chat to the Prince about it, saying he would not comment on either "the visit of the head of state to this country or the welcome-to-country ceremony" as his shop workers' union didn't have a position on it.

I spoke to the journalist who wrote that article, Peter Kerr, and he said that he had heard from three completely independent sources—they had nothing to do with the Labor Party; in fact, I believe one was from the Chamber

of Minerals and Energy—who had seen Bullock turn his back on the welcome to country ceremony at the most important and significant event that occurred in 2011. What a complete lack of respect; what a complete and utter display of ignorance; what a complete and utterly ugly act from a very ugly man. He claims to be religious and motivated by religious intent —

**Ms M.M. Quirk:** He's not Catholic; he's not even Catholic. Get it right.

**Mr M.P. WHITELEY:** I am only quoting. There is no doubt he has strong religious convictions and I am not making references to whether he is high Anglican or Catholic; it is what *The Australian Financial Review* said. Nonetheless, can we imagine the disgust and outrage if I came to this place as an agnostic and flipped the bird at the Speaker while he read the Lord's Prayer. Can members imagine the outrage and disgust if someone showed that complete lack of respect during a religious ceremony? This behaviour is absolutely intolerable. It is intolerable for a person in his position. Some people are not critical. I do not hold this view—in fact I am 180 degrees against this view—but some people hold the view that welcome to country should not be conducted. People can hold that view if they choose, but when actually attending an event of such status, and turning your back as Colleen Haywood, an eminent Western Australian, delivered the welcome to country, is disgusting and disgraceful behaviour. If you do not have the good manners to behave when you accept the invitation, do not accept the invitation. It is probably because this article was in *The Australian Financial Review* that it has been overlooked, but it is conduct that is unbecoming to somebody in such a significant position. It is conduct that is unbecoming to the secretary of a major union in this state. It is conduct that is unbecoming to a vice-president of the Western Australian Labor Party. If we believe the rumour mill—I think there is ample evidence out there—he is someone who is an aspirant for not just a position on the Senate ticket but for the number one position on the Senate ticket.

I know the Labor Party. I am not religious; I am an agnostic—the Labor Party is the closest thing I have to religion. I know this is completely inconsistent with its values. I now know that it is out in the open —

**Mr J.J.M. Bowler** interjected.

**Mr M.P. WHITELEY:** I would appreciate silence, please.

I now know that it is out in the open that my party will not tolerate this behaviour. I call on all good members of the Labor Party to call for Bullock's resignation as vice-president. I know that the Labor Party, being full of good people, will not tolerate this. I am only asking the ALP to do what the Australian Football League does. The AFL does not tolerate that sort of behaviour. We saw an incident in South Australia, which is arguably a far lesser consideration, which resulted in a recruiting officer from the Adelaide Crows losing his position. If it is good enough for the AFL, it is certainly good enough for the ALP. I ask all to ignore not only Joe Bullock's position on Sunday trading but on all issues. This is a man who basically lacks the respect that is necessary, and lacks respect for the common standards of decency.

I know my own party will do the right thing. I know it will, because the Labor Party has led the charge on these sorts of issues. The Labor Party has been the party of reform, it has been the party of inclusion, and there is no room for these sorts of attitudes within my great party. I know that even senior people within his own factional group, people such as Stephen Smith and Gary Gray, and even Michelle Roberts in our own Parliament, will stand and say, "This is unacceptable. You've gone too far, Joe. We're not listening to you anymore. You're an irrelevance." It is up to good people to condemn Bullock. It is up to good people to say, "We don't want to listen to you anymore, Joe. The fact that you may have direct control, because of your position, of a significant proportion of state executive votes is an irrelevancy." I am sure good people within the Shop, Distributive and Allied Employees' Association will rise up against this as well. But, even if they do not, I am sure the majority of the Labor Party will take appropriate action.

I am glad that we have actually got to a position on retail trading hours. I am glad that Joe Bullock has become the irrelevance in this issue that he so richly deserves to be.

**MR D.A. TEMPLEMAN (Mandurah)** [12.05 pm]: Mr Speaker, I am sure my comments to this bill will not potentially be as controversial as the former speaker!

Several members interjected.

**Mr D.A. TEMPLEMAN:** I seek your protection, Mr Deputy Speaker, given my current voice ailment!

I will make some brief comments regarding the Retail Trading Hours Amendment Bill 2012, and I am pleased that the Premier is here. I support this bill even though it effectively does not impact on the City of Mandurah, because the City of Mandurah is located outside the metropolitan area.

**Mr C.J. Barnett:** It is a country town, as we all know!

**Mr D.A. TEMPLEMAN:** It is located outside the metropolitan area and therefore —

**Mr C.J. Barnett:** It's almost outback!

**Mr D.A. TEMPLEMAN:** Therefore, Premier, as per legislation and regulation, it is the local government that determines trading hours in Mandurah, which are sanctioned by the minister. I need to make that point. I know the Premier and I have an ongoing good-humoured banter about this, but it is actually a fact.

Although Mandurah is not directly affected by this bill, as we sit outside the metropolitan area, the City of Mandurah has now pre-empted what will happen when this bill is passed. The City of Mandurah, on learning that the Labor opposition will support a change to retail trading hours specifically in terms of Sunday trading, has now moved to reassess its current assessment of trading hours in the City of Mandurah. We have an interesting situation in which the City of Mandurah's trading hours allow Sunday trading for some, but not all, Sundays. This has been the practice for many years. For example, Sunday trading is allowed up until the end of April, the end of the school holidays, and then we go to a system in which there is no Sunday trading until another public holiday or the next set of school holidays. I have to agree that this is an ongoing bone of contention and is confusing.

**Mr C.J. Barnett:** Do you think your shoppers will go to Rockingham during that period?

**Mr D.A. TEMPLEMAN:** I think that has always been a danger, yes. I think that is why the City of Mandurah has pre-empted this change. Now that the City of Mandurah has advertised that it will conduct another consultation with businesses and with the general population, I believe very strongly that the City of Mandurah should immediately move to Sunday trading throughout the year. There is no sense in allowing our competitors, particularly to the north at the City of Rockingham, to take an advantage over us. I strongly support the city. I hope it will put in the change very quickly.

The Premier may be interested to know that very early in the 1990s—it was 1991 or 1992, from memory—for a very short period, Mandurah had 24-hour trading. I was not a city councillor then, but the City of Mandurah inadvertently approved 24-hour trading. In response, the Coles store in the CBD immediately opened 24 hours. I remember very vividly shopping at Coles in central Mandurah at 11.30 one night. I think it was a Wednesday or a Thursday night. The only people who were there were me as a customer, two checkout attendants, two shelf packers and a security guard. I cannot remember the exact period we had 24-hour trading, but it seemed like we only had 24-hour trading for 24 hours because, almost immediately, the City of Mandurah revoked the change it had passed! It was within two weeks, or maybe even days, that we no longer had 24-hour trading. It was a very short-lived experiment. However, Sunday trading now is a different matter. I will be honest and say that when I was a City of Mandurah councillor in the 1990s, the issue of Sunday trading was a very big debate. The council, I suppose, was particularly conscious of the concerns people had about the impact on small business, particularly the concern about giving a greater share to the predominant businesses in the market, Coles and Woolworths. However, things have changed. Whilst I still have concerns about the impact on market share, and in particular the impact of giving the big players the chance to potentially wipe out any independent provider, we also need to look at the nature of our population.

I have been travelling by train all this week and I have seen on that train many of my constituents, who live in Mandurah but who work in Perth, travelling back home at all hours of the evening. Many do the rush-hour commute. Many travel on the train back home to Mandurah at eight o'clock at night, and many certainly travel after 7.00 pm. The nature of our Western Australian community has changed, including in the Peel region. The large number of commuters who jump on that train, or even jump on the freeway if they are game, and travel north has increased rapidly, as well as the fact that the Peel region now has the highest number of fly in, fly out workers outside the metropolitan area. There is now therefore a huge number of fly in, fly out workers who commute through Perth Airport to mining operations in all parts of the north west, and even interstate, but who call the Peel region home. The nature of those work demands is that their requirement for access to more flexible shopping hours has increased.

One of the big arguments that has been used for not allowing Sunday trading is the impact it can have on sporting groups and on family life. There are some valid concerns there. My personal view is that we have seen the trend in recreation, for example in the past 10 years, change rapidly. Both the attraction for patrons to attend and for residents to actively participate in sporting events have resulted in far more sports played at night. The figures from the community sporting and recreation facilities fund for many communities, be they in the country or the city, indicate that most major sporting facilities are lit. That allows not only training at night, but also the capacity to hold games at night. In the City of Mandurah our major hockey stadium is and has been lit for 10 years. Our major soccer stadium is lit and allows night soccer games. Our premier football stadium at Rushton Park, which has also gone through a major renovation, is of course lit. The trend for people participating in active sports should always be encouraged. The trend is that more and more of them will occur at night. A lot of the junior sports will continue to be played traditionally on Saturday morning. Netball with the Mandurah Netball Association, of which I am patron, is played all day on Saturday. Those sports will always occur on Saturday, particularly with kids and young people, but I believe a lot of participation sport will continue to be played at night. So, although concerns have been raised, the move to allow Sunday trading in the hours between 11.00 am and 5.00 pm takes into account those people in our community who wish to be involved in religious

services on Sunday morning. That is very appropriate. But this bill is a step forward; it is a modernisation of what is occurring in our community. I believe it is demand driven. At the 2005 referendum 54 per cent of Mandurah people in my electorate said that they did not want Sunday trading at all, but a lot can happen in seven years.

**Dr M.D. Nahan:** It is very interesting that they voted against something they had.

**Mr D.A. TEMPLEMAN:** They had a hybrid system of Sunday trading.

**Dr M.D. Nahan:** Yes, but it was more deregulated. Didn't they see there was an anomaly in voting against something that they had actually voted for and accepted?

**Mr D.A. TEMPLEMAN:** They would claim they had not even voted for it and that the City of Mandurah had imposed it on them. Because Mandurah is a non-metropolitan city, it is the City of Mandurah that makes the decision. But most people in Mandurah vote with their feet in terms of participating. Sunday trading at the key properties in Centro Mandurah shopping centre is very popular and will continue to become even more popular if we have more consistent hours.

The problem we have now is that after April, under the current City of Mandurah regime of trading hours, we will not be able to go shopping on Sunday until the following public holiday or school holiday period. That, as I said earlier in this contribution, is confusing. If the metropolitan area moves to deregulated hours, as proposed in this bill and as we assume will occur, why would Mandurah allow itself to be non-competitive? I therefore believe the City of Mandurah should move to pre-empt this bill. It already has in terms of its consultation, but the reality is that the nature of the community in my electorate has changed rapidly in 10 years. When I as a City of Mandurah councillor in the 1990s argued against deregulated hours, it was a very different place, quite frankly. My community has changed rapidly. I have mentioned that we have a high number of commuters to Perth and to the north for work and that their hours commuting contribute to the time they are not spending with their families or doing the things they want to do. The number of people who call Mandurah and the Peel region home but fly in and fly out to work is rapidly increasing; their needs, therefore, need to be considered, along with the needs of the broader population.

I support this bill and I support the change it will create. I hope the City of Mandurah, in its pre-emptive move, will do that quickly and put that in place before this legislation becomes law and we have these changes to retail trading in the metropolitan area.

**MR W.J. JOHNSTON (Cannington)** [12.19 pm]: I am very pleased to rise and discuss the issue of trading hours again. The other day I was very interested to hear the Premier explain to the chamber that he had always been in favour of deregulation. I find that statement very interesting. I have here with me an extract from the Liberal–National coalition's 2005 election policy for small business. It is worthwhile making sure the record of the Parliament accurately records the position that the now Premier took to the election when he was opposition leader. I do not do that because I am saying that the Liberal Party should be locked into a position it took in 2005. All political organisations and all people—everybody, all of us—develop and change our position as things go along, but the one thing I want to point out is this idea that the Premier has always been in favour of deregulation, because it is simply not true. The Liberal Party, under the leadership of the now Premier, said —

Labor's deregulation agenda was exposed for all to see when the Government back flipped on its own policy and took the extraordinary step of publicly supporting the 'yes, yes' case.

That is, the "yes–yes" case in the 2005 referendum. The document reads, further along —

The Coalition believes that Labor's plans to change trading hours would be disastrous for small business in Western Australia ...

Further along, it reads —

Many small businesses are owned and operated by individual families and have a very small number of employees. Deregulation will force these small businesses to operate for excessive hours to compete with larger retailers on both weeknights and weekends. This workload will be unsustainable for many small businesses and lead to their closure.

The document goes on —

The Coalition supports retaining the status quo on the issue of retail trading hours.

The status quo in 2005 was trading until six o'clock on weeknights and trading on Sundays only in the tourism precincts of Perth and Fremantle. I will talk about this in a little more detail, but I want to put on the record and make it clear that it is not the case that the Premier has always supported deregulation. As I say, people can change their minds; that is fine. If one is presented with more evidence or circumstances change, it is probably pretty important to change one's mind. The Premier once said in this chamber that we should not go back and read our own speeches, but the other day I went back and read a speech I made in this place on 18 August 2009

on the trading hours bill we were then debating. It is interesting; I could read that same speech today, because nothing in my speech of 18 August 2009 is contradicted by the opinions I hold today. I will get to that in a moment.

I will quote the Premier from the *Hansard* of 1 June 2005. He stated —

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

That was part of his argument about the market being balanced between large and small retailers. On 24 November 2005, the Premier stated in this place —

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

That was in the context of debate around trading hours. The point being made in that debate by the Premier and others was that the status quo on the trading hours arrangement advantaged small business.

It was also interesting to read a quote from the Premier in the *Hansard* of June 2005 —

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

That is, by introducing weeknight trading. I am happy for the Premier to change his mind, but he should occasionally accept that it is appropriate to note the fact that one has changed one's mind; and if he did not change his mind, why was he not being honest?

On 10 June 2003, the Premier referred to a matter of public interest that had earlier been moved by the National Party and had been supported by the Liberal Party. It read —

That this House calls on the Gallop Government to honour its election commitment to:

- (a) retain existing retail trading hours in the Perth metropolitan area ...

In that debate, the member for Cottesloe stated —

The small businesspeople in the public gallery, their customers and the community will not cop lies to the electorate.

He was arguing against the decision of the Gallop government to introduce weeknight trading, which the now Premier voted against; he said that it was a lie to the community. It would be interesting to know why, if the Premier has always supported deregulation, he did not think it was worth telling the people of Western Australia in 2005 that that was his position. The only conclusion I can draw is that it was not his position. The fact that he publicly opposed changes to the trading hours means that it was his actual position. It is perfectly reasonable for him to change his mind—not a problem—but he should tell us why he changed his mind.

Again, during the same debate on 10 June 2003, he stated —

... I will be very prepared to speak about the small traders in Napoleon Street and the Claremont business district.

That was a very clear indication that he opposed trading hours because of the problems it might create for small traders. Again, on 10 June 2003, he stated —

That is why the MPI was moved by the member for Merredin on behalf of the National Party and in cooperation with the Liberal Party and the Deputy Leader of the Opposition. The matter of public interest stated that —

That this House calls on the Gallop Government to honour its election commitment to:

- (a) retain existing retail trading hours in the Perth metropolitan area ...

The MPI was moved by the opposition parties with the support of the Independents to call on the Gallop Labor Government to honour its election commitment.

He then noted that he had spoken for a couple of minutes. If he was then condemning the Labor Party for what was said to be a backflip, while at the same time thinking that trading hours ought to be deregulated, it does not make any sense. I am happy for the Premier to change his mind; I have no problem with that, but he needs to be honest about it.

I do not want to dwell on the past in respect of these issues, but I think it is important that the Premier be honest with the people of Western Australia, because either he was not being honest when he made that comment, or he was not being honest between 2001 and 2008.

A couple of comments have been made about the regimes for trading hours in Rockingham and Mandurah. It is important to understand why Rockingham and Mandurah are entitled to trade on 13 Sundays per year and why that is such a longstanding arrangement. That arrangement started because they were holiday destinations. For periods over the summer and during the school holidays, those cities were allowed to trade on weekends, because once upon a time Rockingham and Mandurah were not dormitory suburbs; they were holiday destinations. It is a facile and irrelevant argument to say that, because Mandurah and Rockingham had special arrangements, the people who live in those areas could not oppose Sunday trading; that is ridiculous. They were granted special arrangements so that they had an advantage; that was the purpose of those arrangements. Indeed, that is exactly why the then Premier, Richard Court, introduced the special trading precincts in Perth and Fremantle. The whole point of introducing those special trading precincts was to give them an advantage, particularly for the city, because the retail arrangements in Perth city in the 1980s and 1990s were collapsing, the city was becoming very sterile and the retailers were not able to make a living. The Liberal government tried to give an advantage to retailers in the city, because it wanted a vibrant retail environment in the central business district. Premier Richard Court wanted to introduce extensive change, but in the end there was change only in the CBD precinct, with a few other minor changes. Extensive debate went on at that time. An employer organisation did a survey about the attitudes of retail employers in the CBD to Sunday trading in the suburbs. The retail employers in the CBD fell into two groups. The employers that were part of a chain of stores and part of a larger group that had operations in the suburbs supported Sunday trading in the suburbs. The small business retailers in the CBD that did not have shops in other locations opposed it. That was natural, because they were voting to support their economic interest.

One thing that has not been much debated is the impact that Sunday trading in the suburbs has had on Myer and David Jones. They are the two flagship retailers in the CBD, with both having large stores in suburban locations. Myer has a large store at Westfield Carousel Shopping Centre, which is in my electorate. We know that the introduction of Sunday trading will lead to significant capital investment in the large shopping centres in the suburbs. It is well known that Westfield will invest, for example, in Carousel Shopping Centre with the arrival of Sunday trading. I imagine it will do the same at Westfield Whitford City Shopping Centre. I imagine AMP Capital Shopping Centres will expand Garden City Shopping Centre, which is the number one retail centre, with Carousel being number two. I cannot remember who owns Karrinyup Shopping Centre, but I imagine it will expand its operations with Sunday trading. People will stop trading in the city and move to retail outlets in those expanded shopping centres. We know that this will happen because of what has happened in places around the world that have extended trading—the central business districts have emptied out. There has to be something special to retain CBD trading. I remember 25 years ago visiting Philadelphia in the United States, which is a very large city. Apart from a few delicatessens and small grocery stores, there was basically nothing in the CBD in terms of retail. Indeed, if we look around the world, Tokyo, for example, has been able to maintain its retail trading precinct in the CBD—I forget what it is called—because it has special trading arrangements.

One of the things we must understand is that there will be a transfer of trading from the CBD to the suburbs. I am not saying whether that is a good or bad thing—I do not care—but there will be an impact, and one of those impacts will be on tourists. There will be fewer shops in the tourism precincts in the city after Sunday trading is introduced in the suburbs. Whether or not we like it, retail businesses rely on local people to shop to survive. Tourism is the cream, not the coffee. This will lead to less retailing in the city, which will have consequences for the tourism industry. As I said, I am not saying whether that is a good or bad thing; rather, I am making the point that it has not been properly analysed.

I am a former union official, organiser and industrial officer for the Shop, Distributive and Allied Employees Association of WA.

**Mr V.A. Catania** interjected.

**Mr W.J. JOHNSTON:** The member for North West pipes up, yet he is only a member of this place because of the support of the Construction, Forestry, Mining and Energy Union, the Australian Workers' Union, the Transport Workers Union of Australia and the SDA. I remember the member for North West coming to see me when I was the secretary of the Labor Party. He thought he was being squeezed out of the upper house and asked whether I could do something for him. Let us be honest.

**Mr V.A. Catania:** How does that relate to the bill?

**Mr W.J. JOHNSTON:** The member was the one who raised this. If he wants to stick his head up—guess what? Let me quote the great National Party former leader, Ian Sinclair, who said, “When I see a head, I kick it”. That is the attitude of the country party, the National Party. If the member for North West puts his head up—guess what? He comes in here on a stolen seat and then talks. That is a good idea! He is a hypocrite.

*Withdrawal of Remark*

**The ACTING SPEAKER (Mr J.M. Francis):** Member for Cannington, that comment was unparliamentary. I direct you to withdraw.

**Mr W.J. JOHNSTON:** I withdraw.

*Debate Resumed*

**Mr W.J. JOHNSTON:** It is interesting that the member for North West was elected on the policy of supporting weeknight trading hours to 7.00 pm, the extension of trading hour precincts to the suburbs —

**Mr V.A. Catania:** But not Sunday trading.

**Mr W.J. JOHNSTON:** Rubbish!

**Mr V.A. Catania:** Have a look at the policy.

**Mr W.J. JOHNSTON:** That is right. Is the member saying that he was not elected on the basis of allowing Sunday trading?

**Mr V.A. Catania** interjected.

**Mr W.J. JOHNSTON:** No, it was not.

[Member's time extended.]

**Mr W.J. JOHNSTON:** The Labor Party's position was very clear. We said we would allow Sunday trading for brown goods and furniture. That is what we were elected on. The policy was quite clear; it said we would have the Sunday trading precincts of Armadale, Midland and Joondalup.

**Mr T.R. Buswell:** What is a brown good?

**Mr W.J. JOHNSTON:** A brown good is a television or a stereo. White goods are fridges and stuff like that. These are terms used in the industry. When I left school I never thought I would get to know so much about the retail industry, but after all those years of representing working people —

**Mr T.R. Buswell:** I worked for Coles; I rose to senior junior casual.

**Mr W.J. JOHNSTON:** Senior junior casual! I digress. The member for North West took me away from the meat of the debate.

The issue that needs to be discussed is the one that I raised when we previously talked about this issue; namely, the rights of retail workers. In the debate about trading hours there is often discussion about connecting penalty rates and trading hours. The Premier said—I do not have the direct quote—that he did not understand why the union would argue for penalty rates that generally went to casuals who work on the weekends, as opposed to full-time staff who work Monday to Friday. As I said, I do not have his direct quote in front of me, but that is an issue that was properly raised. Firstly, if we look at the pharmacy award that applies in Western Australia—it is the first award I negotiated—we agreed to a 22 per cent increase in the base rate, but allowed ordinary hours to be worked from 6.00 am to midnight on any day of the week. We did exactly what the Premier said we should do. The workforce in the pharmacy sector is not as casualised—there are casuals, I am not saying there are not—because it does not have the intensity of the large shops, and the difference between trading hours is less intense. In other words, there are not the massive peaks and troughs of, say, Kmart or Coles outlets. Even today 30 per cent to 35 per cent of a Kmart store's trade is done on Saturday. Clearly, labour follows work, and that is where the intensity of labour can be found. The trading pattern of a pharmacy is much flatter. Of course, there are peaks and troughs, but the trading patterns of pharmacies are not as large as the trading patterns of larger retailers, which means that they have a lesser percentage of casual and part-time employees and a higher percentage of full-time workers. Pharmacies regard full-time employees as part of their competitive advantage because they know where everything is, whereas the casual staff of a different store might not know where everything is. We did exactly what the Premier said. Indeed, Saturdays in Western Australia are not subject to penalty rates. At least they were not under the old shop award. I do not know about the new federal award. The shop and warehouse award under the state act rolled into the base rate an amount for working on Saturday mornings and an amount for working on Saturday afternoons. It was not a penalty rate. There were three rates in the award.

**The ACTING SPEAKER (Mr J.M. Francis):** I am listening intently. Perhaps the Leader of the House may want to stop distracting the member for Cannington.

**Mr W.J. JOHNSTON:** I am sorry. I do not mind them talking; it was just a bit loud.

There were three rates—one rate for working Monday to Friday, one rate for working Monday to Saturday morning and one rate for working Monday to Saturday afternoon. However, it was not a penalty rate—it was the rate. That changed the basis of the calculation for penalty rates for casual workers, and it changed the basis for the rate for part-timers. It was a new way of doing things, and it did exactly what the Premier said. A full-timer

who worked Tuesday to Saturday was paid a higher rate than a full-timer who worked Monday to Friday, but the casual rate for the Saturday was lower than it would have been had there been a straight penalty because there was no penalty for working on Saturday; it had been eliminated. It was actually doing exactly what the Premier said; that is, transferring the benefit to full-time and part-time employees and away from casuals. It was a savings provision and nobody was worse off, but it was a provision that encouraged full-time employment.

Going back to when I was with the union, which is now a long time ago, there was an agreement with the Coles supermarket chain called Project 38 in which every job that could be done by a full-timer was identified. The union demonstrated—in fact, it was Joe Bullock the secretary of the Shop, Distributive and Allied Employees Association in this state who did the work—by going through a series of Kmart stores and analysing the labour cost structure how the company could save money by using full-timers instead of part-timers and casuals. It was a win-win. It was better for the employees because there was more full-time work and it was better for the company because it had a lower labour cost.

**Dr M.D. Nahan:** What about kids?

**Mr W.J. JOHNSTON:** With respect, I think maximising full-time jobs for people who have a mortgage and children and need to pay for the necessities of life —

**Dr M.D. Nahan:** Put themselves through university—live!

**Mr W.J. JOHNSTON:** Full-time employees are the backbone of Australia's economy. If the member for Riverton is in favour of precarious employment, he should stand up and say so. I am in favour of full-time employment. I am in favour of decent jobs that pay decent wages in decent conditions. That is what I am in favour of.

As a result of Project 38, Coles instructed its management staff to determine when a part-time employee left what the opportunities were for offering full-time employment. The union and the companies in this sector know what they are doing. They know how to negotiate these issues. They know how to sit down and come up with a win-win agreement. All the major retailers are unionised and they all have agreements that suit the needs of their businesses. They do not need a politician to tell them how to run their business because they know how to run their business. The union does not need advice from politicians telling them how to represent their members because it knows how to represent its members.

**Mr T.R. Buswell:** I'm not disputing what you are saying. I think retail is one area in which there has been a long, long association. Would you therefore apply that same argument to this issue about who does and who does not work on Sundays? I think you are entirely right in what you have said, but I imagine that in a mature and sensible way both these parties could work through that issue.

**Mr W.J. JOHNSTON:** Yes. If we look back at the arrangements for Sunday trading entered into around the country by way of enterprise agreements, all contained a provision whereby the people employed at this date do not have to work on Sundays. I do not think it a bad thing to give people the right to decide whether they work on Sundays. Although we had a lawyer running the case, I was an industrial officer involved with the trading hours arrangement under the shop and warehouse award in which double-time was arbitrated as the penalty rate for Sundays in Western Australia—which was actually an application by the Chamber of Commerce and Industry. One of the issues that persuaded the commissioner to not accept the application of the employers was the employer argument that it was not about wage costs but about flexibility. We said that if it was not about wage costs, we should settle that matter and asked: flexibility for whom? We built in a provision to allow employees to say yes or no to working on Sundays by keeping it as non-ordinary time in general shops. In hardware shops, they can work ordinary hours on Sundays under the old shop and warehouse award. Again, I am 10 years out of date and I do not know what is in the federal award; I have not read it. My point is that in a proper environment, giving people the right to say no is important. South Australia is legislating trading hours at the moment, and through an agreement between the Labor government, the employers' chamber of commerce—or whatever it calls itself in South Australia—and the union, extra public holiday hours have been added from 6.00 pm to midnight on Christmas Eve and New Year's Eve. As public holidays are overtime, they get a higher rate of pay and more choice. It is important to give people choice.

There is misunderstanding about working in the industry; for example, Easter is a four-day break for everybody except for a shop assistant because Saturday is a regular work day. They can have a public holiday on Friday, the shops shut on Sunday and a public holiday is held on Monday, but they still have to come to work on the Saturday. Therefore, a shop assistant does not get four days off when everybody else in the community does. Again, given a provision stating that Sunday is an ordinary day, Easter Sunday is not a public holiday. Therefore, people will enjoy a Friday public holiday, spend Saturday and Sunday at work, and have Monday as a public holiday. That is not right; it is not fair. Exactly as I said in August 2009 when we debated the previous trading hour changes, I stand for people who work in industry, and I am not embarrassed to do that. I stand for giving people fairness. People should be told, particularly existing employees in industry, that they should have a

choice. The member for Riverton raises the question about casual people working their way through school et cetera. One of the problems with this legislation is that there will be substitution: employers will be able to substitute full-time Monday to Friday employees for their existing Sunday staff; that is exactly what will happen. A general retail shop, for example an IGA, that opens on a Sunday cannot at the moment have staff work on that day other than at overtime rates. IGA stores will now be able to replace Sunday employees with employees from their Monday to Friday workforce.

**Mr T.R. Buswell:** Why do you say you cannot have them work on a Sunday?

**Mr W.J. JOHNSTON:** Because it is not ordinary hours, but now it will be.

**Mr T.R. Buswell:** Under which award—the state award?

**Mr W.J. JOHNSTON:** They are not ordinary hours for an IGA. The only people who have ordinary hours on Sundays are pharmacies and such places. The normal IGA stores are not covered, unless there has been some significant change in the past few years, by ordinary hours on a Sunday for those workers.

**Mr T.R. Buswell:** Under which award is that?

**Mr W.J. JOHNSTON:** It is the national retail award. As I have said, I have not read that award; I am only going on what I understand. Nevertheless, that is one of the problems. Also, the number of shops that will be open on Sundays will change. Another issue is: who has contemplated working on a Sunday? Those people working in a Kmart or a dress shop in the Carousel may not, when they took their job, have even contemplated working on Sunday. These are important issues, and people have a right to be heard on those issues. Sunday work will suit some people, but it will not suit others. Penalty rates are important and need to be protected, but so does the right for people to have a say in their employment arrangements. If there is insufficient protection for them, we have an issue to confront.

**MR A.J. WADDELL (Forrestfield)** [12.48 pm]: I suspect that my comments on the Retail Trading Hours Amendment Bill 2012 will be interrupted by other business, but, hopefully, I will have the opportunity to resume my speech later.

Retail trading is an interesting debate, and many members have provided the history of this issue; therefore, I will not go into that history. I will say that my views on the matter have waxed and waned as I have spoken to those who represent one or the other side of the argument. It seems to me to be one of those intractably tricky problems and that no-one will ever be 100 per cent happy with what Parliament decides. We have before us today a bill proposing Sunday trading.

Immediately that sets off warning bells to me about other problems that we have, particularly in my area. The one I want to talk about is the fact that many people who live in my electorate are employed as retail workers work outside my electorate. At present, many bus services do not run on Sundays. They are extraordinarily restrictive on weekdays and do not run in the evenings, but they do not run at all on Sundays. If any of these workers are reliant upon public transport to get to and from work, I suspect they are in for a world of pain.

Debate interrupted, pursuant to standing orders.

[Continued on page 1652.]

### AUSTRALIAN BRAVERY AWARDS — NATHAN WEBB

*Statement by Member for Kingsley*

**MS A.R. MITCHELL (Kingsley)** [12.50 pm]: Kingsley resident Nathan Webb, who is 26 years of age, received a Commendation for Brave Conduct award when the Australian bravery awards were announced recently. I quote from the Governor-General's website —

On the morning of 26 June 2008, excavation works were underway in Keane Street, Midland for an underground car park. On his second day, Mr Webb was assisting the supervisor and operator, and standing about six metres from the excavator bucket, when it suddenly traversed towards them. When Mr Webb noticed the bucket it was about three metres away. Mr Webb pushed his colleague out of the way but the bucket struck his lower left leg pinning him against the wall. He remained in hospital for nine weeks and had numerous operations to his leg. His colleague was struck on the head by the bucket but escaped more serious injury.

For his actions, Mr Webb is commended for brave conduct.

Nathan was unable to work for two years due to his injuries from the accident. He now has a position with the Water Corporation. He was an all-round tradesman before the incident and well known. He kept active, but these days he cannot play physical sports. However, he has taken up golf. He realises he is lucky to be alive, and it has changed his approach to life. He treats people differently and is more compassionate and patient. He says that if he was ever in a similar situation, he would do it all again. We are most fortunate that there are people like

Nathan Webb who so quickly respond to potential hazards, protect other people and think of others before themselves.

### **NEIGHBOURHOOD WATCH BICYCLE ENGRAVING PROGRAM**

*Statement by Member for Gosnells*

**MR C.J. TALLENTIRE (Gosnells)** [12.51 pm]: I rise to congratulate the members of the Gosnells District Neighbourhood Watch for their latest initiative—the Neighbourhood Watch bike engraving program. I was delighted to participate in the program by having my own bike engraved when the program visited Yale Primary School in Thornlie on Friday, 2 March. The police say that the program helps with the return of lost and stolen property and can deter would-be thieves. As a keen cyclist and, sadly, a victim of bike theft in the past, I can see what a good idea this is, and it is doubly excellent because it is completely free of charge. The bike engraving project is carried out by volunteers and these people engrave children’s bikes, scooters or skateboards with a driver’s licence number—a parent’s licence number in the case of children—so that lost and found, or even stolen and found, equipment can be returned. Seven schools were visited by the program in the last term of 2011, and Yale Primary School was the second school to be visited this year out of a planned seven.

I urge all students and parents to use this free community service while it is available. I especially want to acknowledge the contribution of Mrs Pauline Prosser and Councillor Terry Brown, who have led the program and actually done the engraving of many bikes and scooters. While it is good news that more bikes than cars are sold each year in Australia, it seems that the frequency of thefts is growing. A bike is a magnificently efficient form of transport, but we need better cycleways and we also need better means of storing bikes securely.

### **MELISSA VANN — *BETH’S DIARY: PART 1: ESCAPING HOLLY HUNTER & THE WATSON TWINS***

*Statement by Member for Wanneroo*

**MR P.T. MILES (Wanneroo)** [12.53 pm]: I would like to congratulate a Western Australian author, Ms Melissa Vann, on the release of her book *Beth’s Diary: Part 1: Escaping Holly Hunter & the Watson Twins*. Melissa is the daughter of Wanneroo resident Colin Vann, who is passionate about local environmental issues. The environmental lessons she has obviously learnt from her father have now found their way into her delightful children’s book. Her book uses humour and imagination to deliver messages to children about caring for themselves and the environment, as well as how to deal with bullying. Eva and Alex Morris, daughters of Melissa’s best friend, were the inspiration behind the story. Together they had lots of fun creating the book’s characters and bringing them to life. Melissa also did the wonderful illustrations for the book. Congratulations to Melissa. I am sure lots of children are now waiting for *Beth’s Diary: Part 2*. Congratulations also to Melissa’s proud dad, Colin, who is now helping to promote his daughter’s book.

### **DILYS JOYCE BOSSLEY**

*Statement by Member for Swan Hills*

**MR F.A. ALBAN (Swan Hills)** [12.55 pm]: I rise to pay tribute to Dilys Joyce Bossley, who has made an outstanding contribution to education over the past 55 years. Dilys was born in Canada in 1937 and began teaching in 1957. In 1972, she moved to Australia and taught at Keaney College in Bindoon. In 1978, she moved to Kobeelya College in Katanning as a senior teacher in charge of primary school classes and established co-education at the primary school; she later became deputy principal. In 1986, Dilys was granted permanency with the Department of Education and posted to Northam. In 1988, she moved to Eastern Hills Senior High School, and in 1996 she was posted to Ballajura Community School.

In 1997, Bullsbrook District High School was lucky to secure her services, and it seems to all in the school community that Dilys has “come home”. She is no longer pursuing a promotional appointment because, as she puts it, “My heart is in the classroom with my students.” On behalf of the Bullsbrook community, I join in wishing Dilys good health and all the best for the future, and thank her for her 55-year contribution to the education of our children.

### **THE WIZ — ALBANY PRODUCTION**

*Statement by Member for Albany*

**MR P.B. WATSON (Albany)** [12.56 pm]: On Saturday afternoon I had the opportunity to go and see one of the three sold-out performances of *The Wiz* at Albany Entertainment Centre. The show was put on by Great Southern Grammar and directed by Emma Franklin; the music director was Emma Luxton. I would like to congratulate the cast: Ella Vervest, Auguste Sheehan, Cohen Augustson, Taylor Bradley, Heather York, Gareth Howe, Rebecca Metcalfe, Sasha Sclater—who was brilliant as *The Wiz*—Martin White, Ellie Davies, Liam Olden, Jacqui Turner and Heather York. The munchkins were played by Tristina Rajacki, Kelsey Turpin, Imogen Crump, Abby Richards and Charlotte MacInnes. The yellow brick road was played by Jessica Brown, Lucy Donaldson, Olivia Riches and Heather York. The chorus was Alannah Chapman, Nicola Bairstow, Nadia

Botha, Brittany Freeman, Celena Lyons, Matthew McKeon, Jack Powell, Chelsea Waideman, Charles Williams and Sophie York. The school band members were: Fraser Gordon, Robert Knowlden, Jakyb Thomas and Brendan Talty. The pit singers were: Kristie Lanigan, Deacon Marsh and Kate Rowley.

This was a tremendous performance by Great Southern Grammar. There were three sold-out performances, and young Ella Vervest as Dorothy put on a tremendous performance, as did Sasha Sclater as The Wiz. It was another great show at the Albany Entertainment Centre, and congratulations to all concerned.

### **COLLIE SPEEDWAY**

*Statement by Member for Collie–Preston*

**MR M.P. MURRAY (Collie–Preston)** [12.57 pm]: I rise today to congratulate the SmokeFree Collie Speedway on celebrating its fortieth anniversary. This celebration marks the prestigious record it holds of being the longest continuous night-time running speedway in Western Australia. It is the only speedway in the state to hold continuous night meets for 40 years. I was at the Collie track on Saturday night for the Final Countdown event, which celebrated the track's fortieth anniversary. It was a great evening of exciting and spectacular racing, and it was also great to catch up with a heap of old revhead mates out at the track.

To run a club that can achieve that sort of record acknowledges and highlights the dedication of the committee and the members. It goes without saying that the committee members and volunteers are a major force in making these events happen, and my thanks go to these hardworking and dedicated people who give their time to bring these special events to Collie. Just to show the dedication these people have to their club, I would like to mention three members who have served periodically on the committee since the club's inception and are still there 40 years later. They are Tony Briggs, Graham Crowe and Graeme Genev. I congratulate them on their dedication to this great sporting club. Tony Briggs, the president, has been there for the full 40 years, with 20 years as president. Over the years, many state and Australian championships have been contested on this track—a true indication of the quality of the track, its officials and management. These events have contributed many tourist dollars to local businesses.

The committee and members have done a fantastic job during the years and have built a new clubroom, upgraded the front spectator area and upgraded the canteen facilities to meet new health requirements. They are now building a machinery shed and upgrading track lighting.

I again congratulate Collie Speedway on its fortieth anniversary and achieving such a magnificent nonstop record of speedway racing over the past 40 years. I look forward to it hosting many more successful events in Collie.

*Sitting suspended from 1.00 to 2.00 pm*

### **QUESTIONS WITHOUT NOTICE — WEDNESDAY, 28 MARCH — STANDING ORDERS SUSPENSION MOTION**

*Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams)**: Members, just ahead of question time today, I would like to make a few comments about question time yesterday and the subsequent moving of the motion for the suspension of standing orders. I will not make any recommendation or suggestion, but I certainly want to acknowledge—I think it is appropriate that I acknowledge—some of the issues that were raised. Some of the issues raised were very pertinent to all of us in this place. Some suggestions were made by members on both sides that I think have a lot of currency and are very valuable for not only the operation of question time, but also procedures in this place. I want to let members know that I have taken account of everything that was said. The most important thing for me, and once again the most important thing that I heard on a consistent basis from members on both sides of the house, was respect—respect for what members are doing and respect for this institution. It is a very valuable institution; I do not need to tell members that. I am certainly going to consider in the next few weeks, as we have a break ahead of us, some of the things that members, once again on both sides of this house, have raised. But, I did think it appropriate, members, before question time today to acknowledge the process that happened yesterday. I hope for the majority of you that it was a valuable experience and an opportunity to express your positions and some of your thoughts about processes in this place. I thank you for that, and I just wish to let you know that I will be considering some of the issues that were raised.

### **QUESTIONS WITHOUT NOTICE**

#### **WEEKEND PARTIES — POLICE RESPONSE**

#### **146. Mrs M.H. ROBERTS to the Minister for Police:**

Given that police are now responding to six or more out-of-control parties each weekend and that the party problem has escalated out of control under the minister's watch, I ask —

- (1) What has been put in place for this weekend to deal with the issue?

- (2) Does the minister have any commitment at all from the Commissioner of Police that additional officers will be rostered on this Friday or Saturday night?
- (3) What comfort can the minister give families living in the suburbs that their safety will not be compromised on this or coming weekends?

**Mr R.F. JOHNSON replied:**

I thank the member for the question.

(1)–(3) The member wants an assurance that this weekend police will have the resources —

**Mrs M.H. Roberts:** What have you put in place and have you got a commitment from the commissioner?

**Mr R.F. JOHNSON:** There is an ongoing commitment from the Commissioner of Police that he will deal with his resources. He stated to me quite clearly that he had the resources last weekend. The resources were there to cover each and every one of those out-of-control parties and the gatecrashers who caused all the problems. That was not a problem. He has now brought in the dog squad and the horses, and they do wonders. I have had ongoing discussions with the commissioner for some —

**Mrs M.H. Roberts:** So there's nothing—no improvement—for this weekend, is there?

**Mr R.F. JOHNSON:** I have had ongoing discussions with the commissioner about the problems of gatecrashing and these sorts of parties. Lots of things are involved in this. There is the social media aspect. People are setting up fake Facebook pages and advertising these parties maliciously, perhaps without the knowledge of the host, to encourage people to come along. A lot of parties people have in the suburbs are quite genuine parties; they are family parties and they cause no problem at all. But, obviously, some parties do, particularly if the parents are away and young people invite some of their friends over. Word gets out, false Facebook messages are sent out, text messages are sent out all over the place and 100 or 200 young people—young hooligans, girls and boys—end up turning up. There is no sex discrimination here; both gender of hooligans turn up, very often after preloading on alcohol. We have to wonder what their parents are doing, given that these young people are 15 and 16 years old, and sometimes younger, allowing their children out at that time of night and preloading —

**Mrs M.H. Roberts:** What are you doing?

**Mr R.F. JOHNSON:** I am not preloading; I can assure the member I do not preload!

Several members interjected.

**Mr R.F. JOHNSON:** This is a very serious subject and it is one that —

Several members interjected.

**The SPEAKER:** Members!

**Mr R.F. JOHNSON:** It is a subject on which the commissioner and I are at one. I would like to see more dogs and more horses out there dealing with the gatecrashers who are the biggest problem. Certainly, if there is any need to look at tweaking legislation, we may have to do that. But I can assure the member and the house that there are enough resources. The commissioner has given me an absolute assurance that the resources are there; we are over authorised strength. We want some more dogs and more horses, but at the moment we are dealing with those problems and the police are doing a fantastic job. The police are responding very quickly. Whereas about a year or so ago there was only one regional operations group that had to operate north and south of the river, there are now two groups and they have expanded in numbers. Therefore, we have more resources inasmuch as there are more police officers ready to respond to these actions, together with the dog squad and the horse squad. I would say that we have never had as many resources as are now available to deal with this sort of riotous behaviour. That is what it is: riotous behaviour.

**Mrs M.H. Roberts:** Why is the police union saying the police are stretched and there's not enough people on?

**Mr R.F. JOHNSON:** If the member wants, she can ask a supplementary question; I am sure she will.

I am confident that the commissioner and our police officers will do a fantastic job in trying to deal with those thugs—as I say, they are both male and female—who cause disruption and damage and who even attack and assault our own police officers. We will deal with them, no matter what age they are.

#### WEEKEND PARTIES — POLICE RESPONSE

**147. Mrs M.H. ROBERTS to the Minister for Police:**

I have a supplementary question. Can the minister give this house any assurance that there will be even a single extra police officer rostered on this Friday or Saturday night compared with last weekend?

**Mr R.F. JOHNSON replied:**

I have confidence in the Commissioner of Police and his senior officers to ensure that adequate police officers are rostered on —

**Mrs M.H. Roberts:** You're just leaving it up to him; you're not taking responsibility.

**Mr R.F. JOHNSON:** Listen! Let me just say one thing. I have confidence in our police officers and in the commissioner doing a good job; the member obviously has not. The member does not think that the commissioner will have enough officers out there. Let me just ask: who, when they came into government, disbanded the regional operations group? I asked a question!

**Mrs M.H. Roberts:** I established it!

**Mr R.F. JOHNSON:** Who disbanded the group and left mayhem?

Several members interjected.

**The SPEAKER:** Member for Midland! Leader of the House!

#### SCULPTURE BY THE SEA — TOURIST NUMBERS

**148. Mrs L.M. HARVEY to the Minister for Tourism:**

I acknowledge in the gallery the students from Mount Lawley Senior High School in the member for Mount Lawley's electorate.

Minister, I recently enjoyed with my family a visit to Perth's third-best beach, Cottesloe, to see *Sculpture by the Sea*—sorry, Premier!

**Mr M. McGowan:** It is Rockingham, Scarborough and Cottesloe.

**Mrs L.M. HARVEY:** It is Scarborough, Trigg and Cottesloe!

I noted that *Meeting 1* by Wang Shugang from China very deservedly won the \$2 500 *Sculpture by the Sea* People's Choice Prize, and that *Punctured Sky* by Elin&Keino from Finland was named winner of the NAB Kids' Choice Prize. However, given worries over the general downturn in tourism, can the minister please update the house on whether this downturn in tourism affected attendance at *Sculpture by the Sea* this year?

**Dr K.D. HAMES replied:**

I thank the member for the question. When she went through the order of best beaches, I was a little disappointed to hear that Mandurah's beaches were not mentioned, as they are fantastic. As the member for Mandurah and I both know, Mandurah is outside the metropolitan area, so its beaches cannot be included. The member for Mandurah should not make any comments or they will be recorded.

**Mr M. McGowan:** In the outback.

**Dr K.D. HAMES:** Yes, that is much better.

**Mr D.A. Templeman** interjected.

**Dr K.D. HAMES:** There are a few cobblers down in Mandurah as well; they got fished out, though not by me.

*Sculpture by the Sea* has been a fantastic event, year after year. It is one of the premier events that is funded by Tourism WA and Eventscorp. It has seen a continued increase in the number of people attending. We had 250 000 people visit the exhibition, which is 35 000 more than last year, which broke previous records. That is a fantastic number. The winner of the \$2 500 people's choice award was Wang Shugang from China. His sculpture was my favourite, which was a fantastic piece. He also won last year. The NAB kids' choice was a sculpture from Finland, which was again a fantastic result. It is really good to see what Eventscorp has been doing to get people out. Recently we had the Channel Seven Crab Fest in Mandurah, which is a fantastic event. We significantly increased funding this year to hold the EYRES Action Sports Games, which includes world-class waterskiing, cycling and skating. It is a fabulous event. About 120 000 people came to watch that event, which is very interesting because I know Victoria is trying to shop out the grand prix. It spends about \$50 million sponsoring the grand prix. The grand prix attracted about the same number of people—in fact, marginally less—to that event on a single day compared with what we had in Mandurah over the weekend. It was a fantastic event. Lots of people were there. My son, who never goes to anything, went down there without my knowledge to see it because of those events that were on.

**Mr D.A. Templeman:** Freddy Krueger was there.

**Dr K.D. HAMES:** Yes. Some world champions participated in that event and put on a fantastic performance. I want to congratulate Eventscorp for the types of events that it is supporting and the huge improvement it is making in the attraction of Perth as a city, not just for our own people but for others to come and watch what we put on.

## PUBLIC HOUSING — MAINTENANCE CONTRACT

**149. Mr P.C. TINLEY to the Minister for Housing:**

On behalf of the member for Forrestfield, I would like to acknowledge the students from the Woodlupine Primary School in the public gallery. I hope they enjoy their visit.

I refer to the failed prioritisation of Homeswest housing maintenance and draw the minister's attention to a Department of Housing email that I received, dated 6 March this year. It says that at present the housing maintenance budget in the state budget is \$11 million overspent to date.

- (1) Given that the minister is on the public record as denying the housing maintenance budget is overspent, does he still maintain that the housing maintenance budget is not overspent?
- (2) How does the minister reconcile his ongoing denials that there is no problem with the housing maintenance budget with the information that is coming from his own department?

**Mr T.R. BUSWELL replied:**

Mr Speaker —

**Mr B.J. Grylls:** What happened to the email?

**Mr T.R. BUSWELL:** That is an interesting point. During my short time in this place, I have found that it is often fraught with danger to believe everything members of the opposition say when they interpret an email.

**Mr E.S. Ripper:** I certainly found that in government.

**Mr T.R. BUSWELL:** I am sure the member for Belmont was not reflecting on me when he made that interjection.

- (1)–(2) I have not seen the email. I am happy to look at it later. I go on the advice that I get from the department, not the member for Willagee's interpretation of emails because I have found in the past that some of his interpretations of emails have been a little off the mark, for lack of a more polite statement.

The advice I have from the department is that as of February this year, it had spent \$82 million of a \$106 million maintenance budget. It is the case that we have had to prioritise our spending on maintenance to ensure that we fit within that budget. That means that some non-urgent work will be delayed. I think it is entirely appropriate that the department delivers on its budget expectations in and around maintenance. It is not a new outcome. This has happened in previous years; that is, the department has had to effectively control the maintenance work that flows through to ensure that we deliver outcomes that are within our budget. I am very comfortable with the advice that I have received. I have not seen the email that the member for Willagee has and I am not prepared to comment on it.

I will comment more broadly on the issue of the maintenance contract. There was a private member's motion on public housing maintenance last week. I understand that the member for Willagee was ill last week and could not participate. I am sorry about that as I was looking forward to his input into the debate. For his information and for the benefit of the house, I will reiterate what I said. There were major problems with the implementation of the head contractor model. The implementation was poor, management oversight was poor and risk management in relation to projects was very poor. I have asked the auditor to do some additional work around that, in particular around the robustness of the payment structures and around methods to ensure that quality is being delivered. I am a lot more comforted by what the department is doing in that space now than what it was doing a couple of years ago.

The short answer to the question is that I will be getting some more advice in and around the head contractor model. I think it is appropriate for the department to manage its maintenance budget. I am not really prepared to comment on the email that the member for Willagee has until I have read it in its entirety.

## PUBLIC HOUSING — MAINTENANCE CONTRACT

**150. Mr P.C. TINLEY to the Minister for Housing:**

I ask a supplementary question. Noting the minister's answer and noting that he was the minister who presided over the introduction of this very scheme, yet he outsourced all his responsibility, what is he doing to extract the government from this failed experiment in privatisation?

**Mr T.R. BUSWELL replied:**

I am not doing anything to extract it because I refute point blank the assertion that it has failed. I am getting some more information from the auditor, which is entirely appropriate. Last year I asked the department to engage an external audit team to look at what happened in and around the head contractor model because I had concerns —

**Mr P.C. Tinley:** Will you table that report?

**Mr T.R. BUSWELL:** It is not finished yet. I heard the member say on the radio last week that it was a disgrace that the head of the Department of Housing was not at the briefing that the minister received from the auditor. I think the member went on to say that he did not even think the head of the Department of Housing had seen the report. Here are the facts. The head of the Department of Housing sits on the department's internal audit committee. He received a copy of the draft report some time ago. Here is another fact. I do not apologise for the fact that if I ask some external auditors to look at the agency, they would come and brief me in the absence of the director general of that agency.

**Mr P.C. Tinley:** Why won't you table the report when it's finished?

**Mr T.R. BUSWELL:** There may be questions that I want to ask of the auditors that would not be entirely appropriate to ask in the presence of the director general. I am very comforted with that. I then met with the director general after that.

I will return to the answer. I will table the state's affordable housing strategy, which we released in the middle of last year. It is an excellent document. When the member for Willagee first got his position as shadow Minister for Housing, he appeared on Channel Seven news on 1 February and said, "We'll get it by building more houses and by having an affordable housing strategy." I will table that document. If the member for Willagee is the shadow Minister for Housing, I would expect —

**Mr P.C. Tinley** interjected.

**The SPEAKER:** Member for Willagee, you are getting answers to the questions you asked —

**Mr P.C. Tinley:** And then some.

**The SPEAKER:** I formally call you to order for the first time today.

**Mr T.R. BUSWELL:** I will just close by saying something in relation to maintenance. One thing that the member for Willagee can be sure of is that his efforts to divert our asbestos fence replacement program will not be successful. His asbestos fence will be replaced by a good maintenance program.

#### MINISTER FOR PLANNING — CONFLICT OF INTEREST — WARATAH AVENUE, DALKEITH

##### 151. **Mr J.N. HYDE to the Premier:**

I refer to the ongoing concern about the Minister for Planning's perceived conflict of interest in relation to the Waratah Avenue, Dalkeith development.

- (1) Has the Premier counselled the minister about the difference between an actual conflict of interest and a perceived conflict of interest or any other aspects of this matter?
- (2) If he has counselled the minister, what advice has he given the minister in handling future perceived conflicts of interest?
- (3) The Premier advised this house that the minister has written to the cabinet secretary asking whether there was a conflict of interest. Has the cabinet secretary replied and provided advice; and, if so, what was the advice given to the minister?

##### **Mr C.J. BARNETT replied:**

- (1)–(3) To the best of my knowledge, the cabinet secretary has not yet replied to the minister, but I am sure he will do so shortly. He may well be seeking some advice about that in any case. I restate that the Minister for Planning purchased the property in April 2010, presumably as an investment property. He declared it in September 2010 on his declaration of financial interests. That was September 2010. In October 2011, he approved a recommendation from the WA Planning Commission relating to the development on the other side of the road. It was not a cabinet decision. He simply approved a recommendation to him as minister—almost an administrative role. If the minister erred, he erred only in failing to, I guess, question either myself or the cabinet secretary whether he should totally exempt himself from that issue.

**Dr A.D. Buti:** Which he should have.

**Mr C.J. BARNETT:** He probably should have. It is a technical breach, but that is all it is. In my view it is not a conflict of interest, either perceived or real.

**Dr A.D. Buti** interjected.

**Mr C.J. BARNETT:** The member can argue that later if he wants to. He had declared the property.

**Mr M. McGowan:** Making a decision that could potentially benefit the minister.

**Mr C.J. BARNETT:** Sorry; I am trying to answer the question; I am trying to be very fair. I think even members opposite would agree that that minister probably has the highest integrity in this Parliament in every respect in the way he conducts himself.

**Mr M. McGowan:** Yes, but he has not shown it here.

**Mr C.J. BARNETT:** He had declared the property. It was an administrative decision, and he drew to the attention of the department the fact that he owned a property opposite to make sure the department was aware of it.

**Mr J.N. Hyde:** After they had given him the advice he wanted.

**Mr C.J. BARNETT:** It was not on his mind. Yes, he should have sought my advice on whether it was appropriate to make even that administrative decision. He did not do that; that was an error, but that is all it was.

#### MINISTER FOR PLANNING — CONFLICT OF INTEREST — WARATAH AVENUE, DALKEITH

##### 152. **Mr J.N. HYDE to the Premier:**

I have a supplementary question.

- (1) If there was no conflict, why did the Premier ask the cabinet secretary to address the issue, and will he table that advice?
- (2) Does the Premier have any knowledge of the two planning officers concerned who were put in the compromising position of being informed of the minister's conflict only after they had delivered the advice they wanted, having referred the issue to any superiors or any other body?

**The SPEAKER:** Member for Perth, that is not a supplementary question.

#### PORTLINK INLAND FREIGHT CORRIDOR DEVELOPMENT PLAN

##### 153. **Mr J.J.M. BOWLER to the Minister for Regional Development:**

I was pleased to hear the minister's announcement in Kalgoorlie this week regarding the funding of phase 1 of the PortLink project, a significant project for my electorate. Can the minister update the house on what this means for Kalgoorlie and the surrounding area?

##### **Mr B.J. GRILLS replied:**

I thank the member for Kalgoorlie for the question. It was great to be in Kalgoorlie last Friday to indicate to the local community that, after 20 years of trying, at last the government had taken some notice of a major regional development project in its heartland. The planning phase of the PortLink inland freight corridor development plan will receive \$5 million of royalties for regions money. Interestingly, the federal Minister for Infrastructure and Transport, Hon Anthony Albanese, has committed \$2 million of federal funding to the same project. Between the strong lobbying and support from the member for Kalgoorlie and the federal member for O'Connor, Tony Crook, who has done an enormous amount of work to bring this project to the fore, we now have a state and federal government commitment to the planning phase of this very important project.

The project involves the construction of an intermodal freight hub terminal in Kalgoorlie as well as the realignment of the railway that travels through the middle of the Kalgoorlie–Boulder town site and, importantly, a sealed road link between Wiluna and Meekatharra, which will give a more direct road link from Kalgoorlie, north, into the most prosperous area of Australia, the Pilbara. I know that the member for Kalgoorlie is very determined to see a more direct link built between Wiluna and Great Northern Highway. I commit that in phase 2 we will investigate a more direct link between Wiluna and Great Northern Highway. The project will link the ports of Port Hedland and Esperance through the intermodal terminal in Kalgoorlie. Future planning suggests that with construction of the Oakajee port, we need to start looking west and have a linkage from the intermodal terminal at Kalgoorlie to the Oakajee port. A better freight network is vitally important to deliver economic development and employment opportunities in the region.

This project is in response to the very strong growth in the resources sector. Currently, we are relying on Perth as the transport hub. Anyone who has travelled on Great Northern Highway heading out of Perth through Bindoon and the like will know that that road is under enormous pressure with wide loads travelling past at a rate of one almost every two minutes. At night that road is a scary proposition. It is vitally important that we do better in providing intelligent freight logistics to enable the growth in the Pilbara.

The distance for freight going through Kalgoorlie direct to the Pilbara would be reduced by around 1 300 kilometres at the completion of this project. If we can link the road through to Meekatharra, it will save a difference of 1 300 kilometres by not going from Kalgoorlie to Perth, up Great Northern Highway and intersecting at Meekatharra. I think the commonwealth is interested because it is interested in linking the

manufacturing sector of the east coast more strongly with the huge demand of the Pilbara. I think as a nation-building project, this has a great deal of merit in getting better capacity from the eastern states to help drive the Western Australian economy. It is for that reason that I hope this is not only a commitment of planning money from the commonwealth, but also recognition that when we get into project definition and funding, the commonwealth will be an equal partner with the state to deliver that project.

The PortLink will build on the regional freight transport network plan being finalised by the Department of Transport and it confirms a strategic link between the Goldfields–Yilgarn region and the ports of Esperance, Kwinana and Geraldton and in the Pilbara. As I said, this project has been talked about for 20 years. At last, under the Liberal–National government, the project stops being talked about and moves into the planning phase and then the development and delivery phase after that. It is a great day for Kalgoorlie and a great day for the state.

#### MINISTER FOR ENERGY — PERFORMANCE

##### **154. Mr W.J. JOHNSTON to the Premier:**

I refer to the Minister for Energy's admission last week that there has been a significant cost blow-out in the Pilbara underground power project and also to the 680 per cent increase in the number of complaints by Synergy customers, the bungling of the government's feed-in tariff scheme, Western Power's bungled pole maintenance program, the chaos caused by the government's inability to make a decision on the future of Verve and Synergy, and the resignation of the chair and chief executive of Western Power and the chief executive officer of Verve.

- (1) Does the Premier believe the Minister for Energy is responsible for any of this poor performance, cost blow-outs and chaos?
- (2) If the minister is not responsible for this chaos in the past three and a half years he has been a minister, who is responsible for these issues that have occurred on his watch?
- (3) Why should Western Australians trust this minister at all?

##### **Mr C.J. BARNETT replied:**

- (1)–(3) The energy industry is a complex industry. I am sure the member who asked the question is aware that we are unique in this state because our system is isolated; we have no interconnection; and we cannot get electricity over the border as can the other states on the east coast, including South Australia and Tasmania. We have a small, isolated system with long power lines leading to small customer loads. It is almost unique in the world and requires a high level of backup for that reason alone. We have a large state with all sorts of conditions. I do not think whoever has the energy portfolio in government will ever have an easy portfolio. I did it for eight years and the member for Belmont did it for a number of years. It is always prone to issues in this state.

The member for Cannington asked whether the minister is responsible for some of those issues. No; he is not. He is doing a good job as a minister. The member for Cannington asked who is responsible. If anyone is responsible, it is the Labor government for the complete mess it made.

Several members interjected.

**Mr C.J. BARNETT:** Despite some of the problems and issues the state has to deal with, the lights have stayed on under this government. Remember black Tuesday? I think it was in 2004 when the lights went off across the state because the Labor Party had failed to plan for energy supply. That is all in the past. I talk a lot about the way the Labor Party broke up Western Power. I think it made a major mistake as a government. One of the great weaknesses of that right now, and I could ask the question rhetorically —

**Mr M. McGowan:** Christian Porter doesn't think that.

**The SPEAKER:** Order, Leader of the Opposition!

**Mr C.J. BARNETT:** The Leader of the Opposition does not like us asking questions in question time; he is a bit shy about that. We will be gentle. We will ask rhetorical questions. The rhetorical question is: Who in Western Australia right now under this structure is doing the long-term planning for energy supply? Is it Synergy? No. Is it Verve Energy? No. Is it Horizon Power? No. Is it Western Power? It is to some extent on powerlines.

Several members interjected.

**Mr C.J. BARNETT:** It does not. The greatest weakness of the system is that none of the four utilities has a prime responsibility for energy planning in this state. That is the weakness. That is what this government will correct.

## MINISTER FOR ENERGY — PERFORMANCE

**155. Mr W.J. JOHNSTON to the Premier:**

I have a supplementary question. Given that the Premier has once again blamed the previous Labor government for the chaos under this Minister for Energy, on what specific date can Western Australians say that Minister Collier will accept any responsibility for his portfolio?

**Mr C.J. BARNETT replied:**

I, as Premier, and each and every minister accept full responsibility for their portfolio. That is the Westminster system. Responsibility does not mean that everything happens perfectly. Issues happen in every portfolio. The challenge for a minister is to deal with them. The greatest responsibility of a Minister for Energy is to keep the lights on. Minister Collier has done that.

**Mr W.J. Johnston:** You failed.

**Mr C.J. BARNETT:** When did the lights go out on me?

**The SPEAKER:** Member for Wanneroo.

Several members interjected.

**The SPEAKER:** Order! Thank you, members! I have given the call to the member for Wanneroo. Member for Cannington, I formally call you to order for the first time.

## PUBLIC HOUSING — TENANT BEHAVIOUR — THREE-STRIKES POLICY

**156. Mr P.T. MILES to the Minister for Housing:**

I refer to the impact of the poor behaviour of a minority of Department of Housing tenants in our community. Can the minister please provide an update on the impact of the government's revised three-strikes policy?

**Mr T.R. BUSWELL replied:**

I thank the member. It is a very important issue for members on this side of the house. Our antisocial behaviour policy was supported with varying degrees of enthusiasm by members opposite. Members may recall that we introduced a three-strikes policy shortly after coming into government. Last year in March or April—it may have been a little earlier—there was an issue with the explosion of a drug lab at a house. A young lady by the name of Stacey Parkinson, whose father Dave Parkinson is a former superintendent of WA Police, lived nearby. Following my investigations of that particular incident and all the complaints made about it, it was obvious to me that the three-strikes policy was not working with the intent we had hoped. We toughened it up. We toughened up the definitions under which people get strikes. We have put in place a central reporting line so that people can more effectively report their complaints. We have put in place a central compliance unit—a group of people who operate out of the Department of Housing's central facilities—to help enforce —

**Ms M.M. Quirk:** Has Transfield fixed that house yet?

**Mr T.R. BUSWELL:** Did the member for Girrawheen go out there? Did she go out and see how distraught that young girl with a disability was on that day? The member for Girrawheen would not know what she is talking about; it was a very, very stressful time for that young lady. The one undertaking I gave her was that those residents would never go back into a house and terrorise her again. That is typical of the response of some members opposite to this policy.

I want to let members know what has happened since that time. From May last year until now, the central antisocial behaviour hotline has received 10 664 calls. That is an average of 1 060 calls a month through to that line about antisocial behaviour. Those calls are from people who in the past probably would not have been able to contact the Department of Housing to report antisocial behaviour. The other thing that has happened is that there has been a significant increase in the number of strikes issued, and, unfortunately, there has also been an increase in the number of evictions. In my view, this policy will be perfect when there are no evictions, because it will mean that people have learnt that they have to pull their heads in and behave in a way in public housing that is respectful and responsible to their neighbours. That is all we ask of them. Just to give an example, in the months up to May last year—I will call it “three strikes version 1”—on average there were 60 strikes issued and 19.4 evictions every month. Not every eviction is because of antisocial behaviour; there are a range of other reasons, such as non-payment of rent and the like. In the past 10 months under version 2, the number of strikes has doubled to 124 strikes per month and the number of evictions has increased to 28 evictions per month. What is happening is that people who behave in a way that threatens or disrupts the lives of their neighbours are, and will continue to be, evicted. I want to read into *Hansard* an email I received. I recently had the pleasure of being interviewed on the 7.30 report by a reporter who obviously thought our policy was flawed. It led to a veritable flood of emails to my office and to me personally in support of that policy. This email states —

Dear Mr Buswell —

That is me —

An opposition member: You're not often dear, are you?

**Mr T.R. BUSWELL:** No—and not often Mr Buswell! I get some very colourful emails. I thought I had better pick one out very carefully. The email continues —

I would like to say that I completely support your stand on the three strikes policy in relation to Public Housing. Our Street has had serious problems in the past because of the antisocial behaviour caused by the tenants of public housing. The problem has been so serious that a number of people have had to sell their own private homes and move on because of this anti social behaviour. Since introducing the three strikes policy, the situation has greatly improved. We would never make a vexatious claim against anyone, but strongly believe that public housing tenants have a responsibility —

**Mr P. Papalia:** I wrote to you on 23 February with regard to the Warnbro —

**The SPEAKER:** Member for Warnbro, if you want to ask a question, you have that opportunity. I formally call you to order for the first time.

**Mr T.R. BUSWELL:** I almost lost my place, Mr Speaker. The email states —

We would never make a vexatious claim against anyone, but strongly believe that public housing tenants have a responsibility to live in harmony with their neighbours and not destroy their amenity.

That person captures in that statement the full intent of this policy. I hope we get to a point where there are no evictions. We are some way off that. The other feedback that I take a lot of confidence from is that I receive from Department of Housing officers, who say to me that this policy is a great tool for them to help enforce better standards of behaviour by our tenants. I point out to people when I talk about disruptive behaviour that when we recently brought through this Parliament changes to residential tenancies legislation to perhaps provide a better framework for the courts to evict our tenants who behave inappropriately, the only ones who opposed elements of that was the Labor Party. The only people who did not help stand up for the communities of Western Australia was the Labor Party.

**Dr A.D. Buti:** Rubbish.

**Mr T.R. BUSWELL:** That is not rubbish; that is a fact. The Labor Party did not support —

Several members interjected.

**Mr T.R. BUSWELL:** Let us go back and read the *Hansard*. We are heavily committed to this policy. I think that the data I have shared with the house clearly shows that it is having an impact. We will continue to demand better standards of behaviour in the community from people who live in public housing.

Several members interjected.

**The SPEAKER:** Members!

**Mr T.R. BUSWELL:** That is coming from the member for Pilbara, who in 2001 was a minister of the Crown for a very short period. He promised to introduce in this place an affordable housing strategy. Guess what happened when we came into power in 2008? No affordable housing strategy had ever been delivered by the Labor Party or WA Labor in this state.

#### *Tabling of Paper*

**Mrs M.H. ROBERTS:** During the course of the minister's answer he referred to and quoted from a piece of official correspondence. I call upon him to table that document.

**The SPEAKER:** I ask the Minister for Housing to provide that correspondence to me. I give the call to the Deputy Leader of the Opposition.

#### CIGARETTE RETAILERS — SALE TO MINORS — PROSECUTIONS

##### **157. Mr R.H. COOK to the Minister for Health:**

I refer to the Department of Health media release dated 4 March that outlines the results of a compliance audit into whether retailers were conforming with the Tobacco Products Control Act 2006 by refusing to sell cigarettes to minors. According to the media release, of 1 002 attempts to buy cigarettes, the minors used by the department were successful in 20 per cent of their attempts to purchase cigarettes. Given that 39 per cent of the 562 stores in the undercover sting sold cigarettes to minors, has the department commenced action to prosecute any of the retailers for breaking the law; and, if not, why not? What is the point of talking tough on selling tobacco to kids if the government does not intend to do anything about those caught in the act of flagrantly breaking the law?

**Dr K.D. HAMES replied:**

It is a very good question. I have to say that I do not take a great deal of comfort in what we do and how we do it. I am very much against shops selling cigarettes to minors. I have a couple of kids who smoke, and I am fairly certain that there were shops in the region where I live who sold cigarettes to them when they were not the appropriate age. We know that happens. We know that what they are doing is illegal. We put strong messages in place to say that to them.

The other side of the question is: what are we to do about the sting operation that was conducted? Sending young people who are under age to buy cigarettes has been criticised by a lot of people as entrapment. I have discussed this issue at length, and in that discussion both sides of the argument have been put to me. On one hand we want to stop retailers selling cigarettes to minors; on the other hand I am not happy about setting up stings to catch them. I have an objection to doing that. However, the advice I am given is that it is not entrapping retailers for the purpose of prosecution, it is entrapping them to show them that people are out there checking on them and that work is being done to catch them out when they do the wrong thing. We are using that opportunity to encourage them to change their behaviour. Certainly, it creates public awareness of what they are doing and encourages them to change their behaviour so that they stop doing that. I would prefer to prosecute retailers because we caught them doing it, rather than because we entrapped them. It is a very difficult question and I do not have a great answer as to why we are not doing things. I guess it is because of my discomfort with entrapping people, while at the same time I am very unhappy that they are selling cigarettes to minors. I know that is not a great answer, but that is what I have got.

## CIGARETTE RETAILERS — SALE TO MINORS — PROSECUTIONS

**158. Mr R.H. COOK to the Minister for Health:**

I have a supplementary question. Will the Minister for Health promise that from today the Department of Health will no longer undertake this softly, softly approach to retailers who are, essentially, getting kids hooked on one of the most addictive drugs available?

**Dr K.D. HAMES replied:**

I will go back and look again at what we are doing and how we treat those people who have been caught. At the end of the day, we can continue for only so long with a system that catches people out and then does nothing but tells them off. I will give a commitment to reconsider this issue to see what else the government and the department should do

## ALCOHOL RETAILERS — SALE TO MINORS — PRIVATE MEMBER'S BILL

**159. Dr J.M. WOOLLARD to the Minister for Racing and Gaming:**

Many professionals and professional bodies have recently spoken out against the supply of alcohol to minors without parental consent. On 28 September last year, I tabled the Liquor Control Amendment Bill 2011, a private member's bill that is still on the table, which sought to prohibit the supply of alcohol to minors without the consent of their parents or guardians.

- (1) Will the minister now allow this to be debated in government business in order to protect young people from the dangers of alcohol?
- (2) If no to (1), will the minister introduce similar legislation as a matter of urgency?

**Mr T.K. WALDRON replied:**

I thank the member for Alfred Cove for some notice of this question.

- (1)–(2) There has been quite a lot of public debate around alcohol over the last couple of weeks. There is always public debate where alcohol is concerned, and it is good we have that. One of the topics has been the secondary supply of liquor to people under 18 years of age, and there is no doubt that is a real issue. Although Queensland, New South Wales, Victoria and Tasmania have legislation in place, there have been no real success stories on tackling the out-of-control parties that have been referred to today and minors being supplied with liquor in private dwellings. In fact, over the last two to three years in most of those states—New South Wales legislation goes back to the mid-1980s—there have been only a handful of convictions.

**Mr P. Abetz** interjected.

**Mr T.K. WALDRON:** I ask the member for Southern River to let me talk.

There is real doubt about the effectiveness of the law in this regard; however, the introduction of legislation to regulate the supply of liquor to a juvenile in a private residence may have some merit in order to raise awareness, to be a deterrent and hopefully to make changes to that culture.

I say to Mr Speaker and the member for Alfred Cove that it is my intention to fully review the Liquor Control Act 1988 with input from community and industry; and, if required, I will bring legislation to this house. The issue that the member has raised with me will be considered, along with many other issues, as part of that review. Not just that issue but also a lot of other issues will be considered; for example, changes to the declaration for a restaurant licence that would allow patrons to stand up and have a drink in restaurants. That has some merit but it has to be changed by legislation, which I will consider. I would like to consider the banned drinkers register in the Northern Territory, which I have been watching closely and which I think has quite a bit of merit.

**Mr M.P. Murray** interjected.

**Mr T.K. WALDRON:** I am travelling to evaluate that during the next long break.

**Mr M.P. Murray** interjected.

**The SPEAKER:** Member for Collie–Preston, I formally call you to order for the first time today.

**Mr T.K. WALDRON:** I will consider a number of other areas, including the changes that we have already made. Members will recall that the government has introduced a lot of changes and I want to make sure they are working properly; if they are not, we will make changes. The government has focused on targeting the troublemakers, with the issuing of approximately 245 barring notices and 117 prohibition orders. I want to make sure that the changes we have made to restricted premises are bedded down; there are around 12. I want to talk briefly on the expansion of small bar licences—I do not want to hold up the Parliament. We now have 59 small bars due to the expansion of small bar licences, and six other applications have been lodged. The changes to small bars resulted from a review, and I congratulate the Leader of the Opposition who was involved in bringing that review in. It was a good move. We have overseen that introduction in an orderly and well-managed way that has ensured these new licences were introduced on a regular basis without causing problems to the industry. Obviously, with six new licences pending, more small bars will come along.

I have often said that alcohol management is about balance. I recently saw a heading about liquor regulations being a balancing act, and this is about balance. In the last two weeks there have been calls to free up and tighten liquor licensing regulations. The government has tried and had some success in cutting some of the red tape. I will be quick: we have freed up the occasional licences, we have streamlined and given flexibility to the approved manager system, and we have made sensible changes to regulations for small charter vehicles. However, we have some more to do. The review of the legislation will enable us to do that. We will properly engage with the community and industry and will make considered changes, as we did in 2010. A lot of the changes made at that time have worked very well.

I thank the member for Alfred Cove for her input and ideas, and I will bring back legislation to this house after we have been informed.

### **PUBLIC HOUSING — TENANT BEHAVIOUR — THREE-STRIKES POLICY**

#### *Question without Notice 156 — Tabling of Paper*

**THE SPEAKER (Mr G.A. Woodhams):** I refer to the document that the Minister for Housing was requested to table. The minister has indicated to me—I have had a look at it—that it is a document that can be tabled. I have some concerns with the document in that it contains some personal information not related to the minister himself but includes addresses, telephone numbers and emails. I will seek some advice as to how this particular document can be tabled.

#### *Point of Order*

**Mrs M.H. ROBERTS:** Mr Speaker, on the tabling of that document, I want to draw to your attention that the minister should be well aware that standing order 157 reads —

A Minister who has quoted from an official document will table that document if requested by any other member during, or immediately after the conclusion of the remarks which include the quotation.

This minister is not a new member of this house. That is a clear standing order that applies to a minister. It is the minister's obligation when he quotes from an official document, and I put to you that it is an official document. Any correspondence, whether it is by way of letter or email, addressed to a minister of the Crown about their portfolio area is an official document. In choosing to quote from that document, the minister made the choice himself. I see the standing order as very clear-cut. I fail to see that the matter is for interpretation. It may be that the minister has done this correspondence an injustice by quoting from it today, but that is the requirement of the standing orders of which the minister should have been well aware.

**The SPEAKER:** To the point of order, member for Midland, it is standing order 157, as you note. I have raised the issue of the appropriateness of the content of what is on this page. It is not in relation to what the minister quoted from. It is in relation to some other information that is on this page. The minister has indicated that he is

prepared to lay upon the table the information that he has relayed to this house in the answer to the question, but I am drawing to the house's attention some other information on this page that is not related and should not be laid upon the table. Quite simply, that is the end of that point of order.

**Mrs M.H. ROBERTS:** I do not wish to enter into a debate with you, but the practice in this place—I have been here for a long while—has been that, as in the wording of the standing order, the document will be tabled, not that matters can be taken from it. That has been the practice of this house for as long as I have been here.

**The SPEAKER:** I will provide some further information to you later in this day's sitting and I will endeavour to have this document laid upon the table.

[See page 1652.]

## NIB STADIUM DEVELOPMENT — HEADS OF AGREEMENT

### *Matter of Public Interest*

**THE SPEAKER (Mr G.A. Woodhams)** outlined that he was in receipt within the prescribed time of a letter from the member for Victoria Park seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

**MR B.S. WYATT (Victoria Park)** [2.53 pm]: I move —

That the house calls on the government to —

- (1) release all information on the renegotiation of the nib Stadium heads of agreement, including information held by the Minister for Sport and Recreation's and the Premier's offices and agencies;
- (2) explain the circumstances behind the renegotiation of the heads of agreement; and
- (3) explain the role of Liberal Party lobbyists in influencing the outcome.

This issue has a controversial history. The heads of agreement to which we refer was signed in February 2004 when the then state government was making a relatively smaller contribution of some \$6 million to the redevelopment and some \$4.5 million to the Town of Vincent. As a result of that, we ended up with Allia Holdings as the manager of nib Stadium under that heads of agreement. After the current minister became the Minister for Sport and Recreation, some media in May 2009 highlighted the fact that the stadium may even be moved to a new greenfields site. An article from 16 May 2009 in *The West Australian* noted —

The State Government fears the cost of the Members Equity —

As it was then called —

Stadium redevelopment could blow out to more than \$100 million and make building a stadium at East Perth with a grandstand on one side cost-effective and with better long-term development prospects.

The government is putting in nearly \$100 million of taxpayers' money. In fact, with the \$5 million payment to the Town of Vincent, this is a \$100 million commitment on behalf of the people of Western Australia. The problem is that it is clear that the best deal was not done by this government for the taxpayers of Western Australia. I want to go through some documents that have been provided to the opposition under freedom of information legislation. A Department of Sport and Recreation recommendation to the minister dated 21 June 2010 reads —

The State Negotiating Team ... has been very clear in their view that the State will be taking over a liability which will require capital investment, ongoing investment in maintenance and upkeep as well as the resolution of the existing contracts, the main exposure being the encumbrance of the management contract with ...

Allia —

which expires in 2024.

That briefing note ended with two recommendations to the Minister for Sport and Recreation —

- 1 Whether to submit a counter offer to the Town of Vincent (and if so under what terms and conditions)
- ...
- 2 The State acquires Perth Oval and Loton Park by compulsory acquisition.

The minister rejected both those recommendations, as is his right. Attached to that briefing note was a document titled "ME Bank Stadium — Principles for Business Planning". The third point reads —

The State will determine who manages the facility

Very early on, back when the commitment was only in the region of \$80 million, the Department of Sport and Recreation identified that the heads of agreement under which the manager was appointed needed to be addressed.

A number of emails from July 2010 outline the frustration of the director general, Mr Ron Alexander. Obviously, the mayor, as is his right, pressed the government to resolve this issue. In an email to Nick Catania, the then Mayor of the Town of Vincent, Mr Alexander makes the point —

... the viability of the State investing in this locality may become an issue.

Early on the director general appreciated that if the government wanted to invest this sort of money, it needed to make sure there would be a return to the taxpayer. In an email to Tim Sharp and Ronnie Hurst, who are in the Department of Sport and Recreation, Mr Sloan, the policy adviser to the minister, and others, Mr Alexander writes —

Everyone is very happy to put their hand up for significant benefits while the state takes possession of an ongoing liability, to invest large capital sums and recurrent maintenance and operating costs.

At what stage is this a poor investment and we either purchase in a compulsory manner or go somewhere else?

The director general very early on identified some significant problems with the state investing \$90 million and not seeking or demanding changes to that heads of agreement.

We come now to 21 March 2011. Another DSR briefing note to the minister states that cabinet approved a number of things, including the allocation of \$5 million to the Town of Vincent and \$25 000 a year through VenuesWest. Cabinet also approved —

... subject to the resolution of the existing contract between the ToV and ...

Allia. The DSR briefing note reads “cabinet approved”. I will come back to that in a minute. That briefing note then went on to refer to what the government proposed to do —

Conversely the State who is investing all the capital for the stadium upgrade would receive little in the way of financial return, would be responsible for the ongoing capital investment in the stadium and meet any operational expenses associated with VW’s governance of the stadium. This will be the subject of a future report to EERC.

The briefing note went on to conclude —

The department believes the most appropriate solution for both the State and the sporting codes would be to negotiate a new more equitable agreement with ...

Allia —

which would be agreed to by all parties before there is a commitment to the redevelopment of nib Stadium.

The department recommended that the government sort this out before it committed to spending nearly \$100 million on nib Stadium. I turn to the bit at the back of the document where the minister has to say whether the recommendations are “approved” or “not approved”. The recommendation of the department is —

1. Given the considerable capital and ongoing investment by the State in the redevelopment of nib Stadium, the State pursues Option 3 (attachment 1) ...

I will go through that in a minute. Interestingly, the minister scratches out “approved” and handwrites —

Decision will be made pending further discussions with the Premier.

The department recommends a course of action to the minister. The minister says that he will not do a thing until he has spoken with the Premier. Option 3 is the lease between the Town of Vincent and the state and a new agreement with Allia. The heads of agreement would have needed to be renegotiated to include new key performance indicators. The document states the pros of that option. The department thought that was a good way to go because it gives the state the ability to access revenue sharing for stadium rights and to influence the ongoing subsidy. It states further that the benefit to sports is that it is likely to be welcomed by the sports as they can arbitrate stadium performance issues.

Ultimately, the Premier and the minister chose option 2 of this particular list of recommendations. The problem with option 2—that is, to simply adopt the heads of agreement as signed between the Town of Vincent and Allia Venue Management as part of their own liability—is the cons. Some of the cons, to quote from the department’s table, are as follows —

Some existing clauses unpalatable to State.

Unlikely to provide State with quiet enjoyment.

Sports are unhappy with current arrangements—high cost and inefficient.

We knew before this document was ultimately signed on 13 March this year that the state was unlikely to get quiet enjoyment, despite the fact that it is spending nearly \$100 million on a capital upgrade of this stadium. So here we have a situation in which Mr Alexander, the Director General of the Department of Sport and Recreation, is recommending a very clear course of action. The minister says, “I don’t approve that”, and handwrites in, “I want to speak to the Premier about this, and then I will make a decision”.

On 28 April 2011, a clearly frustrated director general, Mr Alexander, emailed Mr Nick Sloan, who I understand is the minister’s policy adviser, and said —

Nick

This has been a very invidious position for us. As you are aware ...

That part is exempted, but it is Allia —

have employed the Liberal Party lobbyists to work on Govt for them ... trying to ensure that we develop a strong negotiating position has been difficult with ...

Allia —

and Nick Catania dealing directly with The Premiers Office and our Ministers office at will. We never have been given the authority to get on and ensure the communities \$90m + is wisely spent.

Every time one of them doesn’t like something they run off to higher office and we have to deal remotely with third hand information, hearsay and rightly or wrongly the feeling of not being heard or supported on occasions.

The email goes on to say —

The State will still be subject to ...

Allia —

as manager and the ToV —

That is the Town of Vincent —

as landlord and will have additional ongoing expenditure towards lifecycle maintenance costs at nib stadium while receiving little of the revenue benefits from the development.

Why would the minister not accept that very clear, concerned advice from Mr Alexander, the director general? Why would he handwrite in, “I need to speak to the Premier”? It is because the Premier is dealing directly with Liberal Party lobbyists, who are promoting a very clear course of action.

**Mr C.J. Barnett:** Can you repeat that? I missed what you said about the Premier and the Premier’s department officers.

**Mr B.S. WYATT:** As the email from Mr Alexander to the minister’s office said, every single time that he and the department try to develop a strong negotiating position, Allia/lobbyists and Nick Catania deal directly with the Premier’s office, and it is the Premier’s office that gets in the way of Mr Alexander, the Director General of the Department of Sport and Recreation, in trying to develop a strong negotiating position on behalf of the people of Western Australia. That email was in response to an email sent to Mr Alexander from David Etherton, the chief executive officer of VenuesWest. Interestingly, this was an email of the same date, following on from a meeting that Mr Etherton had with the minister and a gentleman by the name of Graham Partridge. To quote from this email —

He —

Being the minister —

also advised us that the decision had been made to in essence go with a very similar HOA to the one that is currently in place, without any complicated negotiations about improving the States position etc.

Graham and I confirmed we would of course take on nib stadium in the format that the government determined and advised that these two decisions obviously meant that the state wouldn’t see much benefit directly from the redevelopment because the operational and management costs for complying with the current style of HOA and lease would be considerably higher than they otherwise might have been. The Minister advised that the decision had been made to just get on with it and not unduly delay things.

That is, “not unduly delay things” with such annoying issues as, to quote, “improving the state’s position”. So we now know that the director general is saying, “We need this course of action; we need to renegotiate the management contract.” We know now that, after the minister’s discussions with the Premier as a result of

lobbying by Liberal Party lobbyists, as pointed out in the director general's email, the minister made a different decision.

Another briefing note from the Department of Sport and Recreation notes, "It is okay. On 28 April you made the decision that you will simply take over the heads of agreement from the Town of Vincent." But it goes on to warn the minister—this is, again, from the director general—that should the state decide to continue the existing HOA and licence conditions, the state has to accept a number of things. Those things include: under the existing HOA, the state has no way to derive any significant revenue from an \$88 million investment; the state has little power to guarantee priority access to the facility, as Allia has the right to determine priority of use; the existing HOA gives the sports little chance to negotiate better terms of use in their future agreements; and the state will be required to fund considerable ongoing operational capital costs, with Allia required to make only a minimal allocation to the facility. It goes on to note that the department believes that the most appropriate solution for both the state and the sporting codes would be to renegotiate and get a new and more equitable agreement.

So we have a situation in which the government is saying, "No, we want to go down our own path; we are not interested in spending time negotiating a better outcome for the state", and Mr Alexander, to his credit, is pushing back against the minister and the Premier in respect of that path. The emails go on to make the point that clearly Allia then itself starts to push back and tries to get a better outcome for itself.

Mr Alexander makes the point in an email of 17 August 2011 —

Did anyone mention to ...

That is either Allia or Mr Tana as the owner —

that he may be better off due to the fact that the State/community is investing \$100m + plus in his business and he's the major beneficiary!!!

Mr Sloan in the minister's office then sent back an email back saying, "I think that point may have been missed." Perhaps it was the role of the minister to make the point to Allia and the owner of Allia that the state is injecting such significant moneys into nib stadium that perhaps the state might want to achieve a better outcome for the people of Western Australia.

I have made the point that Mr Alexander has said that Liberal Party lobbyists are getting in the way of him, as the Director General of the Department of Sport and Recreation, putting themselves in a strong bargaining position, because ultimately the department has been told, "Transfer the heads of agreement as it currently is; do not try to negotiate a better outcome."

The final document I want to quote into *Hansard* is an email dated 19 August 2011, to Mr Sloan, and again from Mr Alexander —

Nick

It's worth you being across this. The delay is one thing or another. Usually an unreasonable request loaded in ...

Allia's —

favour and not just a straight transfer as directed by the Premier.

Ron.

I repeat that: "as directed by the Premier".

There are lots of questions —

**Mr C.J. Barnett:** What is your point?

**Mr B.S. WYATT:** Apparently the Premier has not been listening to a word that has been said. What is clear is that the Director General of the Department of Sport and Recreation is saying, "If you, minister and Premier, are going to inject \$100 million into nib Stadium, you need to sit down and negotiate a better outcome for the taxpayers", on a number of different issues that I have just gone through. The Premier was out of the chamber. That is not my problem. There are a number of problems. This is no longer a small investment by the state. This is a big investment. The Premier needs to negotiate a better outcome.

The minister says, "I don't agree with that; I need to speak to the Premier", and then Mr Etherton says, "I've just met with the minister, and he says we're going to hand it straight over; we're not going to bother with any undue delays by negotiating a better outcome for the people of Western Australia." Mr Alexander in frustration says, "We've not been able to get ourselves into a strong negotiating position because the Premier has said"—as directed by the Premier—"Just hand it straight over—a direct transfer. Don't spend time negotiating a better outcome for the state." The state did, before it signed it last week, have a very strong bargaining position, because it was going to give \$100 million. If you cannot get a better outcome, if you cannot renegotiate that contract when you have \$100 million to invest, then when can you do it? The state has missed a huge

opportunity. Mr Alexander makes the point that that is as a result of Liberal Party lobbyists bypassing him and going straight into the Premier's office, and the Premier then saying to the minister, "Directly transfer it, minister. You get on and do it." The Minister for Transport says he does not believe those emails. This is an email from Mr Alexander, the Director General of the Department of Sport and Recreation.

I will conclude with one final email of frustration from the director general to Michael Cutler, which reads —

Michael

Perhaps you could forward to Richard M.

This is ridiculous. ...

Allia —

wants the money and control , just an annoying pest.

Maybe we could consider walking away and building at Belmont or Burswood ,this is going nowhere fast and the chances of a conflicted outcome are high Ron.

Madam Acting Speaker, the minister needs to get to his feet now as there are a lot of questions that he needs to address. Hopefully, the Premier may, on a rare occasion, get up and respond to this MPI.

**MR M.P. MURRAY (Collie–Preston)** [3.12 pm]: I find this extraordinary. The Premier has come into this house and said that he has a government that holds the highest standards, but to hear the previous speaker and to look at those emails certainly shows another side to this Premier. It really is extraordinary. At the same time that there is \$100 million at the Premier's discretion, he is not listening to the department. This is really extraordinary. At the same time that he is increasing prices and the cost of living, he is taking no caution at all about where he throws his money around. The footprints on all this point to here. The Premier has overridden his minister and the department. I would like to hear what the Premier has to say very shortly, because there is a certain arrogance that is coming out of this government that will cost him in the long term. When he came to government, he spoke about openness and accountability. He used those words on many occasions, yet we are seeing more and more often that that is not the case. It is, "Do as I say. Go and get it done, and I don't care at what cost." That is what has happened here. When other arrangements could have been made, as was recommended along the line by the department, these have not been followed. The Premier has just said, "Get it done." The Premier has gone to his minister and said, "I don't want to know about the finer details. I want to get it done. We need to. We have to show on the ground that we have done something." Most projects that are on fire around the state at the moment are Labor-instigated projects. That is why he is starting to panic. Here we are, 11 months out from an election, and the Premier is now getting very nervous about the lack of success of his own projects: "I am going to bully them through. I am not going to talk to the director general; I am going to talk to the lobbyists and follow their line, because I believe they are the people who will give me the right advice." That is the wrong way to go about this, Premier, and he knows that very well. He has said on lots of occasions that other people do it in the wrong way. I am telling the Premier now that he has this one wrong.

There are reasons why he has it wrong. He has deleted the council from the game. He has gone out without due respect to what the department has said on a contract worth \$100 million. Looking at that trail of emails that the member for Victoria Park has just gone through, the Premier has just disregarded that advice. He has overridden his minister, who in this very house this week was praising the stadium and saying how good it was, but he did not tell us how smelly the rest of the department was. He said, "Yes, we've got it done, but we've only half done it. We have an agreement; it is a great agreement." But when we look at that agreement, there are holes in there relating to how it was put out.

The Premier owes the state an explanation. When it is his turn to speak today, he needs to make it very clear how he went about his business. That is not the standard he tells other people that they should have.

**MR C.J. BARNETT (Cottesloe — Premier)** [3.15 pm]: It is a bit hard to respond to a matter of public interest when the first two speakers failed to actually make a statement as to what is the point of the motion. I do not know what I am accused of. What is the government accused of?

**Mr B.S. Wyatt:** Read the motion. Have you looked at the motion?

**Mr C.J. BARNETT:** I have read the motion, but what is the point? What are we accused of? Here we have a motion by the opposition, but the opposition cannot actually say what is the point or purpose of the MPI.

**Mr B.S. Wyatt:** What the hell are you talking about? You must have walked out for longer than I thought. Were you listening to a word?

**Mr C.J. BARNETT:** Yes.

**Mr E.S. Ripper:** You acted against the public interest.

**Mr C.J. BARNETT:** Oh—I acted against the public interest; I allegedly dealt with a lobbyist. Is there anything else?

**Mr B.S. Wyatt:** You undermined the state's position.

**Mr C.J. BARNETT:** I undermined the state's position. Is there anything else? What is the point of this?

**Mr B.S. Wyatt:** Sit down and let the minister respond—if you're going to be like that.

**The ACTING SPEAKER:** Member for Victoria Park!

**Mr M. McGowan:** You need to explain yourself —

**Mr C.J. BARNETT:** I do not need to explain myself.

**Mr M. McGowan:** — and the role of lobbyists in your office in influencing public policy.

**Mr C.J. BARNETT:** For the benefit of members, let me take members through the history of this project—a project that will start construction in July and will be fantastic. I think the relevant point, to start off, and the member for Victoria Park did start at this point —

Several members interjected.

**Mr C.J. BARNETT:** Charming.

In 2003, the then Town of Vincent entered into a heads of agreement for the management of nib Stadium. That heads of agreement with Allia—obviously, Allia is owned by Nick Tana, who would be known to most members of this house—was the mechanism by which the stadium was managed. It provided Allia with certain rights over a 20-year period—in other words, up to 2023. That was the starting position. The state government decided that we would take a different approach on stadium development and that we would redevelop the nib Stadium as the rectangular stadium. We made originally an \$82.5 million commitment. That ended up with some additions that were agreed upon. In August 2011, the final commitment was \$95 million—that being the revised scope of works for the stadium and work on the pitches, change rooms and all the rest.

In October 2011, the now City of Vincent approved a state lease over nib Stadium, because clearly we were not going to put \$95 million into a stadium if we did not have secure title over that stadium. It was agreed in an amicable agreement with the City of Vincent that the Western Australian government would lease the stadium for a 50-year period. That involved a \$5 million payment to the City of Vincent, which, I might add, allowed it to redevelop the Beatty Park swimming precinct. That was the agreement. We would provide \$5 million, and it would go ahead with the redevelopment of Beatty Park. It was a good outcome. In addition, the state negotiated that we would pay a \$25 000-a-year lease payment. I think that was a pretty good deal. If putting in nearly \$100 million, the state had to have security over the life of that asset.

One of the complications, obviously, was the heads of agreement and what happened to that? The simplest way of dealing with that was for the state to take on the obligation. Therefore, we took on the heads of agreement between the City of Vincent and Allia. We said that we would take that on, and then we would renegotiate. The City of Vincent was not going to be able to renegotiate it; it was not building the new stadium. It was logical that the purchaser would take on that obligation. That was agreed. It was a sensible arrangement. Indeed, only recently, the now Mayor of Vincent, Hon Alannah MacTiernan, has praised the whole project. It is a good project, because we are, as members accused us of, actually getting on with it.

That is where that is. The tender has since been let for construction. Construction will commence in July 2012, and the construction of the stand will be completed in February 2013. The Minister for Sport and Recreation will probably say more about this, but there will be a roofed east stadium; an unroofed south stadium; upgraded lighting; a new pitch with better drainage; replacement and extension of the ticketing booths; new pitch access; new concourses for the movement of cars and pedestrians; conservation works to the north west entry gates, which are quite famous; large video screens included; action playbacks; and upgrades to the public address system, security cameras, control room and so on. A pretty good deal, I would think; pretty popular, I would think, amongst both rugby and soccer fans, given that they will have covered seating and total capacity for the ground of about 21 000, through a very good state government investment. I do not know what the opposition would have against that. I would have thought that was a fantastic outcome for both rugby and soccer. I will go to the opening and we will invite members opposite along and hope they are gracious enough to come.

What the opposition seems to be getting excited about is the heads of agreement. I do not deny for a moment that it was a difficult situation to renegotiate.

**Mr B.S. Wyatt:** Mr Alexander points that out.

**Mr C.J. BARNETT:** Yes, but the heads of agreement held by Allia, and Nick Tana in particular, still had to run through to 2023. This heads of agreement had a long way to go. I hope he does not mind me saying this, but when we started looking at the rectangular stadium, Nick Tana and I had a private conversation at a soccer game, I think, in which he made the point to me that he supported the redevelopment. He gave me a commitment that he would not interfere and he would not frustrate the development. Indeed, he said to me that if it was necessary,

he would step aside to allow us to do it. But, having said that, he quite properly had a commercial interest and he is entitled to look after his commercial interest. I have no difficulty with that at all, because we were basically asking him whether he was prepared to walk away from a contract that ran through to 2023. He wanted to look after his staff, the commitments he had made and all of that. The state government said that we would not leave that to the City of Vincent; it was logical that it get out of it and get on with Beatty Park, leaving the state to get on with the redevelopment of the stadium and the renegotiation of the heads of agreement with Allia as the operator. I think that is a sensible way of dividing responsibilities.

There was a further division of responsibility between me and the minister. Because of some of the complexities of the heads of agreement, the agreement that we have within government is that the Minister for Sport and Recreation would get on with the sporting side—namely, the types of facilities, the development of the stand and the ownership of the facility through VenuesWest. The minister would get on with the physical project of developing the rectangular stadium. Meanwhile, the Department of the Premier and Cabinet and I took on responsibility for the renegotiation of the heads of agreement. I think that is a pretty sensible arrangement. Therefore, the sports minister got on with what he had to do—that is, redevelop the facility; I and the Department of the Premier and Cabinet took responsibility for the commercial renegotiation of the heads of agreement. That commercial renegotiation was complex and took some time, and there were many, many meetings over that. The final renegotiation, the conclusion of that, was negotiated personally by Peter Conran as the Director General of the Department of the Premier and Cabinet.

I want to make a few observations about that. The Director General of the Department of the Premier and Cabinet became fully involved in those negotiations from September 2011 to try to bring a successful conclusion. The parties to those negotiations included the City of Vincent, but to a lesser extent, Allia, the Department of Sport and Recreation and VenuesWest. The State Solicitor also provided advice to government and the state negotiating team throughout the process, so we were working on the State Solicitor's advice at all times. The outcome was an agreement between the state and Allia that assigned the original heads of agreement between the Town of Vincent and Allia to the state. That was the first major process. The proposed heads of agreement was considered by cabinet and agreed in February last.

The director general has informed me that to the best of his knowledge there was no involvement or role of any lobbyist in any negotiation in which he was involved.

**Mr B.S. Wyatt:** Fake email!

**Mr C.J. BARNETT:** No involvement. Listen to me: there was no involvement by a lobbyist through those negotiations.

**Mr B.S. Wyatt:** Ha ha!

**Mr C.J. BARNETT:** The member giggles away, but that is the truth.

**Mr B.S. Wyatt:** I am giggling away because I think you're misrepresenting the truth.

**Mr C.J. BARNETT:** There was no involvement.

Several members interjected.

**Mr C.J. BARNETT:** No involvement of lobbyists through the negotiations on the heads of agreement.

**Mr M. McGowan:** This is a privileges issue; you are misleading the house.

**Mr C.J. BARNETT:** Oh! The Director General of the Department of the Premier and Cabinet has advised me that he had not met or spoken to any lobbyist seeking to influence or comment on any one of the negotiations of the heads of agreement.

Several members interjected.

**Mr C.J. BARNETT:** I will get to that. Neither I nor any member of my staff has been contacted by a lobbyist with respect to the heads of agreement. So, no negotiation, no involvement with me, my office staff or the director general in the negotiation of the heads of agreement, and the member's whole motion today is about the heads of agreement. That is why I asked the member: what is your point? The member did not answer. What is the member's point?

**Mr B.S. Wyatt** interjected.

**The ACTING SPEAKER (Ms A.R. Mitchell):** Member for Victoria Park!

**Mr C.J. BARNETT:** I listened to the member in silence —

**Mr B.S. Wyatt:** No, you didn't!

**The ACTING SPEAKER:** Member for Victoria Park, I call you for the first time today.

**Mr C.J. BARNETT:** I understand that Nick Tana or Allia has a lobbyist employed, but that lobbyist is to advise on whatever else—there is nothing wrong with that, to seek advice—but there was no involvement of a lobbyist in any negotiation around the heads of agreement.

**Mr B.S. Wyatt:** So, what were you speaking to Allia about?

**Mr C.J. BARNETT:** I am trying to answer, Madam Acting Speaker. Nick Tana had spoken to me about the project, when we were at the early stages—I said that—at the soccer. I made that very clear in my opening comment. There is nothing wrong with that all.

**Mr B.S. Wyatt** interjected.

**Mr C.J. BARNETT:** Madam Acting Speaker, I am trying to address the topic.

**Mr B.S. Wyatt** interjected.

**The ACTING SPEAKER:** Member for Victoria Park, I call you to order for the second time today and I ask you to remain in silence while the Premier responds.

**Mr C.J. BARNETT:** A lobbyist—I gather the member is talking about Mr Everingham —

**Mr B.S. Wyatt:** I never mentioned a name.

**Mr C.J. BARNETT:** No, but I imagine that is who the member is alluding to; I imagine the member is talking about Mr Everingham. Paul Everingham, as a registered lobbyist, made some telephone calls to my office. He did. Those telephone calls were prior to the negotiation of the heads of agreement, and they were of a generic nature, such as “What are you thinking about for the stadium? When’s it going to happen?” They were of a generic nature long before —

**The ACTING SPEAKER:** Member for Albany, would you please keep quiet. There are no further conversations at the back of the room. I call you to order for the first time today.

**Mr P.B. Watson** interjected.

**The ACTING SPEAKER:** Member for Albany, I call you for the second time today—make that the third; I did not realise you had been called earlier in the day.

**Mr C.J. BARNETT:** Mr Everingham made contact with my office, and I understand that he had one meeting with a member of my staff, but that was at the early stage and they were generic discussions about the project and how we would go about it. I again repeat that there was no contact between me, my office or the director general and any lobbyist during the process of negotiating the heads of agreement, and that was the point raised. All those things are available.

What do we have at the end of the day? Yes, we have a government that made a decision to develop a rectangular stadium. Yes, we have a Minister for Sport and Recreation who has got on with it and negotiated with the codes about what facilities are required and done all the planning that is leading now to tenders, and construction is about to get underway. I did not want the work of the minister and his agency distracted by ongoing and potentially difficult negotiations over the heads of agreement. That relatively minor part of the project —

Several members interjected.

**Mr C.J. BARNETT:** It is minor! The heads of agreement is the minor component; the big dollars is for the construction of the stands. That is why we took the lease for 50 years. I took it that that would be negotiated —

**Mr M.P. Murray** interjected.

**Mr C.J. BARNETT:** What is the member saying?

**Mr M.P. Murray:** You put him in the back pocket while he did the job.

**Mr C.J. BARNETT:** Yes, I took responsibility as Premier to see that those negotiations out of the heads of agreement were resolved in a timely way, and they have been. There are amendments to that heads of agreement; changes have been made. One of those relates to termination, because we had to make a choice: do we terminate that agreement now? I understand Mr Tana was amenable to that, but that meant that the state would have had to pay out that agreement. That would have cost the state a great deal of money. Therefore, we took a decision that Allia was providing a service. From my observation, it was providing a pretty good service, so we agreed to allow Allia to continue, but we also now have a clause that allows for termination. If the state becomes dissatisfied for whatever reason, we have the capacity to, if we like, buy out that contract. However, I do not want to buy out a contract when the person with the contract is providing a service. I would rather that he continue the service and be paid as the service is provided. To simply go out and buy out the contract for an unknown sum would be a waste of taxpayers’ money. Let him continue his contract. Hopefully he will do it well

and the ground will be well provided for. What is wrong with that? We inherited a decision with a contract until 2003. We have continued that contract. We have made some changes to the clauses to give protection to the state. We leased the whole facility off the Town of Vincent for 50 years. We gave it \$5 million so it could fix up Beauty Park. The Minister for Sport and Recreation and VenuesWest have negotiated all the improvements. Construction of a new eastern stand will commence very shortly. Then work will start on the open southern stand. At some time in the future I hope the whole ground is completed and we will have a purpose-built rectangular stadium. I ask members to tell me what the point is and tell me what is wrong with that. I cannot see anything wrong with that.

**MR T.K. WALDRON (Wagin — Minister for Sport and Recreation)** [3.31 pm]: I would like to quickly offer a bit of history and then I will refer to the heads of agreement and some of the points that have been raised today. The Premier covered some of the history, in particular, the early allocation of \$82.5 million. In August 2011 we made some changes, particularly to support the sports bodies—I will come back to that in a moment—and corporate areas to give them the ability to earn more money and to overcome some of the issues the member for Victoria Park spoke about. The state's lease over nib Stadium was approved in 2011. On 13 March we signed that lease agreement with the Town of Vincent. The heads of agreement was signed on 13 March this year. It was a long, very complex and, at times, frustrating process. However, we have come to the end of that process. I will talk about that heads of agreement in a moment.

I have a bit of time so I will talk about the redevelopment itself. When I explain what we have done and the changes we have made within the heads of agreement, members will be able to see that this facility actually delivers for the state and it will deliver for sport in the state and assist the sports.

The member for Collie–Preston referred to the comments I made in the house. The eastern stand is a temporary stand. It has been there for a long time. It is getting to the stage at which it is dangerous for the public. I have seen people out there on hot and wet days. It is terrible for the sporting public. People in Western Australia like their rectangular sports. We are doing something about the stand. We are replacing that temporary scaffold seating on the eastern side. It will be a modern grandstand that will include new toilet areas, food and beverage outlets and a corporate section, which I will come back to. We are also looking at a barbeque terrace, which I think will be a great innovation. It is important to recognise what is included in this whole project because this is what will benefit the sports. The member for Victoria Park talked about the benefits to the sports. This is what it is about. The project will also include new sports lighting; a new pitch; maintenance work to the heritage gates; a new entry to gate 4, which the Premier spoke about; a new PA system and closed-circuit television; two new video screens; and upgrades to the south east entrance. The Department of Sport and Recreation has a great record of providing facilities on time and under budget, such as the rugby facilities.

**Mr B.S. Wyatt:** They're not bad at providing advice either.

**Mr T.K. WALDRON:** I will come back to that. I get lots of advice. That is fine. At the moment we are investigating whether we can do some work on the southern stand; that is, do more within the budget allocation, if possible. We cannot finalise that yet but if that is possible, we will do that. We have put plans in place should that be possible. We might be able to do something to further improve some of the seating at the northern end. I flagged that some time ago, saying that if it was possible, we would look at that. One thing I have learnt from the stadium trip and since I have become the sports minister is that at times we think about everything else but we forget about the fans. The Premier and I talked about this. The Premier made a strong point when he said that we want to look after the fans. When I looked at that ground and attended games, that was my focus—to deliver for the fans. We received advice and there was a push to start at the other side and work on the Fred Book Stand. We made the decision about the stand on the east. We probably did not take that advice either because we made the decision to put the fans first and work on the eastern stand.

There has been quite a bit of talk about the capacity of the stadium. Its current capacity is 21 254. When it is completed, it will come down a little and its capacity will be around 21 000. The difference will be that fans will be able to sit in comfort in good stands with shelter and good amenities; they will not be sitting out in the boiling sun or the pouring rain. During construction, the capacity of the stadium will be reduced to around 10 000. Other figures have been floating around that are incorrect. That has always been known and it has been discussed with the sports bodies.

**Mr B.S. Wyatt:** Will there be any compensation payable as a result of that?

**Mr T.K. WALDRON:** There may be.

**Mr B.S. Wyatt:** How much?

**Mr T.K. WALDRON:** I do not know at this stage. It depends when we do it. That is something that we will discuss at that stage. We will not have to worry about that with the new stadium. There are issues with nib Stadium, just as there are when improvements are done to Subiaco Oval. We will lose some of the capacity while

we are doing the job. The same occurs when we build a new road; we have to close a couple of lanes. It is inconvenient for a while but the long-term benefits are much better.

In relation to the heads of agreement, I think the member for Victoria Park mentioned the figure of 204. It does not matter, but it was 203. That is the mechanism under which the stadium is managed on a day-to-day basis. The Premier said that Allia Venue Management has certain rights over a 20-year period. I will not go through all of that because I think the Premier covered most of that. I want to talk a little about dealing with Allia et cetera. I think Allia does a really good job. Yes, there are issues at times with the sports bodies; the sports have issues with management at times. We need to remember that there is a heads of agreement and there are also licence agreements between Allia and the sports, which the sports sign up to —

**Mr B.S. Wyatt:** Did they end up showing you those?

**Mr T.K. WALDRON:** We are aware of those agreements. I am not sure of the full particulars of them.

**Mr B.S. Wyatt:** So you didn't take that advice from Ron Alexander either.

**Mr T.K. WALDRON:** I ask the member to listen for a little while. I listened to the member; I did not interrupt him once. When I visit stadiums in the eastern states, overseas and here in Perth, wherever I go there are issues between the stadium management and the sports. The sports always want to get it as cheaply as they can, and rightly so. As minister I always try to assist sports wherever I can. We subsidise sports—basketball is a good example of that—and we assist sports. The people who are managing have to ensure they survive as well. Last year I visited the rectangular stadium in Melbourne. I went through it twice to ensure that we were aware of the benefits of that stadium and that we got advice. They have the same problems. They have issues with the sports about the management. There are two lots of management there. That is something that happens all the time. Looking at what happens in some of those big stadiums in America, I think we are very, very lucky. I think Allia does a very good job, but it is not perfect.

**Mr B.S. Wyatt:** That's not the topic of debate.

**Mr T.K. WALDRON:** I will come back to the topic that the member wants to talk about. The member says that we have just taken over the heads of agreement. We have made changes to the heads of agreement.

**Mr B.S. Wyatt:** Why did you say in the upper house there were no changes?

**Mr T.K. WALDRON:** I ask the member to just hang on. We have made changes to the heads of agreement. Other amendments were required to achieve the agreement, including, but not limited to: clauses relating to the right to terminate, which the Premier mentioned; any future stadium redevelopment; naming rights, which we have made changes to; catering and fit-out; and the stadium reserve fund. They are parts of the agreement. We are trying to ensure that we get the best deal we can.

There are benefits for Allia and benefits for the state in this heads of agreement. As the Premier said, the state solicitors have been involved throughout the process.

**Mr B.S. Wyatt** interjected.

**The ACTING SPEAKER:** Member for Victoria Park!

**Mr T.K. WALDRON:** I do not have much time left and I want to answer a couple of questions that the member asked. I am trying to give him answers. The member raised the question about the director general. He kept making the point about the director general giving advice early on. I want to come back to that point.

The director general and the department make lots of recommendations and give me lots of advice. I accept a lot of that advice, which I act on and go with. I do not go with everything that they tell me, otherwise I would be standing up here and the member for Victoria Park would be saying, "You never make a decision. You are a weak minister. You just let the department run you." I have had that before as well.

**Mr M. McGowan:** It is about the influence.

**Mr T.K. WALDRON:** I will talk about the influence as well.

**Mr M. McGowan:** He said there's no such thing as Liberal Party lobbyists.

**Mr T.K. WALDRON:** There are lobbyists out there. There is a lobbyists' register. I will come back to that in a minute, but I want to answer the member for Victoria Park first. I think the director general will tell the member that we have a good relationship. We get on well. We do not always agree. We have had some disagreements on things and I have not always followed his advice or the advice of the department. Sometimes there are different thoughts within the department. We are human beings and we are trying to get the best result. He gives me advice and I take that advice on board but I do not always act on it. In this case, I have to tell members, his advice came early on. It was his opinion and his advice. Since then, given the process and negotiations that we have gone through, I think that advice has proved to be incorrect in light of the subsequent discussions we have

had and the resulting heads of agreement. Changes have occurred. As I said, Allia Venue Management does a good job.

Let us talk about some of the benefits that will go to sport.

**Mr B.S. Wyatt:** You've been through that already.

**Mr T.K. WALDRON:** No, I have not. The member for Victoria Park can tell me what I said, then.

**Mr B.S. Wyatt** interjected.

**The ACTING SPEAKER (Ms A.R. Mitchell):** Member for Victoria Park, the minister would like to respond to the questions you raised during your speech, so I ask you to remain quiet please.

**Mr T.K. WALDRON:** The member has to realise that we have included things such as video screens, which the organisers have to hire for every game. That is of value to all the sports that use the stadium because they do not have to pay the fee for hiring video screens every time they want to use the stadium. I mentioned the sound system. They have to hire the sound system because there is no sound system. It is a modern sporting arena. We are talking about the Western Force and Perth Glory teams, who will be playing at the nib Stadium in a final this weekend. Ticketing is also an issue, plus the ability for the sports to earn money. I mentioned advice received early on how the lack of corporate suites can affect the ability for the sports to earn money. I took that advice and I discussed it with the Premier—he will tell members this—because I thought we needed to make some changes there. I went back to the Premier and back to cabinet and we agreed to make the changes for the benefit of the sports. I think they were good changes because we will have corporate suites on both sides and that will give the sports much more capacity to earn. It is a good decision for the state; it provides the capacity to earn. Not only that, a lot of the members of Western Force and Perth Glory clubs utilise those seats in that stand, and now the clubs will have something to sell. With its success—let us hope Western Force will have a little more success—it will have a lot more opportunities to fill those seats and make more money.

**Mr B.S. Wyatt:** Will that be revenue to the state?

**Mr T.K. WALDRON:** Yes; of course it will be. The benefit to the state is through the benefit for our sports in this state. We are a government that is about promoting sport. Look at what this government has done. Members opposite did a good job with the athletic stadium and started the basketball arena. I acknowledge former sports minister John Kobelke all the time. He did a good job with that. We have completed the athletic stadium and the basketball stadium, and finished the rugby facility. Right now we are improving the Barbagallo race track and building the netball stadium that the Labor Party promised and never delivered. We have started planning for the WAIS facility. We are out there doing it and we are improving the nib Stadium because the sports benefit, the people in the state benefit and we as a government benefit.

For goodness sake, it is the role of government to help sport in this state. We talk about benefits, and our program Sport for All—this is outside this argument—reflects our philosophy of supporting sport. I have listened for years to governments on both sides and, as I say all the time because it is true, it is easy to talk about the benefits of sport, but as far as putting our hands in our pockets as a government and making the hard calls, this government has done that.

On the lobbyists situation, I want to let members know that Nick Sloan from my office has on one occasion met the lobbyist, Everingham, about alcohol in sport. Nick advised me that during the meeting about alcohol in sport they asked about the progress of the redevelopment, and that was discussed. That is what has happened.

**Mr B.S. Wyatt:** When was that?

**Mr T.K. WALDRON:** I am not sure; it was before January 2011, I think. I can check that and advise the member.

I think this is a great project. The benefits are there. We do not always do exactly as our departments want but we do what is in the best interests of the state now and in the long term.

**MS R. SAFFIOTI (West Swan)** [3.43 pm]: Some key issues were not addressed by either the Premier or the minister. The key issue is what is in a briefing note of 2 May from the director general to the minister, which reads —

Under the existing HOA the state has no way to derive any significant revenue from ... investment.

That is the key point. Under the existing HOA the state has no way to derive any benefit. The other key point reads —

The State will be required to fund considerable ongoing operational and capital costs with Allia only required to put a minimal allocation into the facility;

We are talking about \$100 million of taxpayers' money. We all love supporting sport but here is a key issue: \$100 million of taxpayers' money. The minister's department advised the minister that the deal was bad for WA—bad for the taxpayers.

**Mr C.J. Barnett:** This deal is bad for WA is it?

Several members interjected.

**The ACTING SPEAKER:** Thank you members.

**Ms R. SAFFIOTI:** The director general, the person appointed to head the department, said that this deal would not deliver benefits to Western Australian taxpayers.

**Mr T.K. Waldron:** Where does it say that?

**Ms R. SAFFIOTI:** It says in this briefing note —

Under the existing HOA the state has no way to derive any —

**Mr T.K. Waldron:** But the agreement has changed.

**Ms R. SAFFIOTI:** Yes, but in those changes the minister never outlined any additional revenue or receipts.

**Mr T.K. Waldron:** Yes, I did.

**Ms R. SAFFIOTI:** No, he did not; not to the state.

**Mr T.K. Waldron:** Yes, there is.

**Ms R. SAFFIOTI:** He did not.

**Mr T.K. Waldron:** I'm sorry if you can't see it.

**Ms R. SAFFIOTI:** He did not. He never ever addressed some of the key issues. I refer to the issue of Allia, who it was meeting and what it was discussing. Allia is party to the heads of agreement. When they meet people from the offices of the Premier and the minister, what would they be discussing? The heads of agreement.

**Mr C.J. Barnett:** That's right.

**Ms R. SAFFIOTI:** The Premier just said that Allia did not discuss the heads of agreement. He said that Allia talked about general nib —

**Mr C.J. Barnett:** No-one said that. Who do you think we negotiated with? We negotiated with Allia. Negotiations were with Allia, not the lobbyists.

**Ms R. SAFFIOTI:** The minister said that the lobbyists came in and talked about general issues.

**Mr T.K. Waldron:** Get it right. I said that Nick Sloan —

**Ms R. SAFFIOTI:** No, no, no. You said that the lobbyists representing Allia —

**Mr T.K. Waldron:** Who's "you"—the Premier or me?

**Ms R. SAFFIOTI:** — came in to discuss general issues. The issue is that Allia was party to the heads of agreement. The only thing they would be discussing would be the heads of agreement.

**Mr C.J. Barnett:** That's right. The negotiation was with Allia—dozens of meetings I would think.

**Ms R. SAFFIOTI:** So Allia was paying a lobbyist.

*Point of Order*

**Mr M. McGOWAN:** Madam Acting Speaker, you have regularly called members of the opposition to order during interjections from this side. I hear the Premier and the minister regularly interjecting on the member for West Swan, as they, particularly the Premier, always do. I am wondering what actions will be taken to ensure the member for West Swan can make her speech in silence as standing orders require.

**The ACTING SPEAKER:** Thank you Leader of the Opposition. At this stage I will make those decisions. While I was sorting out who said what, I did not think there was a reason to call, but I will keep my eye on it, and I can assure you that I will do my job.

*Debate Resumed*

**Ms R. SAFFIOTI:** The proposition from the other side is that Allia came in and talked about the heads of agreement, but the lobbyist, whom they pay, talked about something else. That sounds ridiculous. The lobbyist would be talking about the issue Allia wanted raised, which was the heads of agreement.

**Mr C.J. Barnett:** No they didn't; it didn't happen.

**Ms R. SAFFIOTI:** It did.

**The ACTING SPEAKER:** Thank you, Premier.

**Mr C.J. Barnett:** Prove it. Evidence?

**Mr B.S. Wyatt:** Ron Alexander's email.

**The ACTING SPEAKER:** Premier, I formally call you for the first time.

**Ms R. SAFFIOTTI:** The Director General of the Department of Sport and Recreation's words indicated that Liberal Party lobbyists are getting in the way and that they are going over the top of the proper process of his department's activities. They are going straight to the Premier's office and straight to the minister's office. They reflect his words about Liberal Party lobbyists. Everyone knows there are Liberal Party lobbyists. The whole state government knows there are Liberal Party lobbyists and, obviously, directors general know there are Liberal Party lobbyists. The idea there are no Liberal Party lobbyists is again a mistruth to this Parliament.

The other key point that was never addressed is: why did they change from option 3 to option 2 in that key period in 2011? We all knew there had to be a transfer of the heads of agreement from the Town of Vincent to the state government. No-one is arguing about that. It is the nature of the agreement. Should more have been done to ensure there was some return to the state and taxpayers of Western Australia? That is the key point. The department recommended a course of action. The director general said that this course of action is being ignored. The course of action to protect taxpayers, to ensure the state gets a good deal and to ensure that this deal is in the public interest is being ignored because Liberal Party lobbyists have been going to the relevant minister's office and to the Premier's office. That is one of the worst accusations I have ever heard a director general make. Here it is in writing—a director general saying that proper process is not being followed but is being ignored because Liberal Party lobbyists are going straight to the Premier's office and to the minister's office. The allegation has been made by the Director General of Sport and Recreation. As I said, I have not seen an accusation like this in writing before. This is one of the worst things I have seen in terms of how far this senior public servant went to make a point. The government ignored the public interest and, as a result of lobbyists going straight to the Premier's office and the minister's office, it did not get the best deal for the state.

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [3.50 pm]: What we have heard from the minister and the government is a whitewash of the whole issue. The real issue is the involvement of Liberal Party lobbyists in influencing government decisions to the detriment of the public.

**Mr C.J. Barnett:** Evidence?

**Mr M. McGOWAN:** We need no further evidence than the email—written evidence—of the Director General of Sport and Recreation, a long-term public servant of some standing, in which he puts in writing the fact that Liberal Party lobbyists are undermining what is in the best interests of the state. That is extremely serious. For the Premier to come in here and whitewash and pretend it did not happen —

**Mr C.J. Barnett:** It didn't happen.

**Mr M. McGOWAN:** It did happen, because it is here in writing. Perhaps the Premier should have been better briefed. This email is suggesting that Liberal Party lobbyists go into the Premier's office and undermine what is in the best interests of taxpayers in terms of receiving a proper return on a taxpayer investment. When that happens—when the public interest is undermined by the behaviour of lobbyists—it deserves further inquiry. What we saw historically, and the Premier refers to it regularly, was that some ministers paid the ultimate price for such matters, including one who is now a member of the government—the member for Kalgoorlie, in case the Minister for Police does not realise. The member for Kalgoorlie paid the ultimate price for his dealings with lobbyists. Here we have similar occurrences taking place with lobbyists going to ministers' offices and the Premier's office and undermining proper process. It is here in black and white. The Premier should address the real issue here. It deals with a significant issue of probity. The other day we saw the Minister for Planning making decisions on issues that directly affect properties owned by him. The government whitewashed that. We now see evidence of public money being spent against the advice of the department. I accept that ministers can make decisions against the advice of their departments, but when there is evidence that it is because of the influence of Liberal Party lobbyists, then that deserves further inquiry. The Premier should investigate this matter properly and not whitewash over it in the manner that he has.

**MR J.E. McGRATH (South Perth — Parliamentary Secretary)** [3.53 pm]: What we have today is the opposition complaining about what will be a very good outcome for the people of Western Australia. The opposition is working on an email from the Director General of Sport and Recreation. He was obviously clearly frustrated about what was happening in what the Premier has pointed out has been a very difficult deal to change over the management of nib Stadium and for the state to take over the lease. I do not think any evidence has been demonstrated today that lobbyists did meet with the Premier. In fact, the Premier has said that he did not meet with lobbyists. Of course, Allia is going to meet with the government; it has to, because they are signing a new heads of agreement. It is a 20-year deal. From my knowledge of the deal, it was a very difficult one to get through. The Minister for Sport and Recreation has also supported that. Getting back to this facility, it has been welcomed by the people of Perth. If members opposite try to tell the people of Perth that there has been any

impropriety in this, I am sure they will say that there has not been. This was a deal into which the government had to put \$100 million. It is a facility for the future. At the same time, the government had to negotiate to take over the lease of the facility from the Town of Vincent. All that was happening. It was a difficult one for the government to manage. The director general of the department obviously became frustrated. He sent an email. I do not deny that members opposite have an email.

**Mr M. McGowan:** A number of emails.

**Mr J.E. McGrath:** The email referred to Liberal Party lobbyists. Members opposite have not provided any evidence today that Liberal Party —

Several members interjected.

**Mr J.E. McGrath:** No; members opposite have an email from the director general. They have not provided any evidence today that Liberal Party lobbyists actually attended meetings with the Premier. The Premier did have to take over this deal. It was a deal at the highest level. I think the outcome that we are going to see with this stadium will be welcomed by the people of Western Australia. Members opposite should be supporting it rather than trying to dig up some dirt about a facility —

**Mr B.S. Wyatt:** Dig up dirt? It is an email!

**The ACTING SPEAKER (Ms A.R. Mitchell):** Member for Victoria Park, I call you to order for the third time today.

**Mr J.E. McGrath:** Thank you, Madam Acting Speaker. Rather than —

Several members interjected.

**Mr T.G. Stephens:** What you have done is confirm that there is dirt to dig up!

**The ACTING SPEAKER:** Member for West Swan I call you for the first time, and also the member for Pilbara. I ask the member to finish.

**Mr J.E. McGrath:** What I say to members of the opposition is that if they have some evidence of lobbyists attending meetings with the Premier and sitting in while the Premier negotiated with Allia a very complicated deal that is still being worked on, they should bring it into the Parliament.

Question put and a division taken with the following result —

Ayes (23)

Ms L.L. Baker	Mr F.M. Logan	Ms M.M. Quirk	Mr A.J. Waddell
Dr A.D. Buti	Mrs C.A. Martin	Mr E.S. Ripper	Mr P.B. Watson
Ms A.S. Carles	Mr M. McGowan	Mrs M.H. Roberts	Mr M.P. Whitely
Mr R.H. Cook	Mr M.P. Murray	Mr T.G. Stephens	Mr B.S. Wyatt
Mr J.N. Hyde	Mr P. Papalia	Mr C.J. Tallentire	Ms R. Saffioti ( <i>Teller</i> )
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley	

Noes (25)

Mr P. Abetz	Mr V.A. Catania	Dr G.G. Jacobs	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Mr R.F. Johnson	Mr M.W. Sutherland
Mr C.J. Barnett	Mr M.J. Cowper	Mr A. Krsticevic	Mr T.K. Waldron
Mr I.C. Blayney	Mr J.M. Francis	Mr J.E. McGrath	Mr A.J. Simpson ( <i>Teller</i> )
Mr J.J.M. Bowler	Mr B.J. Grylls	Mr P.T. Miles	
Mr I.M. Britza	Mrs L.M. Harvey	Ms A.R. Mitchell	
Mr T.R. Buswell	Mr A.P. Jacob	Dr M.D. Nahan	

Pairs

Mr A.P. O’Gorman	Mr J.H.D. Day
Ms J.M. Freeman	Mr C.C. Porter
Mr J.C. Kobelke	Dr K.D. Hames
Mr D.A. Templeman	Mr W.R. Marmion

Question thus negatived.

**ROAD TRAFFIC (VEHICLES) BILL 2011**

*Returned*

Bill returned from the Council without amendment.

**PUBLIC HOUSING — TENANT BEHAVIOUR — THREE-STRIKES POLICY***Question without Notice 156 — Tabling of Paper — Statement by Speaker*

**THE SPEAKER (Mr G.A. Woodhams):** During question time I took point of order 157 from the member for Midland with respect to an official document. I indicated to members at the time that the minister was prepared to table the document. I raised for the information of this house some concerns I had about other information on the document. I have reviewed that process and I have had a good look at the document and I am prepared to table that document.

[See paper 4664.]

**RETAIL TRADING HOURS AMENDMENT BILL 2012***Second Reading*

Resumed from an earlier stage of the sitting.

**MR A.J. WADDELL (Forrestfield)** [4.01 pm]: I resume my remarks from earlier today. This is the first time I have given a speech in this place when I have had the *Hansard* proof in my hand before I have completed my contribution. Before the debate was interrupted, I was speaking of the problems associated with Sunday retail trading where there is inadequate public transport in the suburbs from where a large number of employees who work in retail are drawn. Potentially, this creates an enormous problem for workers who will be required to work shifts on Sunday but have no ability to get to their place of work without having to resort to either private transport or to a taxi.

**The ACTING SPEAKER (Ms L.L. Baker):** There is a member on his feet. I am trying to hear the debate and I am struggling with the conversations around the chamber. Will members please take them outside.

**Mr A.J. WADDELL:** The wages that most retail workers earn would make the use of a taxi so cost prohibitive that it would not make it worthwhile turning up, even at double time on a Sunday. The government will have to make very clear to the community its approach to public transport on those routes which currently do not have Sunday services available.

This raises a question that has been brought to me many times in the retail debate by members in the community. Why is it only the retail sector that is subject to seven-day-a-week operations? Why is it that this government and indeed this opposition see fit to say that it is good enough to shop on a Saturday and Sunday but are not prepared to make government services available on Saturday and Sunday? I suppose it is the classic case of bit by bit, step by step, before those sorts of demands are put on agencies. In fact, I can recall a previous time in which it was almost impossible to get to a bank. Banks had extraordinarily restrictive hours and they would open late in the morning and shut at four o'clock in the afternoon, and it was a reasonable excuse for anyone to say to their employer that they had to run off and get to the bank before it closed. Today we find that banks pretty much keep business hours. I noted the other day that the local branch of my bank was open on a Saturday, which impressed me greatly. That is an indication that business is evolving to meet the demands of customers. I can foreshadow a time when those sorts of demands will put on government services for government shop fronts to open on a seven-day-a-week basis.

The member for Cannington raised a very interesting point about trading in the central business district. He spoke of the increased investment that is likely to occur in the suburban shopping centres, which will naturally draw out of the city a number of the customers who currently shop there. I think that is a fairly likely outcome, but there is probably more to it than that. We need to ask ourselves about the nature of the experience of shopping in the City of Perth these days. It is something that I have had to do on occasion, particularly during the period of restricted trading hours when I have had no option but to travel to the city to purchase something on a Sunday. I have been known to frequent the Apple Store at all sorts of hours.

*Point of Order*

**Dr A.D. BUTI:** I am really enjoying this speech, but I am having trouble hearing due to chattering on my left.

**The ACTING SPEAKER:** Please continue, member.

*Debate Resumed*

**Mr A.J. WADDELL:** The experience was not a particularly friendly one as virtually every road I travelled down was blocked off by roadworks or had its width reduced by these very bizarre parking arrangements the City of Perth is putting in that extends the footpath right into the middle of the road, without allowing for pedestrians. At the same time it is reducing the number of car bays, forcing people into the car park facilities. Then, when people park with one of these private car park operators or in one of the City of Perth car parks, they will be in for quite a rude surprise when they find out how much it costs. The reality is that Perth has the most expensive parking in the world. It is cheaper to park in New York than it is to park casually in the City of Perth.

Several members interjected.

**Mr A.J. WADDELL:** I paid \$9.50 for 20 minutes, thank you! The City of Perth has a great deal to answer for. When the inevitable decline in retail trading occurs in the city, the City of Perth only has to look to itself and at how unfriendly it has made the city to get in and out of.

**Mr J.M. Francis** interjected.

**Mr A.J. WADDELL:** I am merely foreshadowing that this bill will inevitably see changes to the retail landscape. I fully support the bill. I am saying that it is usual, when somebody experiences a decline in their business, to point the finger at something and say it is at fault. I am arguing right now that, when the decline in business in Perth happens, many people will point to this bill and what we have done here today as the reason for the decline, but I am saying they need to consider other reasons for the decline.

**Mr J.M. Francis:** When your local businesses do better, you should be very proud.

**Mr A.J. WADDELL:** Speaking of my local businesses, which are mixed and varied, like most people I have a Coles and Woolworths in my electorate. Let us again call a spade a spade: this bill clearly is mostly aimed at assisting Coles and Woolworths to trade. The reality is that the majority of businesses in my electorate are small enough that they already qualify for seven-day-a-week trading. They choose not to trade seven days a week because they believe that it is not economically viable for them to do so. On days when late night trading is allowed, the majority of them in the shopping centres do not open.

**Mr J.M. Francis** interjected.

**Mr A.J. WADDELL:** They are not forced to open. It is all about choice. I do not have a problem with that. The member seems to think I am speaking against the bill, but he is incorrect on that point. If he could calm down for a moment, perhaps we will get somewhere.

The debate about retail trading tends to engender these sorts of raised views and angry remarks. I watched *Lateline* a couple of weeks ago and Gerry Harvey, the owner of Harvey Norman, gave an interesting interview in which he talked about the decline of retail in Australia. He put what I considered to be one of the more bizarre arguments I have heard in some time—that is, there is no online trade to speak of in the area he trades in, but his biggest threat is the online trade. It was quite peculiar and it caused me to google to see whether people can buy fridges or beds online. I found out that yes, people can. Then my wife reminded me that we bought our last fridge online. That is probably something he does not understand that is coming up behind him.

There is this great debate at the moment about the impact of internet trade on the retail sector. Again, this is one of those straw arguments whereby the blame for its decline is being placed on internet retail. People say that is occurring because if someone buys something for under \$1 000 from an overseas retailer on the internet and brings it into Australia, that person does not have to pay the goods and services tax. Retailers say that is an unfair advantage. That may be an unfair advantage to some extent, but we are talking about a tax of only 10 per cent. We are not talking about the duties of old. I do not know whether people recall those duties, but I have a very clear and vivid memory of my grandfather back in the 1970s; he was very excited about travelling overseas except he was smart because he was not going to buy duty-free. He planned to shop in the local shops in Singapore and buy things for about 30 per cent less than what he would have paid in Australia. At that time there were many sale taxes on electronic goods that raised the price quite considerably in Australia and therefore made purchases in Singapore quite cheap. Today we still see the remnants of all those duty-free shops that sprung up to take advantage of those taxes that existed and I suspect that they mainly sell alcohol and cigarettes because they are the only things left with any significant duty. The 10 per cent GST that shoppers are able to avoid is negligible and often eaten up in the mark-up that these stores tend to have.

In fact, I went through an exercise recently in which I compared the price at the duty-free stores with that which was readily available on the internet, and the internet beat it hands down by a factor far more than the 10 per cent GST. The reality is that a lot of these retailers are unable to compete, not because of the 10 per cent GST but because they are often locked into supply chains that are quite inefficient. They are locked into licensing agreements that exist within Australia that mean that a product that is sold freely overseas is sold for two or three times that amount in Australia. I take the example of ResMed, which is an Australian company that sells CPAP machines for people with sleep apnoea. Its top-of-the-line product, the S9, sells in Australia for more than \$2 000. If someone were to go online, they could buy one at a US store for about \$750. There is absolutely no reason whatsoever why that should occur. It is disgusting that an Australian company sells its product cheaper into the American market than it does into the Australian market.

**Dr M.D. Nahan:** Can you buy it on the internet in the states and ship it back here?

**Mr A.J. WADDELL:** Yes, people can and I know many people who have done that. People are bypassing the local retailers. I am not necessarily saying that the people selling them here in Australia are putting such huge profit margins on it; they are often subject to the supply chain. Bringing it back to the debate, the supply chain is

an element that my local retailers have raised with me. My local Foodworks is a terrific store and is very much involved in the community. The owner of that store has spoken to me all through this debate and I asked him how he felt about this latest change in position. He shrugged it off and said, “I will lose some business but it won’t put me out of business. We just need to adapt more and compete. What worries me and keeps me up at night is the dominance of the two majors.” The dominance of Woolworths and Coles and the way they manipulate the supply chains means that, essentially, he cannot purchase at wholesale what they sell at retail. He said that the government needs to look into those arrangements and try to ensure that no-one is able to use massive market power to manipulate the market in such a way that they can control what is made, when it is made and at what price it is sold for; that would allow an open playing field. We need to put in place legislation that means the big retailers cannot use their market power to dominate a local market until they knock out the little competitors and jack up the prices later. It is that sort of aggressive and predatory behaviour that needs to be monitored. Legislation is in place at a federal level to protect businesses, but it needs to be enforced. I welcome the debate about whether we should allow Coles and Woolworths to have the dominance that they do.

Members would know that I am an information technology guy and I follow technology very closely. IT is an area in which market dominance is often very much debated. In fact, it is a widely held view that Microsoft invested \$150 million in Apple in 1997 when Apple was seriously close to going under, because it knew that if it did not save Apple, Microsoft would not have an operating system competitor and as a monopoly, effectively, it would have been in serious trouble with the US antitrust laws.

**Dr M.D. Nahan:** They also made a lot of money.

**Mr A.J. WADDELL:** Ultimately, Microsoft made an incredible amount of money. It was probably one of the best deals it ever made. One always reflects on the comments Michael Dell made when he was asked what Apple should do. Apple was told it should sell everything and refund its investors. I think Apple could buy Dell today with the small change in its pocket! Antitrust is a big issue at the IT level and it is something that we need to look at in the Australian market. We are a smaller market and the ability for people to dominate is a real problem.

There are other problems inherent in the retail sector. I think we have raised in the past the issue of leases and having a lease register to allow people to see what the fair market value is for the real estate that they are using to establish a retail shop. I, for one, often wander through some of the big shopping centres and notice that a strange little \$2 shop might pop up for about four months before it goes out of business, and it makes me wonder what the business model was. Was there any real sense about how it operated? I suspect it was often an over-enthusiastic person with the bug for business but not necessarily the head for it, and they were unable to get a real sense of what their true costs would be. They probably found that they were paying a great deal in rental costs.

[Member’s time extended.]

**Mr A.J. WADDELL:** That is one of the issues. If we could reduce the cost of retail space, effectively we could, I presume, reduce the cost of retail products. A reduction in the cost of retail products would create less financial stress on families, which is a theme about which we are very concerned. How could we do that? One of the things we need to look at is the way that retail space is created. It is very highly regulated. People cannot simply set up shop on a vacant block; it has to be done in a commercial zone. It almost seems to me that many of the local governments that have control of this are more concerned about the general aesthetic of how their overall maps look when we look at them from a bird’s-eye view. They think, “This is the little commercial area over here and this is the residential area and this is the industrial area over there”, without giving any real thought to the consequences of restricting supply.

If we have learnt anything in recent years, it is that when we restrict land releases, as we have done in Western Australia, the price of land starts to shoot up and it becomes unaffordable. That is creating a great deal of stress for families. I think LandCorp needs to be held considerably responsible for some of the mortgage stress that we are seeing. That is a natural outcome of setting up an organisation to make money—it will restrict its product to increase its price. So there is an opportunity for us to reform some of the local government laws and change the zoning processes to allow more retail space to be opened. I think we will then be able to bring a bit more competition into the area.

The final point I want to make—perhaps I am a bit out of step here—is that I wonder why we are even bothering at this stage with the whole notion of allowing shops to remain open only until nine o’clock, and to open only for restricted hours on Saturdays and Sundays. Perhaps we should simply let go of the idea and say the genie is now out of the bottle; let us make it easy for everyone to get on with it and know what the rules are. We can start building in the protections that we need to ensure that workers are not manipulated. We can deal with the transport issues and with the other issues that I have spoken about. But, really, what is the harm in allowing Harvey Norman to open at midnight for a special once-off sale that it wants to hold? It happens in the other states. I really feel that it will happen here. The reality is that we are not going to have 24-hour trading. The

demand is probably not there. The demand might be there in some tiny pockets of the community, and so be it if that is the case. But I do not see that it is going to put anyone at a huge competitive advantage. It will just allow for a greater flavour within our general community.

So with those thoughts, I commend this bill to the house. I hope that we will be able to fix the irregularities that do occur. I hope that we can continue this reform. I will be keeping a very close eye on what impacts it has on public transport. I certainly will be a keen advocate for the continuation of online shopping. I believe there is a huge opportunity in Western Australia to develop businesses that are in that market. That is the future. The reality is the slide rule companies and the buggy whip makers went the way of the dodo for a reason. The world continues to evolve. We are evolving. This is the future. We need to embrace it.

**MR J.M. FRANCIS (Jandakot)** [4.22 pm]: I also want to speak on the Retail Trading Hours Amendment Bill. I am going to try not to turn this into groundhog day! What a relief! I think this is the sixteenth time I have stood in this house in the last three and a half years and spoken about trading hours in the state of Western Australia. But I am going to take a page out of the book of the member for Cannington. He went through some of his speeches. I do not want to spend my entire time on my feet going through who has said what and who has had what position in the history of trading hours in this state in the past 10 years. Nevertheless, in this debate I will have to reflect on some previous comments by me and some other members. This is a great moment for Western Australia. It is also a great moment for the member for Riverton and for me. I do not want to sound as though I have got my hand in my pocket—I will take it out—but I think we have both been absolute twins in our endeavour to beg members from all sides of this house to do something about the regulation that is inflicted unfairly across retailers and consumers in metropolitan Perth.

Where do I start? I will go back through some of the issues that I have spoken about in the past. Back in 2011, I spoke about the Spud Shed in my electorate. The Spud Shed is owned by the Galati brothers. I have always said that free enterprise beats government red tape every day of the week, and competitive capitalism will always beat regulation. The Galati brothers built the Spud Shed at Jandakot Airport, and because it is on federal government land, it is not subject to the trading hours legislation that is forced upon other retailers. The Spud Shed at Jandakot trades 24 hours a day, seven days a week. They do not have to do that. That is their choice. What the deregulation of trading hours is about is choice for consumers and choice for businesses. If they want to open at four o'clock on a Thursday morning and lose money because no-one is there at that time, that is their problem. But if people go to the Spud Shed at Jandakot at eight o'clock on a Sunday, they cannot move in the place.

That is just another example that I have used in the past to show why I firmly believe there is an overwhelming desire and demand for deregulated trading hours in the state of Western Australia. It is just like the shopping centres across metropolitan Perth that are allowed an additional trading day on certain Sundays; it is obviously spread out throughout the calendar year. The Deputy Premier went to Morley Galleria one Sunday. I have always said that if we go to Garden City at Booragoon on a Sunday when that centre is allowed to trade, or Cockburn Gateway, we cannot find a parking space within kilometres of either of those centres. We only need to go to those shopping centres on one of those Sundays to realise that the consumer demand for Sunday trading in this state, in metropolitan Perth in particular, is overwhelming.

We only need to drive up the freeway north on a Saturday morning and look at the queue of cars trying to get to Ikea. I have said many times that there is no way anyone can come up with any explanation whatsoever for why Ikea is not allowed to trade on Sundays. It is absolute madness. If anything, if we had deregulated trading hours and allowed Ikea to trade on Sundays, it would probably spread some of the love and spread some of the pain. It has always amazed me that the Greens do not support Sunday trading, because when people go to Cockburn Gateway on a Saturday, they cannot move in the place. Some of these people are rushing to do their shopping. The soccer mums, as I would call them—I hate generalising like that—and families are struggling to get their shopping done because they have other things to do on a Saturday. Those people will now be able to do their shopping on a Sunday. That will spread the pain of the traffic and no doubt do something to alleviate the congestion around shopping centres, as we saw with the government's gradual extension to weeknight trading hours.

I have always said that the worst kind of protection that anyone can put on a business is to stop its competitors from trading against it. It amazes me to this day that we have protected one segment of the retail sector by stopping their competitors from trading against them. This is worse than tariffs. This is just barring people from trading against each other.

**Mr P.B. Watson:** Would you take an interjection?

**Mr J.M. FRANCIS:** Absolutely, member for Albany. I have had many interjections from the member on this topic in the past and I am always happy to take them.

**Mr P.B. Watson:** Have you been to the businesses that stay open on a Thursday night and have you noticed whether they are getting any more business? I am interested to know.

**Mr J.M. FRANCIS:** I can tell the member that on the first day that late-night trading was introduced, I went to Woolworths at Cockburn Gateway —

**Mr P.B. Watson:** I am not talking about Woolworths. I am talking about the small businesses.

**Mr J.M. FRANCIS:** They do not stay open. In Cockburn Gateway, they do not stay open. I have spoken about this before. The biggest Westfield shopping centre in Australia is Westfield Indooroopilly in Brisbane. When I was there on a Sunday—I am going back some years—Woolworths was open, Coles was open, the picture framer was shut, the chemist was open, Harvey Norman was open, and the hairdresser was shut. But, guess what? They are paying rent 24/7 whether they like it or not and whether they are open or shut. It is up to them whether they want to open or shut.

**Mr P.B. Watson:** All I want to know is whether they are getting increased trade by opening until late.

**Mr J.M. FRANCIS:** That is a good question, because I have also spoken in the past about the economics of increased trade in the other states as they have deregulated trading hours. From memory, the average increase in retail turnover in the economy of each state or jurisdiction as they deregulated was about three per cent. That means that when we bring in Sunday trading, we can expect that the turnover in the retail sector will increase in net terms by about three per cent. That will obviously be impacted upon by the population growth and so on, so it is hard to gauge in Western Australia when we have such a booming population. I would be absolutely flabbergasted if it did not, because when shops are allowed to open longer, it makes it easier for people to spend money. Hopefully, some people will spend less money on holidays to Bali and on alcohol and a bit more money in the retail sector. It only takes a little bit to turn the tide.

I have been ridiculed and castigated by the Labor Party over my position on trading hours for three years.

**Mr P.B. Watson** interjected.

**Mr J.M. FRANCIS:** Ever since I have been elected, Member for Albany, we have had our differences on this issue, and I am so glad that you have changed your mind.

**Mr P.B. Watson:** I have not changed my mind. I have always said that regional areas should have their own decision. I have. When we were in government, the Country Labor guys, when we were there, as the member for Darling Range was saying, fought for regional areas to make their own decisions. That is still in the bill.

**Mr J.M. FRANCIS:** The member for Cannington has already spoken on this bill today.

**Mr P.B. Watson:** I do not care about metro; I'm elected to look after Albany.

**Mr J.M. FRANCIS:** This is my time. You guys can both have your own time.

The member for Cannington, who has already spoken on the bill today, got up and said, "I have always been consistent on this issue." Let me tell members what the member for Cannington said to me in this place on 18 August 2009 —

There is no way that retail workers in this state support Sunday trading. I will voice my continued opposition to the Liberal Party's agenda for Sunday trading, which has been outlined by the member for Jandakot.

He even gave me a plug. The member for Joondalup said it will cost me my seat. The member for Cockburn has called me a crazy, mad deregulator because I thought it has never been the job of government to tell any business when it can and cannot trade. It is absolutely ridiculous.

That brings me onto a couple of issues that I would like the minister representing the Minister for Commerce to address when he replies. My personal position always has been, and always will be, that I believe in total deregulation on this issue. What we have done as we have progressively deregulated in the last few years is sometimes moved some of the problems. I have always highlighted problems as I saw them coming before we made the changes. I have always said that I will take whatever deregulation as it comes into play. That included the retail trading precincts and the extension of weeknight trading hours and also lifting the number of staff on the floor from 13 to 18. I will give an example of someone who has a small business. I have talked many times about Tony Ale, which is in the member for Cockburn's electorate. It is one of the greatest little retail food stores south of the river. When going into Tony Ale, customers pay for the butcher separately and the baker separately, because he has to franchise them off differently, because if he put them all under one business, he would have more than 13 people on the floor and then he would not be able to trade in groceries on Sundays.

When the number of staff on the shop floor is lifted from 13 to 18, it is just moving the problem: the idea of capping a small business and saying, "If you employ one more person, you are no longer small business, you are a big business and you will not be able to trade on Sundays" stops small business from growing into big business. All it does is stop people from employing people. It is absolute madness. It is just another issue that, although we have raised that bar to 18, is one of those positions about which I thought: why don't we just get rid

of it and let business do what it is best at—that is, not being hamstrung by government red tape and regulation? We should just let business go out and do what it does best.

When we moved the retail tourism precincts—then special trading precincts—that was good because it allowed consumers more choice and allowed more shops to open, which is why I supported that. Nevertheless, I am still at a bit of a loss about this 11.00 am opening limit. We have 95 per cent won the war. Why do we not just go all the way? I rarely agree with much of what the member for Belmont says, because I have stood in this place and absolutely begged him, when he was Leader of the Opposition, to have the Labor Party change its position on this issue.

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** Once again, when I look, for example, minister, at Cockburn Central shopping centre in my electorate —

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** — there are four auto parts stores in the same shopping centre. There is a Repco, a Malz, a Supercheap and an Autopro. A good bloke called Ray Della-Polina, a great Western Australian businessman, because he sells camping gear in that Malz, will not be able to open until 11 o'clock on Sundays. Bunnings sells camping gear, and it can open on Sundays at eight o'clock.

**Dr M.D. Nahan:** Seven o'clock.

**Mr J.M. FRANCIS:** I am not normally out of bed these days early on Sundays. The Repco and a Supercheap and the Autopro can open at whatever time they want on a Sunday morning, but not Ray Della-Polina because he also sells camping gear. Bunnings can sell outdoor furniture and barbecues on Sunday morning before 11 o'clock; Harvey Norman will not be able to. Bunnings can sell outdoor light fittings, outdoor and indoor light bulbs, but not indoor light fittings before 11 o'clock. They will not be able to sell whitegoods, if they want to trade before 11 o'clock. I do not know the answer. I do not know whether it is done through ministerial extension, but it is still one of those issues that will create some nightmares for some people.

What absolutely amazes me more than anything else in this issue is this monumental backflip by the Labor Party. Do not get me wrong: I absolutely welcome it, but I think the member for Bassendean let the cat out of the bag today when he spoke about Joe Bullock running for the Senate. The Labor Party and the Leader of the Labor Party need to come in here and 'fess up and tell us about the deal it did with the head of the shop union to silence the anti-Sunday trading segment within the Labor Party, because clearly something has happened. I would love to know which retailers that will benefit from deregulated trading hours have donated money to the Western Australian Labor Party in the last three months.

**Dr A.D. Buti:** Don't spoil your moment of glory with crap! You are.

A member interjected.

**Dr A.D. Buti:** Not at all. He could not be further from the truth. There has been no deal done with Joe Bullock over this issue. The Leader of the Opposition made a decision, and the party—

**Mr J.M. FRANCIS:** So the member for Bassendean is wrong. You are not going to give him a Senate seat. That is fine. You guys talk about this.

**Dr A.D. Buti:** That's irrelevant to the —

**Mr J.M. FRANCIS:** Of course it is irrelevant. It had absolutely nothing to do with it! The head of the shop union had absolutely nothing to do with it!

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** Madam Acting Speaker, I seek your protection from the member for Armadale.

**The ACTING SPEAKER:** Member for Jandakot, if you invite interjections and dialogue with the member on the other side of the aisle, that is what you will get, so please desist.

**Mr J.M. FRANCIS:** I am not talking to anyone on that side of the chamber. I am talking to everyone, through you, Madam Acting Speaker, on my side of the chamber—the more reasonable ones.

I would say that a lot of questions are unanswered as to what triggered the Labor Party's about-face on this.

**Dr A.D. Buti:** There are no questions to that. You're never going to get into the ministry if you keep this crap up—I can tell you that.

*Withdrawal of Remark*

**Mr P.T. MILES:** I raise a point of order.

**The ACTING SPEAKER (Ms L.L. Baker):** Yes, that is inappropriate language in Parliament. Could you please desist from using that language in here. Member for Jandakot, could you please try to finish your contribution to the debate now without baiting anyone.

**Mr P.T. MILES:** Further on the point of order, can I just ask for clarification. The word that the member for Armadale used was unparliamentary and should be withdrawn.

**The ACTING SPEAKER:** I am sorry. Yes, I did say it was unparliamentary, but I did not ask the member to withdraw. Would the member like to withdraw that word, please?

**Dr A.D. BUTI:** I withdraw it.

*Debate Resumed*

**Mr J.M. FRANCIS:** It is one of those momentous occasions, though —

**Dr A.D. Buti:** You're destroying it.

**Mr J.M. FRANCIS:** I have moved on. I might take this opportunity to ask for a brief extension.

[Member's time extended.]

**Mr J.M. FRANCIS:** Thank you, Madam Acting Speaker.

Several members interjected.

*Point of Order*

**Mr P.T. MILES:** The member for Armadale is quite excited at the moment. Maybe I could ask you to ask him to quieten down. It is very hard to hear the member for Jandakot and his conversation.

Several members interjected.

**The ACTING SPEAKER:** Member for Girrawheen and member for Armadale, could you please stop interjecting. We are on a point of order; it is not appropriate to hear your voices. Member for Jandakot, please continue.

*Debate Resumed*

**Mr J.M. FRANCIS:** I am coming to a close with my remarks. This is not confrontational, member for Armadale, but the member for Armadale has had somewhat deregulated trading hours in Armadale through the special trading precinct for some time. I know that he knows that it is profoundly popular —

**Dr A.D. Buti:** I'm sorry, but when I speak, I'll tell you how popular it is. Don't put words into my mouth!

**Mr J.M. FRANCIS:** I know that people who own retail stores outside those special trading precincts are telling me that their businesses outside Armadale are down \$100 000 a week in turnover, but their business inside Armadale is up \$150 000 a week. Something is wrong because the businesses in Armadale —

**Dr A.D. Buti:** Member for Jandakot, you're quite amazing; we are supporting the legislation!

**The ACTING SPEAKER:** Member for Armadale, I call you for the first time.

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member for Kimberley, I call you for the first time.

**Mr J.M. FRANCIS:** There are businesses that are doing worse outside of Armadale than they are inside Armadale; they have had to lay off staff in Cannington and put on staff in Armadale. Those businesses will welcome this reform very, very warmly because it is —

**Dr A.D. Buti** interjected.

**Mr J.M. FRANCIS:** If the member went out and spoke to the shopkeepers in his electorate —

**The ACTING SPEAKER:** Member, if you are not accepting interjections, please do not bite back at them. Member for Armadale, please stop the interjections unless they are invited and accepted. Member for Jandakot, please continue your speech. You have 14 minutes left and I am sure that we are looking forward to them.

**Mr J.M. FRANCIS:** I do not want to take every single minute of it, but I am being tempted!

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member for Kimberley!

**Mr J.M. FRANCIS:** At the end of the day, members opposite can say what they want in this place about changed positions, but the public of Western Australia and the shoppers of Perth know that the Liberal Party has always been the party of deregulation. We have always —

Several members interjected.

**Mr J.M. FRANCIS:** We just have to look at how members opposite dragged their knuckles on late-night trading on Monday to Friday. They dragged their knuckles! They came absolutely screaming into that debate. Members opposite were going to settle for 7.00 pm. That was going to be the best they could do, because we all know that the faceless men of the Labor Party, the people who run the unions, opposed extended trading hours. The only way —

Several members interjected.

*Point of Order*

**Dr A.D. BUTI:** I am sure that there must be a rule that prevents speakers from completely misleading the house and also of speaking to an extent that is so substandard that it does not befit a member of this place.

**The ACTING SPEAKER:** Member, there is no point of order.

Several members interjected.

**The ACTING SPEAKER:** That is enough from both of you, honestly! This is a house of Parliament; would you stop sniping at each other across the chamber. Member for Jandakot, get on your feet and complete your speech. Member for Armadale, you are going to be called again and please stop that kind of behaviour. There is no point of order.

*Debate Resumed*

**Mr J.M. FRANCIS:** We all know that the faceless men of the Labor Party are the people who stopped the Labor Party changing its position on this issue for so long. It is clear to everyone in Perth that the Labor Party dragged its knuckles on the issue of extending trading hours.

Several members interjected.

**Mr J.M. FRANCIS:** Madam Acting Speaker, do I need to take a point of order on the interjection I just heard?

**The ACTING SPEAKER:** No, I think you should —

**Mr J.M. FRANCIS:** Okay; so it is parliamentary now to call people “dipsticks”—that is fine.

**Mrs C.A. Martin:** Well, you are a dipstick! It’s not my fault.

**The ACTING SPEAKER:** Enough! I have called this debate to order several times. Member for Kimberley, I call you for the second time. Please be aware of the language you use. It is not really unparliamentary; it is just a bit south of acceptable.

**Mr J.M. FRANCIS:** Thank you —

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** Member, you want to go home; we all do. It is a quarter to five; you will be going home early.

**Mr J.M. FRANCIS:** In closing, as I said, the member for Bassendean obviously let the cat out of the bag today. There are some serious questions that the Labor Party needs to answer about why it has changed its position on the issue of trading hours in this state. I know that members opposite will not have the intestinal fortitude to come into this place and say that the Labor Party has done that deal with Joe Bullock. It did that deal with Joe Bullock to put him in the Senate —

Several members interjected.

**Mr J.M. FRANCIS:** I seek your protection, Madam Acting Speaker; I am not inviting interjections.

**Mr M.P. Whitely** interjected.

**The ACTING SPEAKER:** Member for Bassendean! I think I will just stand here until five o’clock. Member, please do not interject if the interjection has not been accepted. Member for Jandakot, please complete your comments.

**Mr J.M. FRANCIS:** I have been closing and closing and closing. This will be my last sentence: I congratulate the government for finally bringing in a bill that will allow consumers in my electorate and all of metropolitan Perth to get better value for money for their dollar and to have better choice about where they shop, so that they are not subjected to having to travel greater distances to shop on a Sunday, and I commend the bill to the house.

**MR P. PAPALIA (Warnbro)** [4.46 pm]: Thank you, Madam Acting Speaker. How fortunate —

Several members interjected.

**The ACTING SPEAKER (Ms L.L. Baker):** Now that we have retained a bit of order and the member for Warnbro is on his feet, would you please address the chamber.

**Mr P. PAPALIA:** I will be very brief in talking to the Retail Trading Hours Amendment Bill 2012—probably for my own personal safety!

I always find it amusing to listen to self-professed experts on the Labor Party offer up their opinions about what is going on with internal decision making and to even contemplate potential preselections. It is particularly interesting when that opinion comes from a former Tony Abbott staffer who was sacked under the circumstances in which the member for Jandakot was —

**The ACTING SPEAKER:** Relevance, member.

**Mr P. PAPALIA:** Perhaps the member could take lessons from the real expert on the Labor Party in the Legislative Assembly of Western Australia—the member for Vasse! There is a man who knows what goes on inside the Labor Party! He knows everything.

I will say very briefly in response to the member for Jandakot's very poor contribution this afternoon that he demonstrated his lack of experience in Western Australia. We all know that the member arrived about three weeks ago. Having been born and raised in Western Australia and having sat through a few decades of debate on this subject, I can absolutely confirm that just about every single person in politics in Western Australia has had at least two positions on trading hours—and in many cases a lot more than that. The reality is that if the government wishes to completely deregulate trading hours, as advocated by the member for Jandakot, he can walk into his party room and demand it because the government has a majority in this house of Parliament and a majority in the other place. There is no way that the opposition can stop the government deregulating trading hours tomorrow, if that is its desire. Everyone knows that. The only reason the member for Jandakot's advocacy failed is that the National Party runs part of the government when it comes to this sort of debate and it opposes deregulation. The National Party tells —

Several members interjected.

**Mr P. PAPALIA:** If members are talking about faceless men, the faceless men of the Liberal Party are the three blokes in the National Party who sit in the front row! They are the ones who prevent the government from doing what it claims it wants to do. If the government really wants to deregulate trading hours, the Premier should come talk to the Leader of the Opposition. The only reason that there is action right now on trading hours is that the Leader of the Opposition publicly stated that he would support a move to Sunday trading. He offered the Premier the opportunity to consult on and deliberate over any other matters with regard to trading hours, and the Premier would not speak to him. That is why we are here. We are not here because of the Liberal Party but because the Labor Party is supporting the Liberal Party against the Nationals. That is the only reason anything is happening. The Liberal Party is incapable of controlling its own government. If the member for Jandakot has a strong position on trading hours —

**Mr F.A. Alban:** Thanks for your advice.

**The ACTING SPEAKER (Ms L.L. Baker):** Member for Swan Hills —

**Mrs C.A. Martin** interjected.

**The ACTING SPEAKER:** — and member for Kimberley.

**Mr P. PAPALIA:** Madam Acting Speaker, I do not need any defence from members opposite. I appreciate your efforts but I do not really need any defence against the likes of the members for Jandakot and Swan Hills.

**The ACTING SPEAKER:** Hansard needs to hear the debate.

**Mr P. PAPALIA:** I appreciate that. Hansard does need to hear the debate.

**Mr F.A. Alban** interjected.

**The ACTING SPEAKER:** Member for Swan Hills, I have just called you for the first time. Would you please stop it. Hansard is attempting to get this debate on record.

**Mr P. PAPALIA:** As I said, I am going to keep it brief. I have concerns for workers who may be compelled to work demanding, challenging and unfair hours. I would always advocate that their interests be defended in whatever is done with regard to the deregulation of trading hours. I will reiterate that the power to deregulate trading hours—if that is what the member for Jandakot, the member for Riverton and anyone else in the Liberal Party wants to do—resides entirely with the government. We are not the government because we do not have the majority in this house. Everyone knows that in the upper house in Western Australia, the government has a massive majority. It is entirely within the government's power to deregulate. The only reason it is not doing so is because for some reason it does not have the courage to do it. Perhaps it does not really want to do it. Perhaps some people have influence over government members. Perhaps there are faceless people who have influence over the Liberal Party or the National Party. I think there may be some people who have monetary influence over the National Party with respect to trading hours. That is why there is no move by this government to further

deregulate. It has nothing to do with the opposition. We are outnumbered. We do not have the majority. It is a ridiculous assertion for anyone to suggest that the Labor Party is somehow reducing or restricting the government's ability to deregulate. Beyond that, with respect to the observations that have been made about the Labor Party, it is so bizarrely inaccurate that it is laughable. Members should recall what happened a year ago and what subsequently happened. Why do members think that did not occur before then? Things changed when the Leader of the Opposition changed because the new Leader of the Opposition said that that is what he wanted.

**Mr J.M. Francis:** I accept that. If that's the reason you changed, you did not want to go to the election —

**Mr P. PAPALIA:** Quite obviously, the Leader of the Opposition demonstrated some leadership. If anyone on the other side wants to change the regulations or legislation on trading hours, they should get their leader to take charge of it. They should get the Premier of the state to demonstrate some leadership. If he cannot control his own side of the house—which he cannot—and if he needs the help of the Labor Party, government members should get him to talk to our leader, because our leader is in charge. Our leader has the authority to demonstrate that he can engage in a conversation with the Premier. The Premier is too afraid because I do not think he can bring the numbers to the table. I do not think the Premier can demonstrate that he is in charge of his own government. He has been led around by a minority component of his government. In the end, the people who control Parliament through their numbers are members of the Barnett government. It is the Barnett government that has complete control over whether this or any other legislation gets through because it controls both houses of Parliament. It is ridiculous to make any other assertion.

**DR M.D. NAHAN (Riverton)** [4.54 pm]: I would like to make a few comments about this issue. It is an issue that I have been across the detail of for 22 years in public debate. It is an issue that I for one, mostly whilst outside government and therefore in a position to take a good stand, have not flip-flopped on. I do not want to brag about that. I have been in Parliament for only a short period and I recognise that it is easier to make a stand from outside government rather than from within. This legislation is a small but important step to free people up to shop when they want and where they want, and have shopkeepers open their doors when they want and how they want. It is a victory for the masses and for consumers and should have been done a long time ago.

I would like to reiterate what the member for Belmont stated about the truth behind this long saga of deregulating shopping hours. The member for Victoria Park referred to the book *The CCI Story: A history of the Chamber of Commerce and Industry of Western Australia and its founding bodies*. He and I went to the launch of this book. He referred to it in detail, and I will not do so again. I encourage everyone to read chapter 8. It is a good history of this debate over the past 100 years. It just shows that both sides of politics have been faulty. It also shows that partnerships can form. Why the Greens (WA) were against the deregulation of shopping hours is beyond me but, then again, most of the things that party believes in and does is beyond me. I cannot understand the Labor Party's resistance at times. I do not know what goes on in the Labor Party—I really do not care—but it has been unpredictable. Peter Dowding pushed it in 1985 and it went nowhere. Geoff Gallop pushed it in the early part of the previous decade and it was thwarted for various reasons.

**Mr M.P. Whitely:** It got thwarted by the Premier.

**Dr M.D. NAHAN:** No. The member should read the book. It got thwarted by Brian Burke in his campaign funded by Independent Grocers of Australia.

**Mr P. Papalia:** And who was he working with—the member for Vasse?

**Dr M.D. NAHAN:** The member should read the book.

**Mr M.P. Whitely:** I know that, but we would not have had a referendum if it hadn't been for the Premier because we would have had a bipartisan position on it.

**Dr M.D. NAHAN:** As I said, there was no attempt to do that. There were campaigns from both camps.

**Mr P. Papalia:** Burke was working with the member for Vasse; that was the problem.

**Dr M.D. NAHAN:** The member for Vasse was not even there. There were campaigns on both sides. We are now trying to step beyond this. Let us be clear on this: as the member for Belmont said, what is behind all this are narrow vested interests working against the public interest; that is, the use of political power through the political process to gain privilege, and that is to restrict competition in favour of a few people. This is the history. This is not unique to this issue. Many of the issues, as the member for Belmont stated, came to this house, particularly during previous decades when the debate got rather fraught and money was flipped around on both sides of politics. The people who benefited from this benefited in huge amounts. I ask members to remember the boom time when income was flowing, people were working fly in, fly out, couples were working, trying to pay off big mortgages and they did not have time to shop. If we restricted shopping hours, particularly on the weekend, those who benefited from being able to open gained immensely. That is the story. Not everybody who was behind this had those commercial benefits. Some people do not like shopping on Sunday because of religious beliefs. Some people are conservative and just do not like change. As we debated in this house, some people do not trust, with some justification, the shop owners. Their leases will be extracted from them. I thought the speech

by the member for Forrestfield was excellent. There will be a large amount of adjustment for it. Most of the debate has been about issues of commercial interests. People are hiding behind those arguments. Again, I encourage everybody to read chapter 8 of *The CCI Story*—it is very interesting—and learn.

Why did we get this change now? The Leader of the Opposition and many people from our side have been mugged by reality. The reality is that lifestyles have changed. We have fly in, fly out families. We have both couples working. We have people who are strapped for time. We have people who are involved more in their kids' sports than ever and they simply do not have time to shop when the shops are open. We also have changing life patterns. A large number of young people are getting a voice and want the freedom to shop. Importantly, we have a community that travels a lot, whether it be to Singapore, Victoria, Brisbane or Sydney. When they go to these places, they see that they can shop when they want and it is beneficial and the shops are there. There is no destruction of business and activity. Also importantly, a lot of tourists come here and find Perth and its suburbs boring because they cannot shop. The reason why the member for Rockingham—the Leader of the Opposition—and many people on our side have changed is because they got mugged by reality. The reality is that people want the freedom to shop. The power of the vote has overwhelmed the vested interests of money. That is a very good thing and that is what we are moving towards. It is very positive.

There are a couple of other issues. We are debating why we are taking such a minor step. Given the history and the interests against this move, if we take a giant step, we could falter. The Premier, as *The CCI Story* highlights, has been involved in this debate on the right side; yes, he has had to compromise in politics.

**Mr M.P. Whitely:** What about his position when he was Leader of the Opposition? That is why we had to have a referendum.

**Dr M.D. NAHAN:** Read the book; he led the push for deregulation of shopping hours in 1985.

**Mr M.P. Whitely:** I don't have to read the book; I sat here and listened to the debate.

**Dr M.D. NAHAN:** He knows this move could falter. When he came into government in 2008, he started the deregulation of shopping hours in small steps, opening on evenings and setting up trading precincts. The trading precincts hurt my electorate. I was verbally critical of them. But he did that because he knew he was starting to open things up, and if they were open in Armadale or in Joondalup, people would see the benefits and the shopkeepers in Riverton and Jandakot would say, "Give me the freedom to open". That has cracked them up, and things have changed. As Bismarck once said, two things we should not watch being made are politics and sausages. It is not a pretty process, and that is why we are here. The politics and the support for deregulated shopping hours right now are overwhelming. It is good.

As the member for Forrestfield said, a range of things will have to change. But retail space is changing fundamentally because of internet shopping and pulse stores. The member for Forrestfield could not understand why \$2 shops opened and then closed. It reflects an effective retail mechanism. Retailers get a large bulk of stock, sell it for a month or so and then nick off. They can get discounts at the shop spots during that time. In many cases, the retailer is liquidating stock that they sell online from the warehouse. My son goes to them all the time. It has become a cult to go around to what they call pulse stores.

These things are changing in the UK and the US. Shopping centres are changing away from retail outlets to areas where people can touch, feel and see goods and then buy them on the internet. They are also changing lifestyle places. We are trying to allow business, which is going to happen anyway, to adjust and change to cater to what consumers want. I, personally, would like to take it a step further. I think the best shopping hours in this nation are in Tasmania. Because of the importance of tourism, ten years ago, Tasmania allowed more shopping. Given the history of shopping in WA, I am more than willing to take one more step to allow shopping on Sunday, even if hours are restricted, knowing full well that this will go all the way and people will be allowed to shop when they want and shop owners to open when they want. This is a huge victory. It has been 20 years in the making and I congratulate the Premier on his leadership.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [5.04 pm] — in reply: I would like to thank all members for their many and varied contributions to this debate and I look forward to the passage of this bill.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

#### *Consideration in Detail*

#### **Clause 1: Short title —**

**Mr M.P. WHITELEY:** I believe other members are interested in participating in this debate. I ask my colleague the member for Warnbro to join me in reflecting on the short title of this bill to enable others to enter the chamber and participate more fully in the debate.

**Mr R.F. Johnson** interjected.

**Mr M.P. WHITELY:** I ask the Leader of the House to indulge us at the moment; we are waiting for the leader to come in because he is anxious to progress this bill with haste.

Several members interjected.

**The ACTING SPEAKER:** The member for Bassendean has the call, members.

**Mr T.R. Buswell:** Can you please ask the question.

**Mr M.P. WHITELY:** I think they will be here very shortly.

**Mr T.R. Buswell:** There is another clause; he is not going to want to debate the short title.

**Mr M.P. WHITELY:** I am sure we can rush through it when the leader gets here.

*Point of Order*

**Mr T.R. BUSWELL:** I do not mind if members opposite need to cool their jets for a minute, but this is lunacy. They either have an issue with the short title or they do not. They do not get up and say, “I’ve got an issue because the people —

**Mr P. Papalia:** Actually, minister —

**Mr T.R. BUSWELL:** I am talking.

**Mr P. Papalia:** So what? You never did that? This has never occurred; is that what you are saying?

**The ACTING SPEAKER:** Member!

**Mr T.R. BUSWELL:** My point of order is that if there is an issue to be dealt with under the short title, we deal with it. Members opposite cannot stand up and say that people are not here.

**Mr P. Papalia:** What about the number of times you used to tell jokes when we were waiting.

**Mr R.F. Johnson:** We never tell jokes.

*Debate Resumed*

**Clause put and passed.**

**Clause 2: Commencement —**

**Mr P. PAPALIA:** This clause reads —

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Can the minister convey to us what sort of notification he intends giving retailers who will be impacted on by this legislation? Will the potential dramatic impact of that shift from the current status and the restrictions on trading be taken into account when notifying retailers who will be affected?

**Mr T.R. BUSWELL:** I thank the member; that is a reasonable question. There are two issues. There are some technical issues around proclamation because there are some consequential amendments. The member’s question was not really about that but about how much notice we will give to the traders who are likely to be impacted by this, and also consumers. The Premier has indicated that it will come into effect approximately in August. Obviously, what we will need to do is dependent on the passage of this bill through the other place. We need to be able to find a landing point. The idea is not to rush it out. We need to make sure that we have a sensible transition. I think the member will find that plenty of notice will be given. As the Premier indicated, it will be about August, but we will work through that issue as we get a little closer.

**Mr P. PAPALIA:** What about employees who will be impacted by this legislation? Is there going to be consultation with representative bodies such as unions, which might then be able to convey the potential impacts upon their members to their members; and, if so, what is the nature of that negotiation or consultation, and what sort of time frame are they going to get in advance warning?

**Mr T.R. BUSWELL:** This bill will pass this place—it is now late March. We will firm up the time in which we expect it to come into effect, but the public indications from the Premier are that it will be in August. We will clearly make sure that people have plenty of warning in and around that. I cannot comment exactly, because occasionally things do not always progress in the other place as one would anticipate. I will not give an exact time, other than to give a very clear commitment that plenty of notice will be given to both businesses and employees as to when this will come into effect. The member raised a valid point. There is no need to rush. The point is to get the legislation through the Parliament. We have said that it will come into effect in August. I

suppose that is on an assumption that the bill gets through the upper house whenever it sits next—probably into May. If there are some slippages, we will clearly have to reassess the date. I am not going to say that it will be on a particular day, because strange things have been known to happen in the other place. I do not anticipate that they will, given that both sides support this legislation.

**Mr P. PAPALIA:** That is an interesting point about what can happen in the other place. I fully acknowledge that strange things have been known to happen. I would assume that we are not anticipating significant delays up there. If it were the case that the legislation passed expeditiously through the other place —

**Mr T.R. Buswell:** August.

**Mr P. PAPALIA:** When is the last sitting period? Is it in May? Does the minister anticipate that the period between the last sitting day and—or was he anticipating that it will go out now —

**Mr R.F. Johnson:** It will go through both houses by then.

**Mr P. PAPALIA:** We are not pre-emptively trying to prepare people. That time frame will be adequate—May, June, July.

**Mr T.R. Buswell:** I would imagine so.

**Mr P. PAPALIA:** It sounds reasonable. It sounds like a reasonable time frame.

**Mr M. McGOWAN:** Obviously this issue of retail trading has been around for a long time. I am pleased it is going to reach a resolution soon—at least, the overwhelming part of the issue will reach a resolution in respect of Sundays. Naturally, that is a bipartisan approach. I wanted to flag two things whilst an amendment is circulated. I would like to deal with two issues. One is the issue I raised initially in committing to supporting the legislation. This will be under clause 4, but I wanted to give a bit of notice of it; that is, the idea that people working in retail might have some choice about whether they work on a Sunday. I have an amendment that I wanted to flag in respect of that. I will get a copy made for the minister to look at, so that we can hear from the government

**Mr T.R. Buswell:** Is that an amendment to clause 4?

**Mr M. McGOWAN:** Yes, it is to clause 4. I am just giving a little bit of warning so that we can have some time to look at it.

**Mr R.F. Johnson:** Can we get to clause 4 now?

**Mr M. McGOWAN:** We will get to clause 4 in just one minute. I am just giving the minister a bit of warning so that he can consider it. There are two amendments to clause 4 that I want to discuss. One is in relation to Easter Sunday and one is in relation to giving retail workers the opportunity to have some choice as to whether they work on a Sunday. There are two issues. I am flagging those now so that we can consider and discuss them. I think the minister now has a copy of the amendment. There is another that I asked to be copied and that appears to have disappeared.

**Mr R.F. Johnson:** We have got the one about Easter Sunday.

**Mr M. McGOWAN:** There is another one that deals with whether workers will have a bit of choice about working on Sundays. Maybe I will let the minister comment on that while that amendment is photocopied and given to the minister to look at.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 12 amended —**

**Mr M. McGOWAN:** There are two issues I want to deal with. One concerns the amendment I have circulated but not moved, a copy of which I have just given to the minister. That amendment reads —

Page 2, after line 10 — To insert —

**4. Section 10 amended**

In section 10(4), after paragraph (b), insert —

; or

- (c) the retail shop meets such other conditions that are prescribed in relation to a special retail shop.

The idea behind this amendment is an argument put by the representatives of retail workers that they would like to see another condition attached to the bill on when retail shops open. That additional condition would allow for regulations to be made to provide for arrangements that place certain requirements on general retail shops that open on Sundays. One requirement that could be put in the regulations is that the people who work in the

industry have some choice as to whether they work on Sundays. I raised that issue initially. The advice I received from the department was that under industrial relations laws, which are now primarily governed by the commonwealth, it is not possible to do that. This is an alternative way to do it; that is, to add it as a condition on whether a shop is able to open on a Sunday. I will be frank. I raised this issue with the Premier's office on Friday. I did not get a response from the Premier or his office consequent to my phone call. I raised this issue when I first became Leader of the Opposition. I did not get the opportunity to have a meeting with the Premier on the matter. I suppose I received not an overly negative response but a response that the government probably would not do it. I have heard from some sources that the Premier has some sympathy for the concept of giving workers some choice about whether they are required to work on Sundays. Therefore, I am now circulating an amendment that may achieve that outcome. I am asking the minister what the government's attitude is to such an amendment, because I did not get a response from the Premier on Friday or subsequent to last Friday when I raised the issue with his chief of staff. I am asking the minister for advice on the amendment I have proposed. I will explain it once more quite clearly. It is not about amending the industrial relations laws, but amending section 10 of the head bill to add a provision that allows for regulations to be made.

**Mr T.R. BUSWELL:** I respect the Leader of the Opposition's view on this; he has explained it a number of times since this matter was raised in public debate. The government will not support the amendment because we think there are other methods for negotiations between employers and employees. I do not intend to debate this at great length. The member made his argument in the second reading debate. I have not looked at the technicalities of the amendment, but the principle remains that the government does not think this legislation is the place to deal with those issues. There are other mechanisms available to employers and to employees, who are represented by the Shop, Distributive and Allied Employees Association of WA in those negotiations. I know there were some comments made about a former member of the SDA in this place, and I may have been a member of the SDA when I was senior junior casual in my days at Coles. That is a self-graded job, I hasten to add.

**Ms M.M. Quirk:** I hope you were not in the furniture department!

**Mr T.R. BUSWELL:** No, it was Coles. I was in fishing tackle for a while. Notwithstanding my obvious shortcomings, member for Girrawheen, I have got to this place.

I was completely sidetracked, but I will get back to this serious matter. The government will not support the proposed amendment, although we understand the intent and the position. I respect that. I do not intend to go into a long technical debate about this, other than to say we are not going to support it because there are other mechanisms by which employees and employers can deal with it. In fact, the advice I have had from the Premier today is that he has had some positive feedback from the larger operators in the retail sector that will be affected by this legislation, and they have indicated a willingness to engage with that union on this issue.

**Mr M. McGOWAN:** I have put to the minister an alternative way of dealing with the difficult issue of whether or not workers are required to work on Sunday. As I outlined in the second reading debate, there are protections for small businesses about whether or not they are required to open on a Sunday under the Commercial Tenancy (Retail Shops) Agreements Act. The proposed amendment is an attempt to secure the same arrangements for retail employees. The minister will obviously not agree to it. The initial advice I received from the government was that these matters were covered by industrial relations law and there was no prospect of their being dealt with by this technique. However, as I do not want to be accused of having scuttled the intent of this legislation and I do not want people to say that I have undermined the idea of shops opening on Sunday, I do not intend to proceed with the amendment in the light of the government's attitude to the issue. It will be worthwhile to consider it in the future once this bill is passed.

The other point I make is that if those large employers—Coles and Woolworths being the principal ones, but there are others—want to retain staff and make sure that we have a retail workforce when we are in a competitive labour market, they need to consider these options as part of their negotiations with their employees. I understand that some EBAs in some areas contain this clause, and I have been shown a couple of examples of that. The minister is correct at one level that there is an opportunity for these negotiations to take place and to resolve this issue between employers and employees. The opposition was seeking the opportunity for this to be resolved via the passing of these laws as a way of ensuring they did not become a matter of debate between employers and employees. I am somewhat disappointed—the minister might smile about that—that the Premier has not been prepared to have a conversation about this issue. I would have thought it is something we could have come to some arrangement or agreement over, but it is the Premier's decision if he does not want to have that conversation. As I said, I called the Premier's office on Friday to make that offer to have that conversation, but the Premier declined that, which is his choice.

My last point is that the opposition made the case for retail workers around Western Australia. To be honest, I do not want to stop the intent of this legislation proceeding. In light of what I have had to say over the last couple of months, the opposition attempted to proceed with this but we are the opposition, not the government. It is a matter for the government and what it wants to do. My principal aim is to ensure that we have Sunday trading

around Western Australia. I did not want to inhibit Sunday trading, but I have made a number of points on behalf of retail employees.

**Dr A.D. BUTI:** I heard the minister's response to the Leader of the Opposition. From what I can gather it is not that the minister disagrees with the sentiment in the proposed amendment and the words of the Leader of the Opposition; the minister is against the process that we are trying to achieve with this proposed amendment. The minister stated that the aim of the Leader of the Opposition's amendments can be achieved in other ways; that is, by negotiation between employer and employee. That can possibly be the case, but in reality negotiations between employer and employee are not done on an equal footing, and definitely in negotiations with the large supermarket employers, the employees are not on an equal footing.

**Mr T.R. Buswell:** I ask you not to reflect on the member for Cannington, a former member of the SDA. The SDA is a very good negotiator. I am not trying to be smart about it—they are. That is the way it is, notwithstanding some of the comments of the member for Bassendean.

**Dr A.D. BUTI:** That may be the case, but as the member for Forresterfield mentioned in the second reading debate the problem with Sunday trading for some employees will be transportation. Some of these employees cannot utilise private transport; they rely on public transport for which the minister has responsibility. What are they to do if they are forced to work? For the minister to say that they or their union can generally negotiate a settlement so that they will not have to work on Sunday flies in the face of industrial reality. I do not understand why the minister is opposed the Leader of the Opposition's amendments. Is it purely because the minister is being stubborn or for an ideological reason? What is it? The minister said he agrees with our leader's sentiments, but not the process. I argue that the minister's process of reaching the same position through negotiations is not reality. As the minister said, he has worked in the retail trade. I think he would have been a fantastic salesman.

**Mr T.R. Buswell:** I used to restock the milk.

**Dr A.D. BUTI:** Did you? I used to do that as well with the old stamp. Often I would put the same price on the one litre container as the two litre container!

**Mr T.R. Buswell:** Especially when you saw your mum coming!

**Dr A.D. BUTI:** An hour later, I would be called up to change all the prices. The Leader of the Opposition has proposed something that is incredibly significant and important for the protection of retail workers, who are often among the lowest paid workers, even though they are represented by an outstanding union, for whom the member for Cannington used to advocate. I ask the minister to seriously consider the proposed amendments by the Leader of the Opposition, the sentiments of which the minister said he agrees with.

**Mr M. McGOWAN:** I move —

Page 2, line 15 — To insert after "5 p.m." —

and all of Easter Sunday

That amendment has been circulated. The idea behind this amendment is to provide for Easter Sunday to be considered in the same way as Good Friday, Christmas Day and Anzac Day. At the moment under this legislation, general retail shops will not be able to open on Anzac Day, Good Friday and Christmas Day. That is the government's position; those three days are considered sacrosanct, if we like, and general retail shops will not be able to open on those days. The existing situation in which retail shops cannot open throughout metropolitan Perth on Anzac Day, Christmas Day and Good Friday will continue under these laws. I suggest to the chamber and formally move that Easter Sunday should be put in the same category. I considered this long and hard. I considered the whole issue of public holidays and, I must say, I am torn about public holidays because a public holiday has some special place in people's hearts as a time for people to relax and enjoy themselves. On the other hand, of course, a great many people like the opportunity to go shopping on a public holiday because it is a leisure day; a lot of people's leisure these days is shopping. I am torn about public holidays and what we should do there. I am not torn about Easter Sunday, however. I think Easter Sunday should be treated in the same way as Christmas Day, Anzac Day and Good Friday.

**Ms M.M. Quirk:** New York, the home of capital liberalism, is closed on Easter Sunday.

**Mr M. McGOWAN:** I did not know that and I have never been to New York, but a good reason to go there would be to check out Easter Sunday. Easter is coming up shortly, so I might go over and visit Ryan Marron while I am there. I just saw him arriving in Chicago, so I could do a trip to both.

I suggest to the government that here is an opportunity to have Easter Sunday treated the same way as Good Friday, Anzac Day and Christmas Day. I do not think there could be great objection to that. It is diminishing the intent of allowing general trading, if we like, as freely and on as many occasions as possible. Considering the government is limiting it for Anzac Day, Christmas Day and Good Friday, I do not really see how adding another day, which is part of that Easter break that people generally enjoy, could be considered a huge

impediment. The other point I make is that Easter Sunday has particular significance to people of Christian faith in Western Australia. I suppose I am unsure of the hierarchy of Christmas Day, Good Friday and Easter Sunday, but I would have thought that Easter Sunday would be of similar status to those three days. If we were to come up with a hierarchy, it would be difficult to differentiate those days because they are all significant to Christians around Western Australia. I think it is a reasonable amendment and I am interested to hear what the minister has to say about it. We intend to proceed with the idea. I think all those people in the Liberal Party who are Christians should consider this very carefully.

**Mr T.R. BUSWELL:** It is a point of view, I suppose. All I can say is that I imagine this would have been a matter considered by the minister. I imagine he has attempted to define certain public holidays during the year when shops will remain closed. Easter Sunday is not a public holiday. Therefore, given that it does not have the status of public holiday, he may well have felt by extension that no special provision would be made for Easter Sunday. I take the member's point about the religious observances on Easter Sunday. On Good Friday we gather to acknowledge the crucifixion and on Easter Sunday we gather to recognise the resurrection. They are both very important days to Christian observers. However, the minister, and the government by extension in supporting this legislation, has deemed that Easter Sunday will not be included as one of those days on which general retail shops will not be able to open. The government does not accept the amendment although I acknowledge the member's point of view. I imagine that this is an issue on which a number of people would have a view for a range of reasons. Different groups have different days of observance. I was interested to discover this year that the wharfies have Melbourne Cup Day off. I am not saying that to belittle the Leader of the Opposition's argument —

**Mr M. McGowan:** A lot of people do.

**Mr T.R. BUSWELL:** I know.

**Mrs M.H. Roberts:** We heard you do!

**Mr T.R. BUSWELL:** I have never had one since I have been here. I am always the master of ceremonies at a Melbourne Cup function in Busselton and for some reason my ministerial colleagues used to always have one of these ministerial council meetings in Melbourne the day after Melbourne Cup. I would drive frantically back to Perth, within the speed limit, fly over to Melbourne, get there late, attend the ministerial council meeting and watch my colleagues turn up with sore heads because they had celebrated Melbourne Cup.

**Ms M.M. Quirk:** With all due respect, minister, that is not on the same level.

**Mr T.R. BUSWELL:** I am most certainly not saying it is. I accept that for some people in our community Easter Sunday is a very, very significant day. However, it is not a public holiday in Western Australia. Does that mean by extension it should be ruled out? Possibly not in the Leader of the Opposition's view, but this is a matter that the government has given consideration to. In clause 6 we have identified that Anzac Day, Christmas Day and Good Friday will be the three days when general shops most definitely do not open. However, Easter Sunday is not one of those days and we will not support the amendment.

**Mr V.A. CATANIA:** As I have put on the record before, the National Party does not support this bill. However, having listened to the Leader of the Opposition, although we do not often agree on things, today I have to agree with him on some things. Both sides have indicated that this bill will go through Parliament. It is disappointing that the opposition has pulled all the holes out of this bill and said that small business could suffer and that workers on Sunday could also be in trouble, but it has not negotiated with the government to get further protection for small business and workers in return for its support. The opposition has not done that and it will support the bill. We need to make the bill as friendly as possible, and I indicate that we will support the amendment moved by the Leader of the Opposition to allow Easter Sunday to be included in clause 4.

**Mr W.J. JOHNSTON:** I will not delay the chamber very long, but I want to make a couple of remarks. This amendment is not only about the question of religious observance by more than a quarter of the population who regularly attend churches on Sundays or for those, perhaps like me, who have religious beliefs but do not quite get to church every Sunday. The amendment is also about people who work in the retail industry having a break. Everyone else gets Monday or Friday off and enjoys a four-day weekend. However, shop assistants under this arrangement will have public holidays on Monday and Friday, but they will have to work Saturday and Sunday.

**Dr M.D. Nahan** interjected.

**Mr W.J. JOHNSTON:** That is also the case with nurses, as the member for Riverton says. A range of occupations work over these times. Shop assistants do not work over these times. That is the whole point. The reason we are having this debate is that people who work in the retail industry in Western Australia do not do these things. The minister is saying they should do these things. I am doing what I said I would do when I was elected to this place—I am standing up for these workers and saying they should not have to do these things. This is why I am doing it—it is because I am on their side. So I urge members to support the amendment moved by the Leader of the Opposition.

**Mr T.R. BUSWELL:** I want to make another point. We currently have in Western Australia special trading precincts. Those special trading precincts are in the city, and in Fremantle, Armadale, Joondalup and Midland. The shops in special trading precincts trade on Easter Sunday, member for Cannington. There are a lot of people who work on Easter Sunday—police officers, train drivers, bus drivers and nurses. There is a long list.

**Mr J.E. McGrath:** Doctors.

**Mr T.R. BUSWELL:** Yes. As I have said, we are not inclined to support this amendment. In country areas, such as Carnarvon and Exmouth, people who work in retail work on Sundays. Shops such as Woolworths in Carnarvon are open on Sundays. Our view is that Easter Sunday, notwithstanding its significance from the point of view of religious observance, is not a day that should be deemed off limits in terms of shops that can and cannot open. I might just reflect on the situation in some other Australian states. In Victoria and Tasmania, general retail shops trade on most public holidays, with the exception of Good Friday, Christmas Day and half of Anzac Day. In Queensland, it would appear that the main days of focus are Good Friday, Christmas Day and Anzac Day, although that does not seem to be entirely consistent across the state. But certainly what we are proposing is entirely consistent with what happens in Victoria and Tasmania. Our view is that we will not be supporting Easter Sunday as one of those days that is excluded.

Amendment put and a division taken with the following result —

Ayes (18)

Ms L.L. Baker	Mrs C.A. Martin	Mrs M.H. Roberts	Mr M.P. Whitely
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire	Mr B.S. Wyatt
Mr V.A. Catania	Mr J.R. Quigley	Mr P.C. Tinley	Mr W.J. Johnston ( <i>Teller</i> )
Mr J.N. Hyde	Ms M.M. Quirk	Mr A.J. Waddell	
Mr F.M. Logan	Mr E.S. Ripper	Mr P.B. Watson	

Noes (20)

Mr P. Abetz	Mr T.R. Buswell	Mr A.P. Jacob	Mr P.T. Miles
Mr F.A. Alban	Dr E. Constable	Dr G.G. Jacobs	Ms A.R. Mitchell
Mr C.J. Barnett	Mr J.M. Francis	Mr R.F. Johnson	Dr M.D. Nahan
Mr I.C. Blayney	Mr B.J. Grylls	Mr A. Krsticevic	Mr D.T. Redman
Mr I.M. Britza	Mrs L.M. Harvey	Mr J.E. McGrath	Mr A.J. Simpson ( <i>Teller</i> )

Pairs

Mr A.P. O’Gorman	Mr J.H.D. Day
Ms J.M. Freeman	Mr C.C. Porter
Mr J.C. Kobelke	Dr K.D. Hames
Mr D.A. Templeman	Mr W.R. Marmion
Ms R. Saffioti	Mr M.J. Cowper
Mr R.H. Cook	Mr M.W. Sutherland

**Amendment thus negatived.**

**Mr M. McGOWAN:** I want to deal with this one last time and make sure that everyone understands what has just been voted on, because I am not sure that people do. The opposition wanted to provide an opportunity for the Parliament to say that Easter Sunday should be in the same position as Christmas Day, Anzac Day and Good Friday, and retail workers in general retail shops should not have to work on those days. As I said, I considered this matter carefully. This was my idea, in effect, that this day be considered in this way, and I think it would have been a good thing to have done that. I understand why Anzac Day is treated as special, I understand why Christmas Day is regarded as special and I understand why Good Friday is regarded as special. I understand why it has become culturally the norm that Boxing Day, which of course is part of the Christmas holiday period, is now the sale day and people do not regard it in the same way as Christmas Day, Anzac Day and Good Friday.

But I do not understand why Easter Sunday is not treated in the same way as those days. I do not understand why members of the National Party, after saying they were going to vote a certain way, did not do that. I do not understand why some members of the Liberal Party who express regularly in this place such grave concern about a range of issues to do with their religion did not vote in accordance with their conviction. I do not understand why they would not do that, because I think that was a fair point to make about Easter Sunday. I do not think it would undermine the intent of the legislation to allow for freer trading around the place if we had one more day that was treated in the same way as Anzac Day, Good Friday and Christmas Day. I do not think it would undermine the intent of the legislation at all. But people need to understand, and religious groups around Western Australia need to understand, what has just happened in this Parliament. This was not put to the government in an aggressive way or with any desire to undermine the intent of the legislation. All it was was an attempt to include Easter Sunday, a day when families get together and religious ceremonies are observed, which is part of that extended Easter period that is so important to so many families. People around Western Australia should understand that many Liberal Party members and most of the National Party defeated that intent on the part of the opposition.

**Mrs M.H. Roberts:** Two of the National Party members came and sat with us, and then when they counted the numbers changed to the other side.

**Mr R.F. Johnson** interjected.

**Mrs M.H. Roberts:** They were sitting at the back with the member for North West, and you know it. When the numbers were shaken up, that is what occurred.

**Mr V.A. Catania:** That is not true. I indicated that I would be supporting that, not the National Party, because the National Party do not support the bill. I support the clause.

**The ACTING SPEAKER (Ms L.L. Baker):** Member for North West!

**Mr M. McGOWAN:** I will not say much more on this, except to say that I am genuinely torn about public holidays. It is a very difficult issue for a lot of people. I understand a lot of people in the community have to work on public holidays. I do understand a lot of people like to shop on public holidays. I do understand the intent of the legislation was to free up trading and the major intent was in relation to Sundays. But I also understand that there are five or six days that are public holidays on which the vast majority of people would probably like to shop. I also understand the concerns of retail workers. I thought there was one special day, Easter Sunday, that we could have shown a little bit more understanding about. I am disappointed that some of those people who wear their faith on their sleeve, did not have the courage to vote for it.

**Mr W.J. JOHNSTON:** It is always interesting to see what happens when the pressure goes on. It is easy to talk about important issues, and it is hard to actually act on your beliefs. Many people in the community describe themselves, rather than C of E, as being C and E—Christmas and Easter. They do not regularly attend church services, but they manage to make the proper observations at Christmas and Easter. This was an opportunity for the Parliament to acknowledge the important issue involved with Easter Sunday. And we saw what happened. The people who have been elected to this chamber with the support of various organisations in the community need to cast their minds about what they did. If any of them are like me and they want to support the rights of working people, they should think about what they have done. It is an important issue that we voted on, and I am disappointed with the outcome. I was surprised that the National Party voted against the resolution, because the National Party stood in the chamber and said that it would support the amendment.

**Mr V.A. Catania:** That is not true.

**Mr W.J. JOHNSTON:** That is exactly what happens.

**Mr V.A. Catania** interjected.

**Mr W.J. JOHNSTON:** We all know exactly what happened. The member for North West stood and said the National Party would support this amendment. We thought, “That’s great. We’ll divide on the amendment, because we will it get through.” We thought that we were going to get that amendment passed. That is exactly what happened. The National Party changed its position when it realised that the government was in trouble. That is an extraordinary position. The member for North West, who sits there in his stolen seat, needs to understand what he has done. We will make sure that his vote is properly understood in the community.

I do not understand why it is that shop assistants—100 000 workers in this state—should not have the right to a four-day break like other people in the community. I do not understand what the problem there is. Why should shop assistants not have the same privileges as the people who work at the Australian Stock Exchange? The Australian Stock Exchange will be shut for all four days of Easter this year and it will be shut on all four days of Easter next year, and yet shop assistants will not be in that position.

**Mr B.J. Grylls** interjected.

**Mr W.J. JOHNSTON:** The minister laughs again in his typical way. The next contribution he makes to public policy debate in Western Australia will be his first. I will give a suggestion to the minister: if he really believes the government is doing the wrong thing, he should quit the government. Do not get in there and support the Liberal government; get out of it. If his opinion is that the government is wrong, he should quit.

**Mr B.J. Grylls** interjected.

**Mr W.J. JOHNSTON:** I am not a minister. I am not providing confidence and supply to the government. The minister is providing confidence and supply to the government, not me. If he really believes the government is doing the wrong thing, he should quit. Do not take your salary, minister. Stand up for your beliefs and resign from the government.

I am very happy that my record on this bill and on the previous bills here stands fine. Members can go through every word I have said here; I have not changed my position on this once. That is exactly why I am happy to say that Western Australian shop assistants deserve a four-day break. People with religious beliefs deserve the opportunity to continue to observe Easter Sunday in the way they have done in this state for every year up until now.

**Mrs M.H. ROBERTS:** This clause of course deals with Sunday trading. I thought the National Party was opposed to Sunday trading. The member for North West, however, expressed one view, but the National Party apparently has another view.

Perhaps the National Party can explain this. The Leader of the National Party has consistently stood and said that he opposed Sunday trading, yet when we attempted to deny people the opportunity to trade on Easter Sunday, he actually supported it. He has just supported trading on Easter Sunday—not just any Sunday. He, as the Leader of the National Party, has supported trading on Easter Sunday. That sounds a little hypocritical to me. He said he was opposed to Sunday trading and then, when faced with the opportunity in the house of getting an amendment to the bill to provide that trading cannot occur on Easter Sunday, he voted for it. He can argue the point as long as he likes —

**Mr B.J. Grylls** interjected.

**Mrs M.H. ROBERTS:** Perhaps the minister would tell us his views on the public holidays.

**Mr B.J. Grylls** interjected.

**The ACTING SPEAKER:** Leader of the National Party, I call you for the first time. Please do not yell across the chamber. If you want an interjection, ask for it. I call the member for North West for the second time.

**Mrs M.H. ROBERTS:** I gather the Leader of the National Party interjected on me that he does not support any of our amendments. I take from that that the Leader of the National Party will not support an amendment that deals with public holidays. He will not remove that from the bill; he will not assist us to remove those from the bill.

**Mr B.J. Grylls:** I will not support any of your amendments because I am shocked and astonished that you would change your solemn pledge to the people of Western Australia before the election for your own political purposes.

**Mrs M.H. ROBERTS:** The Leader of the National Party has just voted to trade on Easter Sunday. Faced with the opportunity of denying people the opportunity to trade on public holidays, he stopped that too. There is no principle for the National Party; it is just a matter of opportunism.

**Mr T.R. BUSWELL:** I will just make a couple of comments, and maybe we can move on to the clause. A couple of things I know as facts. The National Party opposes this bill, and when we divide at the third reading stage, I am sure that opposition will be known. Only the member for Belmont is still here. He has indicated his strong desire to sit next to me as we have our votes counted together. I was touched by that show of affection from the member for Belmont. I have often sensed it.

I just want to make a couple of comments. I come from the country town of Busselton. We have seven-day trading. Our seven-day trading, I think, starts at 11 o'clock on a Sunday morning and runs through. I have attended many church services at Our Lady of the Bay and before that St Joseph's on Easter Sunday and Good Friday. The fact that shops are open on Easter Sunday certainly does not impact, as I would observe, on religious observers at those institutions. I think it is often fraught with danger to criticise people based on their religious and/or moral convictions. They are private matters. I think that when we stray into that ground in public policy debate, we are getting into very, very murky waters. To criticise someone who we all know, for example, is a practising Christian and argue that because of that they should not support this, I think, is a ridiculous assertion. It is their right as an individual and we should be very, very respectful of that. There are, of course, people of a whole range of religious persuasions who for a range of reasons hold a whole lot of values.

We did not support the amendment and the amendment was lost. The bill will still be voted on and I am keen to see the chamber move through this issue and on to the next clause.

**Mr M. McGOWAN:** I will make one last comment on that. I heard what the minister had to say. He suggested that there are many religious days—and there are. Many days are important to various faiths. The minister suggested that we should not at all raise what people say about religious matters and that it is their right to choose how they vote, and it is. But if that is the case, why are Good Friday and Christmas Day excluded? If it is the case that we should not take account of any religious —

**Mr T.R. Buswell:** I didn't say that.

**Mr M. McGOWAN:** That was the minister's implication.

**Mr T.R. Buswell:** No it wasn't.

**Mr M. McGOWAN:** If that is the case, why do we exclude Christmas Day and Good Friday; we should include them. I would love to hear from one of the members, for instance, the member for Southern River, as —

**Mr T.R. Buswell:** You're not going to.

**Mr M. McGOWAN:** Does the minister decide whether he speaks?

**Mr T.R. Buswell:** I'm not without some influence.

**Mr M. McGOWAN:** The minister is not without some influence.

**Mr T.R. Buswell:** I do have carriage of the bill; we are in consideration in detail.

**Mr M. McGOWAN:** I would love to hear —

**Mr T.R. Buswell:** I'm sure you would!

**Mr M. McGOWAN:** I would love to hear from one of those members about why we in this place are prepared to exclude Good Friday, Christmas Day and Anzac Day—which I might also add is an important day to all members, I am sure—yet we do not see fit to exclude Easter Sunday. I think that Easter Sunday is an important day of religious observation. In fact, in my experience of attending Rockingham Uniting Church on a Sunday, Easter Sunday is a far busier day of worship than, I think, any other day of the year.

**Mr T.R. Buswell:** Have you been there on Christmas Eve?

**Mr M. McGOWAN:** I honestly say to the minister that I doubt he has ever been to Rockingham Uniting Church, so —

**Mr T.R. Buswell:** I've been to the Rockingham Catholic church.

**Mr M. McGOWAN:** There is a difference. I suggest that, in my experience and I suspect the experience of a lot of people, Easter Sunday is a very important day in that calendar.

**Mr T.R. Buswell:** Can I ask you, as a local member, whether the City of Rockingham has Easter Sunday trading?

**Mr M. McGOWAN:** The City of Rockingham?

**Mr T.R. Buswell:** Yes; it's a special tourism precinct. Does it trade on Easter Sunday?

**Mr M. McGOWAN:** I cannot recall.

**Mr T.R. Buswell:** The point I'm trying to make is there's a record turnout at the Uniting Church on Easter Sunday and my understanding is that Rockingham trades every day except Good Friday, Anzac Day and Christmas Day.

**Mr M. McGOWAN:** I can explain to the minister how it works, if he would like.

**Mr T.R. Buswell:** No, I'm just saying.

**Mr M. McGOWAN:** It is during school holidays and on public holidays. It is an unusual arrangement that Rockingham seems to have. I am unaware of whether other areas have it, but I am not entirely sure of the relevance of what the minister is saying to what we are trying to achieve.

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6: Section 12E amended —**

**Mr W.J. JOHNSTON:** As I say, there is an important issue about shop assistants working on public holidays. We are changing the arrangements. The minister referred to what happens in Rockingham. If he had listened during the second reading debate, he would understand what happens in Rockingham. Rockingham was designated a tourism precinct decades ago. Even during the time that the minister at the table opposed the referendum, he never proposed to shut down the Rockingham holiday precinct, which is what it is. There is a reason for these things having developed. Just because the government says that it will not take away a special provision, does not mean that that special provision has to be extended to everybody else. It is absolutely consistent to say that we want to protect people from having to work on public holidays and accept the fact that 50 years ago a former Parliament—before I was born—decided that Rockingham was a special trading precinct. Therefore, in that regard I want to move an amendment. I move —

Page 3, line 21 — To insert after “(25 December)” —

, Western Australia Day

The Premier of the state of Western Australia just recently changed the name of Foundation Day to Western Australia Day. In that debate, he made the point that it is an important day of celebration for the people of Western Australia; it is an important day for families and to note our particular history. Therefore, I do not understand why, given that the Premier has that position, he wants to —

Several members interjected.

**Mr W.J. JOHNSTON:** No, the Western Australia Day legislation has passed the other chamber. The Leader of the House says that it has not passed, but there was a message from the other chamber this morning about the fact that the bill had passed the other house.

**Mr R.F. Johnson** interjected.

**Mr W.J. JOHNSTON:** The Leader of the House is not in his seat, so I cannot hear what he said.

**The ACTING SPEAKER:** Members, I remind you that you need to be in your seat if you are going to engage in this debate.

**Mr W.J. JOHNSTON:** Thank you very much, Madam Acting Speaker—throw him out!

We are trying to provide retail workers with the same opportunity that they currently enjoy working in a great number of general shops across the metropolitan area. We want them to continue to have the same right to participate in Western Australia Day activities as other employees in the state.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 7 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [6.09 pm]: I move —

That the bill be now read a third time.

**MR B.J. GRYLLS (Central Wheatbelt — Leader of the National Party)** [6.09 pm]: I rise to put the position of the National Party on this legislation on the record.

Several members interjected.

**Mr B.J. GRYLLS:** Do members want to interject on me now before I say what I am about to say?

I am very disappointed that the Labor Party has seen fit to break a well-discussed, well-defined and well-argued election commitment on this legislation. Voters who supported the Labor Party at the last election had a very clear indication of what the Labor Party thought about Sunday trading. They could have got out the Labor Party's policy, "Labor's plan on shopping hours: 'Achieving the balance'", which states —

Western Australians have been debating the issue of trading hours for many years.

Labor understands that there are many views on this issue.

Over the past few months Alan Carpenter has been consulting with business groups, small business owners, representatives from the independent grocers, representatives of employees and the public in general.

As a result Labor has developed a balanced and fair position which:

- Will not allow wholesale deregulation across the metropolitan area;

How does the Leader of the Opposition reconcile the position he took to voters in the 2008 election with the position that he is about to vote on in the next five minutes? How does he reconcile completely misleading the voters of Western Australia? Can we take it from this that an election commitment from the Labor Party means nothing? The Labor Party made a solemn commitment to the people in a vigorously fought debate prior to the last election that it is prepared to jettison. I heard the Leader of the Opposition mention his commitment to royalties for regions around regional Western Australia lots of times. He says he will keep delivering royalties for regions to regional Western Australia. Is that the sort of promise that he gave on trading hours? Is this the way the Labor Party makes promises? It made promises before the election and it got rid of them after the election.

The member for Cannington was very happy to interject on the Nationals when we were voting. We have had an election commitment. The member for Cannington actually ran that election, so he had a clear role to play in giving an election commitment. On 18 August 2009 in this place the member for Cannington said —

There is no way that retail workers in this state support Sunday trading. I will voice my continued opposition to the Liberal Party's agenda for Sunday trading, ...

What happened?

**Mrs M.H. Roberts:** What happened to free country housing? What happened to the allowances in Katanning and places?

**Mr B.J. GRYLLS:** I am very comfortable with the National Party's position.

**Mrs M.H. Roberts:** Dudded police officers, dudded nurses, dudded teachers—where's their free housing? That was your promise.

**The ACTING SPEAKER (Ms L.L. Baker):** Member for Midland, I call you for, I think, the first time. You have been one of the lucky ones so far. Could you please stop interjecting or, at the very least, stop screeching across the chamber. I would have said the same to them as I did earlier.

**Mr B.J. GRYLLS:** On this issue the Liberal Party campaigned prior to the last election that it would seek to deregulate trading hours.

**Mr W.J. Johnston:** No, they didn't. That's rubbish.

**Mr B.J. GRYLLS:** The Liberal Party campaigned that it would seek to deregulate trading hours. It had that vision. I know that was the case because I discussed it with the Premier when we were forming government with the Liberal Party. The Premier's position was to deregulate trading hours and my position as the Leader of the Nationals was that we did not support that. It was a very clear agreement and that is why for the whole term of this Parliament trading hours have not been able to be deregulated because the Liberals and Nationals hold a different position on this. Quite sensibly, we have found a way to form an alliance in government but have different positions on an important policy position for the two parties. The Liberal Party has every right to keep coming to the Parliament to seek to deregulate trading hours because it said it would do it and it certainly told me that it intended to do it when we formed the alliance government.

The National Party has a very clear position. It does not support Sunday trading. It is not about whether people need Easter Sunday off, as sought by the opposition's amendment; that has nothing to do with it. The National Party opposes deregulated trading hours because in its opinion, the current rules and regulations for market share in Australia mean that the two major supermarkets, Coles and Woolworths, have too much market share. The move to deregulate trading hours will allow them more market share, as has happened in the other states. If members do not agree with that, I have no problem with that. But that is our position and we hold that position dearly. That is why when the National Party makes a solemn promise to the people who supported us in the 2008 election not to deregulate trading hours; we will not do it. We are not bowed by the pressure, we are not bowed by the media commentary and we are not bowed by the polls. Our commitment to the people of regional Western Australia who voted for us was that, should a vote to deregulate trading hours come to Parliament, we would not support it. That is why we will not support it today.

I contrast that with the Labor Party's position—WA Labor. Clearly, by giving themselves a new name, WA Labor, they can take a different position from the one they took to the election. I copped a few interjections during my comments on the opposition's proposed amendment on Easter Sunday about our backflipping on the position. All members of the Labor Party understand that they are about to vote to do the exact opposite of what they committed to their electors in the 2008 election—the exact opposite.

**Dr A.D. Buti** interjected.

**Mr B.J. GRYLLS:** That is absolutely correct. The member for Armadale has every justification for voting to deregulate trading hours. He is absolutely right, but as he points out in his interjection, the rest of the members from his side who sit next to him are breaking an election promise. Once members become comfortable breaking election promises—this is not a minor issue; it is a major issue that the election was fought on—it must be difficult to convince voters in the lead-up to the 2013 election given their ability to backflip and break election promises. It will be very interesting —

**Mr A.J. Waddell** interjected.

**Mr B.J. GRYLLS:** Sorry; the member for Forrestfield is not in government. Is he saying if he is not in government, his election commitments no longer stand?

**Mr A.J. Waddell:** It said "a Labor government".

**Mr B.J. GRYLLS:** Is he now saying that none of his election commitments stand because he is not in government?

**Mr A.J. Waddell** interjected.

**Mr B.J. GRYLLS:** We can see the problem the Labor Party finds itself in. I do not need to go on; I have had my 10 minutes. I am very comfortable with the Nationals' policy of taking a position on an issue and maintaining that principle and the confidence of the people who supported us in the 2008 election when we vote in the next five minutes. I contrast that with the position of members of the opposition, who are very happy on a major issue like this to break their election commitment. If the Leader of the Opposition is comfortable breaking election commitments on trading hours, what other election commitments is he comfortable breaking?

**MR W.J. JOHNSTON (Cannington)** [6.17 pm]: I am very pleased to follow the Leader of the National Party because he has not been honest again. He said before the election that he would not form government with any party that brought in extended trading hours. That was his commitment. His commitment in writing was that he would not form government with any party that extended trading hours. That is what he went to the election

with, and now he has the audacity, the gall, to come in here and lecture this side of the chamber. He voted in favour of working on Easter Sunday.

**Mr B.J. Grylls:** You're about to, too, in two minutes.

**Mr W.J. JOHNSTON:** He refused to vote —

**Mr V.A. Catania:** You're a hypocrite.

**Mr W.J. JOHNSTON:** Madam Acting Speaker, I have not invited one interjection.

*Withdrawal of Remark*

**Mr M. McGOWAN:** Madam Acting Speaker, once again the member for North West has used an unparliamentary term. I ask you to ask him to withdraw.

**The ACTING SPEAKER (Ms L.L. Baker):** If that was the member for North West, I did not see who yelled out the remark.

**Mr V.A. CATANIA:** I am happy to withdraw.

**The ACTING SPEAKER:** Thank you, member for North West.

*Debate Resumed*

**Mr W.J. JOHNSTON:** What audacity members of this National Party have. They talk about keeping election commitments. Let them walk out of the government; and let them bring down the government, because that is what they promised to do.

**Mr B.J. Grylls:** Then we'd get you with deregulated trading hours.

**Mr W.J. JOHNSTON:** I am not supporting deregulated trading; I never have and do not today. That is the problem. This is not deregulated trading; all we are doing is allowing it a certain amount of hours of Sunday. This is not the agenda of the member for Riverton or the member for Jandakot who both oppose this bill because they support deregulated trading; that is their position. The Premier said that he now supports deregulation, although, as I pointed out in my second reading contribution, that was not his former position. He now supports deregulation and yet that is not what the Parliament is doing. The Parliament is changing the regulatory framework; we are not deregulating. That is the difference between the Labor Party and the National Party: the National Party said before the election that it would not form a government with any party that extended trading hours; that was its promise. What are its members doing today? They are drawing a ministerial salary, getting a nice big, fat car, a driver and personal staff because that is what they are doing. They got into bed with the Liberal Party and its extended trading hours because the National Party is not a party of its word.

Several members interjected.

**Mr W.J. JOHNSTON:** There were a lot of Liberal lies during the election campaign and that was a National Party lie. It was a National Party lie in when said it would not —

Several members interjected.

**The ACTING SPEAKER (Ms L.L. Baker):** That is enough! Could members please keep the chamber quiet while the member is on his feet?

**Mr W.J. JOHNSTON:** That was the National Party's lie at the election campaign. The National Party went to the people and said it would not form a government with anyone who extended trading hours, and then its members came into this chamber and took their money—their 30 pieces of silver—because they were not interested in what they promised. It is the same as the sell-out the National Party did on royalties for regions. It said it would take 25 per cent of all royalties and put it into royalties for regions. What did the National Party do? It compromised; it did not do what it said it would do at the election.

*Point of Order*

**Mr T.R. BUSWELL:** My recollection is that contributions to the third reading debate have to reflect on matters that have been discussed either as part of the second reading debate or consideration in detail. Without trying to curtail the speech of the member for Cannington, I sat through nearly all of the second reading debate and I certainly sat through consideration in detail, and I did not hear royalties for regions mentioned once. With the greatest of respect, I am sure the Acting Speaker can provide advice.

**The ACTING SPEAKER:** Thank you, minister. I actually gave the Leader of the National Party quite a deal of latitude in his speech, therefore I intend to let the member for Cannington have quite a bit of latitude in his contribution as well. This is a very topical area. Could the member for Cannington please, though, keep to the debate at hand?

*Debate Resumed*

**Mr W.J. JOHNSTON:** I do not intend to go on much longer, but I want to ensure that the people of Western Australia understand the hypocrisy of the National Party. The National Party should not come to this chamber and lecture us about breaching promises when it has this litany of broken promises to all the people of Western Australia, not just to regional people.

**Mr V.A. Catania** interjected.

**Mr W.J. JOHNSTON:** And there is the thief at the back of the chamber interjecting again!

*Withdrawal of Remark*

**The ACTING SPEAKER:** Please withdraw that remark; it is not parliamentary.

**Mr W.J. JOHNSTON:** Thank you very much, Madam Acting Speaker. I withdraw.

*Debate Resumed*

**Mr W.J. JOHNSTON:** We know where the National Party seats came from. The people of the North West rejected the National Party candidate and voted in favour of the Labor Party. The Labor Party won the seat of North West. I was very happy when the member for North West came to see me to ask me to arrange his preselection.

**Mr V.A. Catania:** That is misleading Parliament. Sit down. You do not know what you're talking about.

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

**Mr W.J. JOHNSTON:** We are very happy to know all of those things. It is like in 2001 when the National Party came and asked me to run a candidate for the seat of Merredin —

**The ACTING SPEAKER:** What is the relevance, member?

**Mr W.J. JOHNSTON:** The relevance is that that is how the Leader of the National Party got into the chamber. He got into this place because the National Party distributed Labor Party how-to-vote cards at polling booths on election day. That is the only reason he got here. The seat would have been won by the Liberal Party if that had not happened. I do not cop National Party hypocrisy on this issue, and I am not going to do it today.

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [6.24 pm]: I rise to speak on the third reading of the Retail Trading Hours Amendment Bill 2012. I want to keep the debate very much in tune with what was debated in the early parts of this debate and deal with the issues surrounding the Labor Party's commitments. It was interesting that the Leader of the National Party's huge objections were only about Labor and what we have done to drive this issue forward. I note he did not say anything about the Liberal Party. The Liberal Party has changed its position since its election commitments, and even since the post-election statements made by the Premier. The Liberal Party has broken its election promises and changed its position. It indicated it was not going to bring in Sunday trading before the next election, and it supported us in doing so. I note the Leader of the National Party did not draw attention to that. All he did was launch a political attack on the opposition, but he has left out half the story. The other half of the story is that the Liberal Party has changed its position significantly and, I might add, changed its position after I made the announcement two months ago that Labor would support this move towards Sunday trading. The Leader of the National Party has only done half the job. We would all welcome him being fully frank and honest with the house by detailing how the Liberal Party has changed its position. That would be the only honest, reasonable and frank thing he could do for the house to ensure that the whole story was put out there.

Of course, we are very aware of the National Party's change in position on a range of things. The National Party was not going to enter into government with any party that supported Sunday trading. It was also going to make it an absolute condition that 25 per cent of all the royalties in Western Australia would be part of the royalties for regions scheme. That is another broken promise, because of course increases in iron ore royalties are excluded, as the Leader of the National Party well knows. The increases in iron ore royalties are excluded from the royalties for regions scheme. Another broken promise was the one to provide free rent for teachers, nurses and police officers who stayed in the country for three years. The National Party has a range of broken promises under its belt. As we will soon see, we will have a new Leader of the National Party after the next election because this Leader of the National Party will not be here anymore. Maybe the member for North West will be the Leader of the National Party! Lo and behold us if that ever happens in the future.

The Labor Party supports this legislation and believes it is a progressive move for the state. We think that this issue must be put behind us in Western Australia and that we have to move on to deal with other issues. There is an overwhelming fixation on this issue by many people in Western Australia. Various governments have tried to resolve it. Geoff Gallop tried to resolve it back in 2005 but he was defeated by the current Premier, Colin Barnett.

**Dr M.D. Nahan** interjected.

**Mr M. McGOWAN:** If Mr Burke ran Mr Barnett's campaign, that is a matter for the member for Riverton to allege!

Geoff Gallop tried to resolve this issue back then and it has been the subject of some debate in the years since. I am pleased that it will be over. The fixation on this issue has been perhaps too much. I do not understand why there has been such a fixation on it. I personally believe there are far bigger issues confronting Western Australia, but there has been a fixation and it has been difficult for us in the political process to get past it. The resolution we will reach will, as a matter of course, become part of the ordinary life of Western Australians. People in the metropolitan area will get used to the idea that they can go to their local shopping centre to shop on a Sunday.

I still think there will be issues and I have concerns about what will happen to the shopping precincts in Perth's CBD, and in Fremantle. When suburban shopping centres are open on a Sunday, Perth's and Fremantle's trades will decline. Although I am a free-trader, I understand that there could very well be economic issues in the heart of Perth and in the heart of Fremantle that need to be addressed. I hope that some consideration is being given to coming up with a strategy to deal with that. I also have concerns about those people who are required to work on a Sunday. I said that I did not want to scuttle the legislation and that I wanted to reach an outcome that was agreeable between both sides to try to resolve this matter. Unfortunately, that was not possible. I think that would have been a good productive outcome, had the Premier been prepared to have a conversation with me about that. I made two attempts to have that conversation, to no avail.

In any event, we will resolve this issue here tonight; at least in this house. I hope it does not result in huge media coverage. It has been covered ad nauseum already. Frankly, it is getting a little boring, to be honest with members. If the media want to cover this debate in the way they do, that is the matter for them. I personally get sick of reading about it. But the fact that the opposition has played a constructive role in bringing the legislation to this point is not lost on the people of Western Australia. We would like to get this issue over and done with so we can talk about other things.

**MR T.R. BUSWELL (Vasse — Minister for Transport)** [6.29 pm] — in reply: I will close the debate, which has been very interesting. Can I say to the Leader of the National Party how much I enjoyed his contribution. It was a very balanced reflection on the history of this debate. I applaud his frankness in exposing those opposite without, of course, trying to politicise it—because I am soon going to be sitting next to the member for Belmont who will come over on this side to support the passage of the bill. The member for Belmont and I will sit next to each other. I thought we had that agreement, member for Belmont. Do not shatter my expectations!

The Leader of the Opposition made a point about the electoral prospects of the Leader of the National Party, which I think is far more hope than reality. Ultimately, that will be something the good folk of the north west will determine. I am pretty sure they are pretty wise up there. The Leader of the Opposition also said that we needed to move on to bigger issues—like free-range eggs and spuds. He is a spuds and eggs man. That is brilliant!

**Mr M. McGowan:** You look like you have had a few too many spuds!

**Mr T.R. BUSWELL:** The Leader of the Opposition often makes those comments

**Mr M. McGowan:** You make them about yourself!

**Mr T.R. BUSWELL:** That is fine. As I said, I am training every morning over at The Ring Boxing Studio with Phil O'Reilly sharpening my pugilistic skills. The Leader of the Opposition is more than welcome to join me. The way that Alston keeps drawing his sneakers, the way they are expanding, I am not sure he will fit in the ring. I am not sure why Alston is doing that, by the way, but he is definitely doing that. He seems to have a certain bent for the Leader of the Opposition's shoes. I do not know why! I reckon if the Leader of the Opposition compares the first cartoon Alston drew of him with the last one, his feet have grown—I do not know why—or maybe his feet have not grown, but his sneakers have gotten bigger!

I listened to the contribution from the member for Cannington, who claimed that this was not deregulation and that this was just "a change of the regulatory framework". I had never heard that before. The member for Cannington had better explain it to the Leader of the Opposition because I think I heard him say, when this issue first re-emerged earlier this year, that he was going to deregulate shopping hours. I did not hear him say he was going to "change the regulatory framework". I think I heard them say he will deregulate and that he is a supporter of deregulation. I did not hear him say he was a supporter of changing the regulatory framework. Given the change from Labor to WA Labor and these image problems members over there seem to have, it just does not surprise me.

**Mr W.J. Johnston:** Why is the minister fixated on something we did five years ago? In 2007, the national secretary changed it from ALP to Labor; it was five years ago.

**Mr T.R. BUSWELL:** I want to close on one other thing about the member for Cannington. Every time the member comes into this place—it does not matter what the issue is—he attempts to use that issue to explain how Labor lost the last state election. It is always about how he did not lose the last state election.

*Point of Order*

**Mrs M.H. ROBERTS:** The member on his feet previously drew our attention to the need for people to be relevant and now he is not doing that himself. I think perhaps his attention should be drawn to the fact that his comments are not relevant.

**The ACTING SPEAKER (Ms L.L. Baker):** Thank you, member for Midland. I did say I would cut a bit of latitude to all the speakers tonight. Minister, please.

*Debate Resumed*

**Mr T.R. BUSWELL:** I am aware of the hour and the fact that members in this house are tired, but he is a serial election loss denier. That is a fact. At every turn of the corner, there is an excuse for why he did not win the last election and for why they are not in government, but he cannot change history.

**Mr W.J. Johnston:** You are not telling the truth and you know it.

**The ACTING SPEAKER:** Member for Cannington, I am calling you for the second time.

**Mr T.R. BUSWELL:** I will sit down with this observation. When the member for Belmont announced his retirement, Simon Mead was asked whether he would run for a seat, and he said he could not possibly run for a seat and mount a successful campaign.

*Point of Order*

**Mrs M.H. ROBERTS:** Point of order, Madam Acting Speaker.

**The ACTING SPEAKER (Ms L.L. Baker):** I quite agree; thank you, member for Midland. Minister, back on track, please.

*Debate Resumed*

**Mr T.R. BUSWELL:** On that note, I thank members from all parties represented in this Parliament for their contributions to the debate. It has been a very interesting debate with some points of difference. No doubt we will now go to the vote on the third reading, and then we will see the first step in this phase of the deregulation of the retail regulatory framework in this state proceed through this chamber.

Question put and a division taken with the following result —

Ayes (31)

Mr F.A. Alban  
Ms L.L. Baker  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
Dr A.D. Buti  
Dr E. Constable

Mr J.M. Francis  
Mrs L.M. Harvey  
Mr J.N. Hyde  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr W.J. Johnston  
Mr A. Krsticevic

Mr F.M. Logan  
Mrs C.A. Martin  
Mr M. McGowan  
Mr J.E. McGrath  
Mr P.T. Miles  
Ms A.R. Mitchell  
Dr M.D. Nahan  
Mr J.R. Quigley

Ms M.M. Quirk  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Mr P.C. Tinley  
Mr A.J. Waddell  
Mr B.S. Wyatt  
Mr A.J. Simpson (*Teller*)

Noes (3)

Mr B.J. Grylls

Mr D.T. Redman

Mr V.A. Catania (*Teller*)

Question thus passed.

Bill read a third time and transmitted to the Council.

**ROAD TRAFFIC LEGISLATION AMENDMENT BILL 2011**

*Returned*

Bill returned from the Council with an amendment.

**ADOPTION AMENDMENT BILL 2011**

*Receipt*

Bill received from the Council.

**RESERVES (WANJARRI NATURE RESERVE) BILL 2011**

*Returned*

Bill returned from the Council without amendment.

**ADJOURNMENT OF THE HOUSE**

*Special*

On motion without notice by **Mr R.F. Johnson (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 1 May 2012 at 2.00 pm.

*House adjourned at 6.40 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### PUBLIC SECTOR COMMISSION — STAFF

7212. Mr M. McGowan to the Premier

Other than permanent employees of the Public Sector Commission (PSC), could the Premier provide the following information concerning officers attached to the PSC as at 21 February 2012:

- (a) the name of the officer;
- (b) the previous place of employment of the officer;
- (c) the current level of the officer;
- (d) the level of the officer prior to being attached to the PSC; and
- (e) the duties of the officer?

Mr C.J. BARNETT replied:

- (a) The names of officers are considered to be personal, if the Leader of the Opposition requires this information he is encouraged to submit a Freedom of Information Application to that agency so that the consultation and decision making processes mandated by the Freedom of Information Act 1992 can be followed.

(b) Previous Place of Employment	(c) Current Level	(d) Level Prior to Attachment to PSC	(e) Duties of Officer
Wheatbelt Development Commission	Level 9	Level 9	Director Regional Stakeholder Relations, Department of Planning (secondment)
Department of the Premier and Cabinet	Level 9	Level 9	Project Manager, Department of Finance (secondment)
Office of Energy	Group 2 Max	Group 2 Max	Management Consultant Public Sector Commission
Fire and Emergency Services Authority	Group 3 Min	Group 3 Min	Assisting with the refinement and implementation of an integrated business model for corrective services throughout the State, including the future provision of corporate services for the Department. Department of Corrective Services (secondment)
OPSSC	Class 1	Class 1	Deputy Chief of Staff, Premier's Office (secondment)
Midland Redevelopment Authority	Group 1 Min	Group 1 Min	Senior Project Director, Department of Housing (secondment)
Main Roads Western Australia	Group 3 Max	Group 3 Max	A/Managing Director Main Roads Western Australian (secondment)
East Perth Redevelopment Authority	Group 2 Max	Group 2 Max	A/Chief Executive Officer Metropolitan Redevelopment Authority (secondment)

#### ORD–EAST KIMBERLEY EXPANSION PROJECT

7239. Mr J.C. Kobelke to the Minister for State Development

- (1) What is the total expenditure now committed to the Ord–East Kimberley Expansion Project?
- (2) What is the amount of actual or anticipated expenditure for each financial year covered by this expenditure?
- (3) For each of the years 2012–13 and 2013–14, how much of the additional \$91 million allocation is for:
  - (a) design work;
  - (b) expansion of the capacity of the M1 irrigation channel;
  - (c) expansion of the capacity of the M2 irrigation channel;

- (d) construction of a workers camp; and
- (e) cost escalations due to delays?

Mr C.J. BARNETT replied:

Department of State Development advises:

- (1) \$301 million.
- (2) The actual or anticipated expenditure for each financial year comprises:
 

2008/2009	\$1.083902 million
2009/2010	\$25.706977 million
2010/2011	\$60.147335 million
2011/2012	\$48.912 million
2012/2013	\$113.246 million
2013/2014	\$51.904 million
- (3)
  - (a) Contributions for design work occurred prior to the 2012/13 financial year.
  - (b) \$4 million.
  - (c) Approximately \$30 million.
  - (d) Approximately \$10 million.
  - (e) An additional amount of \$40 million was required for the project.

#### INDUSTRIAL PARK — PILBARA

7280. Mr W.J. Johnston to the Premier

I refer to the Premier's previous position that there should be a world-class 4,000 hectare industrial park at Maitland in the Pilbara, and ask what steps have been taken to implement this vision?

Mr C.J. BARNETT replied:

The Government remains committed to the Maitland Industrial Estate which offers suitably zoned industrial land for heavy industry development. The Estate is already home to one project — Energy Developments Limited — a mini LNG plant which supplies LNG by truck to the West Kimberley Power Project, while also being the preferred site for a proposed bio-fuels project.

#### CROWN RESERVE LAND — SALE

7328. Mr J.N. Hyde to the Minister for Lands

In relation to the precedent set by the Government in selling Crown Reserve land on the heritage listed Esplanade, I ask, what are the processes to be undertaken by a State Government to successfully sell part of a Crown Reserve such as Hyde Park?

Mr B.J. GRYLLES replied:

Neither the Esplanade land (Lot L 79 on Deposited Plan 230334) or Hyde Park (Lot Y 288 on Deposited Plan 41439) are Crown reserves.

The land in both cases is held under section 75 of the Land Administration Act 1997 (LAA) as conditional tenure land to be used for "Recreation purposes solely".

Section 75(7) of the LAA allows conditions affecting conditional tenure land to be cancelled by the Minister for Lands by order, on payment of the relevant amount determined under section 75 (4)(b)(i) or (ii) of the LAA.

In addition, section 75(7a) of the LAA, permits the Minister for Lands to, 'in prescribed circumstances, with the prior approval of the Treasurer', waive in whole or part the payment of the relevant amount. .

#### GOVERNMENT DEPARTMENTS AND AGENCIES — JOB LOSSES

7337. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

I refer to the number of public sector job losses in regional and Perth metropolitan areas of the State for all agencies or departments under the Minister's portfolio responsibilities, and ask:

- (a) for each agency or department, how many job losses occurred in each regional/non-metropolitan area of the State for the financial period 2010–11;
- (b) for each agency or department, how many job losses have occurred in each regional/non-metropolitan area of the State for the period 1 July 2011 to 1 February 2012;

- (c) for each agency or department, how many job losses occurred in the metropolitan area for the financial year 2010–11; and
- (d) for each agency or department, how many job losses occurred in the metropolitan area for the period 1 July 2011 to 1 February 2012?

Mr B.J. GRYLLS replied:

- (a)–(d) Refer to LA Question 7334.

#### DEPARTMENT FOR HOUSING — VACANT PROPERTIES

7355. Mr P.C. Tinley to the Minister for Housing

- (1) How many vacant properties, by region, does the Department for Housing currently have?
- (2) How many properties are there, by region, that are not included in the above vacant lists, undergoing, or waiting to undergo, significant maintenance, modification or refurbishment, and what is the average time for returning these properties to the market?

Mr T.R. BUSWELL replied:

The Department of Housing advises as at 9 March 2012:

- (1)
 

Metro North	101
Metro South	34
Metro South East	39
South West	14
Goldfields	12
Southern	6
MidWest/ Gascoyne	15
Pilbara	18
Kimberley	18
Wheatbelt	17
- (2) At any time, a number of the 36,707 (as at end of February 2012) public housing properties will be vacant for a number of reasons. At this time less than 2% of the total public housing stock that is currently vacant.

The average time to return the properties to the market is 12 to 20 weeks.

#### ROYALTIES FOR REGIONS — PILBARA COMMUNITIES FUNDING

7357. Mr T.G. Stephens to the Minister for Regional Development

Will the Minister list the Royalties for Regions funds allocated specifically to each of the following Pilbara communities and organisations:

- (a) Kiwirrkurra Community;
- (b) Kunawarritji Aboriginal Corporation;
- (c) Punmu Aboriginal Corporation;
- (d) Pargurr;
- (e) Irrungadji Group Association;
- (f) Ngurawaana Group;
- (g) Wakathuni Aboriginal Corporation;
- (h) Bellary Springs;
- (i) Tjalka Wara Community;
- (j) Tjalka Boorda Community;
- (k) Yandeyarra Aboriginal Pastoral Company Pty Ltd;
- (l) Warralong Aboriginal Corporation;
- (m) Strelley, Nomads Charitable and Education Foundation;
- (n) Youngaleena Aboriginal Corporation;
- (o) Pipunya Community Incorporated;
- (p) Parnpajinya Aboriginal Corporation;
- (q) Jinparinya Aboriginal Corporation;
- (r) Punju Ngarugudi Njamal;
- (s) Jigalong Community Incorporated;
- (t) Bindi Bindi Community;
- (u) Cheeditha Group Aboriginal Corporation;
- (v) Mingullatharndo Aboriginal Corporation; and
- (w) Weymul Aboriginal Corporation?

Mr B.J. GRYLLS replied:

- (a)–(w) The Member is referred to the 2008–09, 2009–10 and 2010–11 budget papers that detail projects under the Liberal–National Governments Royalties for Regions program.

The Member is also referred to the Department of Regional Development and Lands Royalties for Regions 2008–09, 2009–10 and 2010–11 Progress Reports as tabled in Parliament on 26 November 2009, 15 March 2011 and 20 March 2012 respectively.

#### MINISTER FOR REGIONAL DEVELOPMENT — PILBARA ROAD TRAVEL

7358. Mr T.G. Stephens to the Minister for Regional Development

On which of the following Pilbara roads, and on what date, has the Minister driven on while undertaking ministerial travel:

- (a) the road from Tom Price to Karratha;
- (b) the road from Newman to Marble Bar via Nullagine;
- (c) the road from Newman to Jigalong; and
- (d) the road from Kunawarritji to Port Hedland?

Mr B.J. GRYLLS replied:

- (a)–(d) Please refer to the response to Legislative Assembly Question on Notice 7359.

#### MINISTER FOR REGIONAL DEVELOPMENT — PILBARA VISITS

7359. Mr T.G. Stephens to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

- (1) Will the Minister list the dates of each of his visits to the Pilbara in 2011–12, 2010–11 and 2009–10?
- (2) Will the Minister list the dates on which he has visited each of the following Pilbara towns since he became a Minister:
  - (a) Port Hedland;
  - (b) Karratha;
  - (c) Newman;
  - (d) Tom Price;
  - (e) Paraburdoo;
  - (f) Onslow;
  - (g) Pannawonica;
  - (h) Dampier;
  - (i) Roebourne;
  - (j) Wickham;
  - (k) Marble Bar;
  - (l) Nullagine; and
  - (m) Wittenoom?
- (3) Will the Minister list the location and date of each Pilbara mine site he has visited since becoming a minister?
- (4) Will the Minister list the location and date of each Pilbara pastoral lease he has visited since becoming a minister?

Mr B.J. GRYLLS replied:

- (1)–(4) As the Minister for Regional Development; Lands and the Minister responsible for the Government's Pilbara Cities program, I travel regularly to all parts of the Pilbara region.

#### ROYALTIES FOR REGIONS — WHEATBELT FUNDING

7360. Mr T.G. Stephens to the Minister for Regional Development

Will the Minister list the total funds allocated, on a Shire by Shire basis, under any of the Royalties for Region programs, to each of the Wheatbelt shires since he became a Minister?

Mr B.J. GRYLLS replied:

The Member is referred to the 2008–09, 2009–10 and 2010–11 budget papers that detail projects under the Liberal–National Governments Royalties for Regions program.

The Member is also referred to the Department of Regional Development and Lands Royalties for Regions 2008–09, 2009–10 and 2010–11 Progress Reports as tabled in Parliament on 26 November 2009, 15 March 2011 and 20 March 2012 respectively.

#### GOVERNMENT BOARDS AND COMMITTEES — DATABASE

7361. Mr M. McGowan to the Premier

I refer to the Premier's Circular issued in July 2010 concerning the development of a State Government Boards and Committees' database, and ask:

- (a) as at 28 February 2012, is this database publicly available; and
  - (i) if yes, where is it publicly available;
  - (ii) if no, why not;
    - (A) if no to (a): which agency is currently tasked with the job of developing the database;
    - (B) how many officers are currently engaged in the task of developing the database;
    - (C) which specific agencies have yet to provide information to the relevant agency in order for the database to be finalised and publically released;
    - (D) has the Premier considered tasking any other agency with the job of developing the database; and
    - (E) does the Premier expect the database to be available this year;
    - (F) if yes to (E) when; and
    - (G) if no to (E), why not?

Mr C.J. BARNETT replied:

Department of the Premier and Cabinet advises:

- (a) No.
  - (i) The database will be updated and restored to the Department of the Premier and Cabinet website once the further Public Sector Commission review currently underway of Boards and Committees is completed. When available this database will be accessed through the Department of the Premier and Cabinet and the Public Sector Commission websites.
  - (ii) A data verification process is still being completed as well as finalising program support for the underlying database and its links to publically available information.
  - (iii)
    - (A) Department of the Premier and Cabinet and the Public Sector Commission.
    - (B) Six officers across the Department of the Premier and Cabinet and the Public Sector Commission are involved in various roles with the review and the database on a part time basis (as well as other duties). One contractor has been employed to provide programming support.
    - (C) As of 19 March 2012, all agencies have provided an initial response to the request for verification of Government Board and Committees data.
    - (D) No.
    - (E) Yes.
    - (F) When the data verification process is completed and the Government has considered the Public Sector Commission review of Government Boards and Committees.
    - (G) Not Applicable.

#### ROTTNEST ISLAND — MARINA DEVELOPMENT

7392. Mr C.J. Tallentire to the Minister for Tourism

I refer to comments by the Minister that the Rottneest Island Authority should crank up plans for a new marina at the southern end of Thomson Bay, and I ask:

- (a) what plans (including costing, engineering reports, stakeholder reports) is the Government undertaking to pursue a marina development at Rottneest Island;
- (b) has the Minister asked the Rottneest Island authority to examine the feasibility of a seawall; and if so, when will the report be provided to the Government;

- (c) what meetings has the Minister had with Rottnest Island Authority about this marina, when were these meetings held and who attended;
- (d) what meetings has the Minister had with Perth Game Fishing Club about this marina, when were these meetings held and who attended;
- (e) how can the government guarantee that the benefits of such a development will go to holidaying families?

Dr K.D. HAMES replied:

- (a) The Rottnest Island Management Plan 2009–14 allows for the preparation of a Boating Management Strategy which will form the basis for the development of safe, well managed marine facilities compatible with the boating capacity of Rottnest Island. As part of this strategy, the Rottnest Island Authority (RIA) is conducting a feasibility study on possible marina facilities, which will include financial, social, environmental and sustainability considerations.
- (b) As part of its Boating Management Strategy and marina feasibility study, the RIA will be looking at improving existing marine facilities to achieve safe boating while protecting the marine environment, visitor amenity and safety. A seawall concept will be considered as part of this process. It is expected that a final report on the marina feasibility study will be available to Government by the end of July 2012.
- (c) The marina was discussed with the Chairman and Chief Executive Officer of the RIA at scheduled meetings to consider a range of issues on 17 October 2011, 19 January 2012 and 6 February 2012. Policy advisers and the RIA Ministerial Liaison and Legislation Officer also attended.
- (d) Nil.
- (e) The objective of the Boating Management Strategy, and associated marina feasibility study, is to provide the Rottnest Island boating community with optimal and equitable usage of safe, well managed marine facilities. The expected success measures will be an increase in boating satisfaction and a healthier marine environment, both of which will benefit holidaying families on Rottnest.

#### CULTURE AND THE ARTS — GRANTS AND PROGRAMS

7427. Mr J.N. Hyde to the Minister for Culture and the Arts

In relation to established funding grants and programmes in the Department of Culture and the Arts, I ask, what grants and/or programmes have been cut, suspended or not awarded due to the inter-departmental review?

Mr J.H.D. DAY replied:

No grants and or programmes have been cut, suspended or not awarded due to the review of the Culture and Arts portfolio by the Public Sector Commissioner.

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