

Speaker; Mr Paul Omodei; Mr Larry Graham; Mr Dan Barron-Sullivan; Barron-; Deputy Speaker; Mrs Michelle Roberts; Mr Tony O'Gorman; Mr Rob Johnson; Mr Terry Waldron; Mr Jeremy Edwards

**FIRE AND EMERGENCY SERVICES LEGISLATION (EMERGENCY SERVICES LEVY)
AMENDMENT BILL 2002**

Consideration in Detail

Clause 1: Short title -

The SPEAKER: The question is that clause 1 stand as printed.

Referral to Community Development and Justice Standing Committee

Mr P.D. OMODEI: I move -

That this Bill be referred to the Community Development and Justice Standing Committee.

The opposition parties are concerned about the ramifications of this Bill. Although we have expressed measured support for it, a number of questions remain unanswered. In responding to the second reading debate, the normal practice is for the minister to directly address the concerns raised by members of the Opposition. To some extent, that has occurred. However, as the debate has unfolded and we have scrutinised the Bill further, we have found that a number of questions are still unanswered.

In the minister's response yesterday, she dealt with the issue of insurance companies. They are referred to in schedule 1, clause 14, "Arrangements with insurance companies", and clause 15, "Report by Minister". However, those provisions do not make it compulsory for insurance companies to give the minister the information she requires or to ensure that the people of Western Australia know how much they are contributing. Likewise, with local government rates, there is no compulsion on local governments to indicate to ratepayers how much they are contributing to the emergency services levy. In the minister's response to the second reading debate yesterday, she used words to the effect that she was very impressed by local governments in being reasonably accepting of the levy. She went on to say that two committees involving local government were being set up and she referred to the implementation issues. She praised Ian Mickel, the former President of the Western Australian Local Government Association, Ricky Burges, and CEOs and shire officers from some of the shires. I noted with interest that the minister said that they are the people with the practical knowledge of how things can be best implemented at the coalface. She also referred to her consultation with the various shires, and she mentioned Broome, Derby, Halls Creek, Fitzroy - I did not know Fitzroy had a council - Kojonup, Katanning, Harvey, Collie, Broomehill and half a dozen others.

I will repeat what I said in the second reading debate yesterday. The Government has consulted local governments on this matter. However, I am not convinced that the grassroots people are aware of the impact that this tax, which is really a property tax, will have on them; that is, land-holders, pensioners and others. By referring this matter to the standing committee, those matters could be discussed in depth, as they normally are in that type of forum, to ensure that the concerns that we have raised are allayed.

I have great confidence in the Fire and Emergency Services Authority of Western Australia. I am just concerned about the actions of the Government and whether it is being completely open and honest. The minister referred to the former President of WALGA and said how complimentary he had been. I will quote from a press statement released by Mr Mickel on 12 June, which is not many months ago. It states -

The Gallop Government has again shown its true colours by secretly progressing its plan to force Local Governments to impose a new tax on all Western Australians.

WA Local Government Association President Cr Ian Mickel said it was his understanding that the Minister for Emergency Services, Michelle Roberts, would be announcing the new Emergency Services levy some time today. Cr Mickel said ratepayers would be slugged up to an average of \$94 extra during the rates process, to fund the State Government's Emergency Service.

"Despite strong opposition from the majority of local communities, particularly in rural areas of the State, the Government has abandoned its election commitment to consult extensively on its policy proposals and instead is dictating its preferred position as an ultimatum", said Cr Mickel.

"That's hardly democracy and it's nothing like the partnership approach that Dr Gallop was so enthusiastic about during the election campaign.

"It is important that people across the State recognise that this is a new State Government tax, and it has been forced onto Local Governments to administer.

I will not quote the whole press release, but another paragraph states -

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“If the Government needs to raise more money to fund the things that governments should provide, then they should look to their own revenue streams, like the growth revenues from the GST, rather than cost shift the burden to Local Governments.

“This is another blow to property owners, hot on the heels of the Government’s budget decision to increase stamp duty on property transfers.

It goes on. One could hardly say that local governments have supported this levy. It was only a couple of months ago that Ricky Burges, the Chief Executive Officer of the WA Local Government Association, was in the wheatbelt, and she said that she understood the minister would proceed to deal with only the career fire services in the regions. She made that statement and then found the next day that the minister had decided to go the whole hog. I do not criticise the minister for that. However, I do not think that this State Labor Government is being completely honest with the people of Western Australia.

Under the Labor regime, the process has had a chequered history. In December last year, there was no agreement with the working group from local governments. At that time, local governments formally resolved to oppose this levy. The question of whether to put in either part of the proposal or the full proposal was raised, and things have changed as time has passed. I must acknowledge that local governments have said that they would support a process, provided it was fair and was one with which they agreed.

I expect that this legislation will pass through this House. I have no difficulty with that. However, I believe that the issues that have been raised should be addressed openly and honestly. I share the concerns raised by the member for Mitchell. It is obvious that the Government has decided that this levy will be revenue neutral for the Government. There is also no doubt that some of the levy moneys will go towards paying costs that normally would be met by general revenue. The minister can respond later and advise us, but I cannot find anything in the legislation that says that the levy must be spent on emergency services.

Mrs M.H. Roberts: I advised you of that in my response last night.

Mr P.D. OMODEI: What was the response?

Mrs M.H. Roberts: I referred you to a section of the principal Act.

Mr P.D. OMODEI: Which says?

Mrs M.H. Roberts: Clause 11 of the Bill on page 7 refers to section 30 amended. It says that the levy must go into the Fire and Emergency Services Authority account. It then specifies how moneys from the FESA account must be spent. Under the legislation the levy cannot go into general revenue.

Mr P.D. OMODEI: I am heartened by that response from the minister. The notes provided to us indicate that an emergency services levy will go towards compensating for the loss of stamp duty, the provision of pensioner and senior concessions and so on.

Mrs M.H. Roberts: That comes out of the Government’s \$40 million contribution.

Mr P.D. OMODEI: That is a very fine argument.

Mrs M.H. Roberts: That is in the notes you have been given. Opposition members were given briefing notes. It seems that half of them did not read them.

Mr P.D. OMODEI: We received the briefing notes and we acknowledge the genuine response by FESA bureaucrats. We have no question about that at all. It seems that somewhere along the line during discussions in cabinet an instruction was issued and the Treasurer and other cabinet members decided collectively that some of the revenue from FESA would go towards other things.

Mrs M.H. Roberts: That is not correct.

Mr P.D. OMODEI: I daresay it is a technical argument and one that will go to and fro. However, I believe it is one of those issues that should be discussed in a standing committee so that we get right to the bottom of every single detail of how the funds will be paid. I daresay we can go through those matters again during consideration in detail. We will not oppose this legislation provided we get sensible answers to the questions we raise. In the spirit of cooperation we note that the current system has some anomalies; large companies are insuring offshore or are self-insuring, and some people do not insure at all. It is generally acknowledged that some people underinsure, particularly when they insure properties. Therefore, we are not getting a fair cut of insurance moneys. Costs are associated with addressing any emergency. Those costs are currently being met by a select few in the community. The base must be broadened. We have no argument with that whatsoever. However, we want to be seen to be doing it fairly. We want the Government to contribute its fair share for the properties it owns. The same applies to local government, the Catholic Church, the Anglican Church, masonic lodges, the Red Cross and all not-for-profit organisations. I wonder whether they are aware of all the detail in these

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proposals. The general concept is agreed to, but we need to have an appropriate fund that is administered specifically by FESA. That is another matter for discussion. There needs to be limited influence from the minister's office so that the whole issue cannot be politicised.

In the end the Government is proposing to introduce a property tax that can be changed at the whim of a minister by regulations; the rate in the gross rental value can be changed and there is no guarantee of where the money will be spent. We would expect that every single cent that is allocated in the State Government's budget will be spent for the betterment of emergency services operations in Western Australia. We acknowledge that 26 000 volunteers give their valuable time for the benefit of all Western Australians. I said during the second reading debate that it would be very difficult to get a perfect system. Certainly it is acknowledged that the system under which we are operating at the moment is not perfect. We want to make sure that the interests of people in Western Australia are addressed and that their concerns are raised. We will do that through Liberal Party, National Party and Independent members. That is not meant to be insulting to the minister. All we want is to be seen to be thoroughly analysing this legislation so that when it is introduced to the general public it is fair to all concerned. We expect to do that, acknowledging at the same time that there are community service obligations in a range of government services.

Having moved the motion, I ask the House to support it. I believe it is a sensible way in which to deal with this Bill. If we are not successful in moving to send it to a standing committee of this House, my suggestion would be that our colleagues in the upper House move a similar motion in that House.

Mr L. GRAHAM: I chose not to contribute to the second reading debate on this legislation for a number of reasons. I am happy to put on the record that I strongly support this piece of legislation. One of the weaknesses of our Parliament is that when people agree they seem to agree at length. I therefore chose not to exercise my right to speak in the second reading debate.

If members opposite think that they will make a political winner out of labelling the fire and emergency services levy a property tax, they will not. It is not a political winner, and it is not a property tax as we understand the meaning of it. People in country Western Australia have been seeking this piece of legislation in some form or another for the best part of 20 years. I have given any number of speeches to successive Ministers for Emergency Services in this place, complaining at length about the standard of the equipment that volunteers in country Western Australia must work with. Volunteers attending highway crashes in the north west of Western Australia are not equipped with sun hats. In one instance they pulled dying children out of a vehicle on a day when the temperature was in excess of 45 degrees, which means that the temperature would have been in the mid to high fifties on the road. Those people had absolutely no sun protection and had to take their own hats because the then emergency services authority could not find its way clear to providing hats for them. I saw those same people attend the fire brigade volunteers day at Easter. Out of their own pockets they had bought hats and uniforms so that they could march and take their place in the parade. These are volunteers who give freely of their time to save other people's lives and properties.

On a previous occasion in this House I raised with the previous Minister for Emergency Services the practice that used to exist of buying vehicles to give to volunteers in the north west of the State but first removing the airconditioners from them because it was not departmental policy for those people to have airconditioned cars. I have previously raised in this House the problem of the departments under their various guises not accepting the fact that volunteers should get new equipment. Any equipment that went to a unit in country Western Australia had first to be used by the metropolitan members to ensure that it was in a sufficiently used state to go to the volunteers. I could go on for hours - although I will not - about the problems and the difficulties country people must confront in order to secure reasonable emergency services. In her second reading speech the minister noted that the proposal was not new. Indeed, it has been working its way through the system of government for four years. I have been to a number of local government conferences that have also been attended by Fire and Emergency Services Authority representatives, starting from Bob Mitchell down. They have explained to local government representatives, at length and in detail, how the levy will work and what is contained in the legislation, including the concepts and drafts that existed under the previous Government. There has been extensive consultation with local government. Ironically, at about this time last year I attended a local government conference in Katherine in the Northern Territory. Also attending the meeting was, surprise surprise, a representative from FESA who had found his way across the border. He proceeded, at length, to present a detailed explanation - he had with him a stack of documents about half an inch thick - of the way the levy would apply to property and the processes involved in collecting the levy. His was not a normal briefing; it was, I stress, a detailed briefing to local government representatives about who would collect the levy and the processes involved.

As I said, and as the minister highlighted in her second reading speech, the process has taken four years. Indeed, working out the details has taken four years. I do not often oppose motions that seek to refer legislation to

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committees. Ironically, I happen to be the deputy chairman of the committee to which the motion seeks to have the Bill referred. No purpose will be served by referring the legislation to the committee. It will simply delay a piece of legislation that is much needed - I stress that it is much needed - in country Western Australia. Country WA will be the beneficiary of the legislation - I make no apologies about that - because the lion's share of the funds will end up in country Western Australia.

I am concerned that the member for Warren-Blackwood has suggested that if the Opposition does not get its way in this House it will move a similar motion in the Legislative Council. I have flexible views about the other House. Indeed, it would be a good place in which to drop a neutron bomb. Apart from that, there is no good reason for its existence. It is the responsibility of the Legislative Council to review legislation, which it says it sometimes does. We will all be absolutely ecstatic if, at some stage, it actually reviews some legislation. That would be a high point, if not the pinnacle of achievement for the Legislative Council. If the Bill is passed by this House - I hope it is; indeed, I will support it every step of the way - I am extremely concerned that the Liberal Party in the upper House, combined with the giant intellects of the Greens (WA), will attempt to delay or block the legislation. Having said that, that does not mean that the Bill should not go through the proper and due processes of Parliament. I am sure the minister is prepared to answer questions and provide the necessary details. However, for a group of unrepresentative swill - that is the term Paul Keating used to describe upper House members; I think he was being charitable - to refer the Bill to a committee, where it would be lost - that is what usually happens - to country people would be bordering on the criminal. I do not agree with the motion. I will not vote in favour of the motion to refer the legislation to a committee of this House, and I urge the other side of politics to withdraw any threats to delay its passage through the Legislative Council.

Mr D.F. BARRON-SULLIVAN: I very strongly support the motion moved by the shadow minister, the member for Warren-Blackwood, to send the legislation to a standing committee. The standing committee process has been established for the following reason: when complex legislation comes before the Legislative Assembly it can be referred to a committee and given level-headed consideration. The committee to which the Bill will be referred is ultimately dominated by the Government. It is not as though the Opposition will grab control of the matter during the committee process. The committee process is an opportunity to carefully consider the legislation, to consult people who can provide advice and to talk to departmental people and representatives from other agencies. It is an opportunity to approach the matter in an objective, sensible and calm way. However, the Government keeps denying us that opportunity. It did not allow its electoral legislation and other legislation to be referred to a committee. The Bill before the House deals with a \$107 million impost, tax or levy - members can call it whatever they like - on the people of Western Australia. After considering the Bill, the Opposition decided that a few fishy details did not scrub up to the way they were presented. Therefore, we have sought to have the Bill referred to a committee so that we can ask the necessary questions and receive answers. Again, the Government has run shy. The obvious questions are why does the Government not want its Bill to be scrutinised in this way, why will it not open up the books and why will it not let us find out what is going on with the Bill in a committee process? The committee process is not a draconian measure that the Liberal and National Parties decided to introduce to gang up on the Government. As I said, the committee is dominated by government members; therefore, the legislation will receive a fairly favourable recommendation. However, the committee process would enable the legislation to be considered in detail. That applies not only to this legislation but also to other legislation. Given that the committee structure is in place, we may as well use it. I am sure that that statement will come back to bite me; however, I stand by it. Unless the Government can demonstrate a genuine reason that the legislation should not be referred to a committee, I would have thought, particularly given the nature of the Bill that is before the House, that there were strong arguments to do so.

The Opposition sat and listened to the minister's contribution to the second reading debate. It is clear that smooth and careful language was being used -

Mrs M.H. Roberts: You were not even in the Chamber!

Mr D.F. BARRON-SULLIVAN: I remind the minister that members' offices are equipped with televisions and speakers.

The point is that the minister spoke using carefully crafted words but she did not address the points raised by the Opposition. One of the key issues is that the legislation, quite clearly, represents a property tax. As was stated by the member for Pilbara, people want a fairer system so that the bush fire brigade, the State Emergency Service and the permanent fire brigade receive a secure source of funding that is distributed in a fair way. That is the principle behind the Bill, and, as was stated by the shadow minister, most people are not concerned by that principle. However, the way in which the Government is to implement the legislation opens up serious questions. I want to ask a question about an issue that a committee, presumably, would be able to get to the heart of: if at the end of all this there is no more money to spend on fire and emergency services - that is the advice we have been given - why is the Government seeking to increase the burden on home owners, small business and

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farmers in order to raise the same amount of money? If the Government is casting the net wider, closing the loopholes and making the system fairer, why will everyone have to pay a bit more? At the moment, in rough terms, over \$60 million a year is paid towards fire and emergency services by insurance companies and local councils. Under the Government's legislation the levy will be \$107 million a year. That is a difference of over \$40 million.

When the Opposition asked for more information about this matter it was given two tables, which were extremely interesting. The first dealt with the allocation of approved state government appropriation. It dealt with 2004-05, the first full year in which this levy would be implemented. The total amount allocated through the budget process to the Fire and Emergency Services Authority was \$40.5 million, which is roughly what FESA gets now as the budget contribution to operating fire and emergency services in this State. The minister said in her second reading speech that the Government was still allocating \$40 million to FESA. I am not arguing with the minister on that. It is what happens next that is the sort of thing that a standing committee could get to the heart of. What happens next is that the Government says to FESA that because it will dip out on stamp duty revenue, it wants \$5 million of that budget allocation back, and also because the Government will have to provide concessions for pensioners and seniors and offset the cost in relation to Homeswest rentals, it wants a further \$7.5 million back. All up, the Government wants \$12.5 million back. The term for that is a redirected appropriation. Members do not have to take my word for it; that was contained in a briefing paper provided through the minister's office. That \$12.5 million is referred to as a redirected appropriation. In other words, the Government has given FESA \$40 million and has then asked for \$12.5 million back. The Government gives with one hand and takes with the other. In real terms, that means the amount of money FESA has left to it is not \$40.5 million, it is \$28 million. The rort does not end there. The Government also said that under this system, strictly speaking, it owns a heap of property around this State and it should be paying \$8.5 million to FESA to provide fire and emergency services for that property. However, the Government will not accept that responsibility; it does not want to come up with that money in the budget so FESA has to pay that \$8.5 million.

The DEPUTY SPEAKER (Ms D.J. Guise): We are addressing the motion. I have allowed a fair bit of latitude to the proponents and opponents of this motion, but the member is bordering on a repeat of the second reading debate. I ask that the member for Mitchell address the motion, which is that this Bill be referred to the Community Development and Justice Standing Committee.

Mr D.F. BARRON-SULLIVAN: What I am trying to drive at is that these complex financial matters probably cannot be dealt with adequately in the consideration in detail stage. When the shadow minister started to ask about the nature of the accounting arrangements under the legislation, the minister said that the budget allocation is a separate matter. In other words, as we go through this legislation, we may not be able to ask questions about the detailed nature of these budget appropriations and so on. We certainly will not be able to bring in witnesses to give evidence about how the system operates. The only people who will be providing advice will be the minister and, through her, her advisers and anyone the Opposition happens to get advice from. We cannot go out to the broader community. When we go through the consideration in detail stage, we will be significantly constrained in our ability to get to the heart of this matter.

As I said earlier, these figures deal with budget appropriations: \$40.5 million to FESA, \$12.5 million that is ripped back off FESA as redirected appropriation and \$8.5 million of government expenditure paid for by FESA. The point I am trying to make very strongly is that if we cannot set up a standing committee to look at these sort of things, when are we ever going to set up a standing committee in this House?

A standing committee is also essential to look at the impact of this legislation on home owners, small businesses, the industry and the farming community. Nothing in this legislation provides for any sort of economic or social analysis of the levy. We cannot stop at a clause and start talking about the financial or social impact of what the Government is doing with its property tax rip-off or the impact of the levy as a whole. Without a standing committee, how will we delve into the impact on home owners?

To demonstrate the importance of referring this Bill to a standing committee, we need to consider a couple of real life examples. Let us take a property in Bayview Street, Geraldton, where, at the moment, the owners are paying about \$51 -

Point of Order

Mrs M.H. ROBERTS: I do not believe the member is addressing the topic for debate.

The DEPUTY SPEAKER: I ask the member to draw his comments closer to the motion.

Debate Resumed

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Mr D.F. BARRON-SULLIVAN: I am trying to point out why we need a standing committee. The first reason we need a standing committee is to examine the way in which the Government will use this levy as a de facto property tax. The second reason is to look at the impact on home owners and small businesses. That cannot be done by going through this legislation clause by clause. To demonstrate the need for this Bill to go to a standing committee for it to consider the impact on home owners, for example, I am using a couple of examples to demonstrate the importance of this point. I was using the example of a family in Bayview Street, Geraldton, which currently pays \$51 in insurance; it pays a little more on top of that through rates. Under this proposal, it will pay almost double that - \$119 under this levy system. Its contribution to the levy will double. That is not the only example. I looked at an example in Wooderson View, Spencer Park, in Albany. The amount that family contributes at the moment through insurance is \$51; it will contribute \$113 under this system. The Opposition started looking all over the State and found the same thing happened whether it be families living in Bunbury, Joondalup, Innaloo or Canning. I am trying to demonstrate the enormous impact this levy will have on home owners, and how members in this place will be limited in their ability to question the minister or bring in expert advice or to look at this in the sort of detail we need.

The third reason we need to send this to a standing committee is for it to consider the funding certainty for fire and emergency service organisations. One of the reasons that some people in the country support this levy is that they think this new mechanism will give them secure funding. People have told me that they will be able to do a business plan for the minister and she will give them all this money! I told them that it will not work quite like that; they will submit their business plan, but they will not necessarily get what they are asking for. FESA will assess the business plan and, hopefully, the guys in Collie and Wyalkatchem will get the money for their new uniforms and things like that, but it will not mean that they will get a secure source of funding. In fact, the proof of the pudding is in the eating because we have been told that the total amount of money provided for fire and emergency services will remain the same. The Government is shuffling the deckchairs on the *Titanic* and some areas might get less money. However, we will not get to the heart of this without appointing a standing committee and inviting people from some of the country bush fire brigades and State Emergency Service brigades, as well as agency representatives and so on to address a committee and go into this legislation in some detail. In that way, we will be able to ask the minister the detailed questions that need to be asked.

The fourth reason this legislation needs to go to a standing committee is that the Government will not only be introducing a new form of property tax but also do it in such a way that it will not be accountable to the Parliament. In other words, the Government will be able to increase the rate of this tax without parliamentary scrutiny or approval. I suggest that most people would say that there should be a greater degree of accountability when the Government is imposing a \$107 million tax on families, home owners, small businesses and farmers. That needs to be explored in a standing committee.

The fifth reason in support of sending this Bill to a standing committee is, as the shadow minister pointed out earlier, the impact this legislation will have on not-for-profit organisations such as churches, charities and so on, which has not been taken into account. No consultation whatsoever has taken place with non-profit organisations, and there appears to be no mechanism in the legislation to provide them with offsetting provisions to reduce the impact of the legislation on them. They have no idea what is about to hit them. The Government has not consulted them. The only way in which they would be made aware of and be able to have a say on the legislation - and possibly improve it by making constructive suggestions - would be if it were referred to a committee. My local charities and churches are unable to sit in this Chamber and question the minister as we consider the Bill in detail. Even if they were able to fire questions at the minister, there would probably be no opportunity to do so at the consideration in detail stage. That is, again, a clear case for referring it to a standing committee.

The sixth reason for referring the Bill to a standing committee is that the legislation provides no definite mechanism to ensure that savings in council rates and insurance premiums will be passed to the broader community. The minister said that a report was made on similar legislation in South Australia, and that she is confident the money will be passed back to the community. Let us scrutinise those reports and examine what happened in South Australia, Queensland, Victoria and New South Wales. We could even get representatives from those States to give us advice. The Opposition has made phone calls to people in other States and has been told that insurance premiums have not been reduced fully in those States and that councils have not passed on rates savings. If the Government believes that those cost savings will be passed on in full, it must believe in fairies at the bottom of the garden. We must build into this legislation a rock solid mechanism to ensure that those savings are passed on.

The seventh reason for referring the Bill to a standing committee is to determine whether there are better ways of dealing with this issue and whether the legislation could be tidied up a little. Everyone would agree that corporate entities in this State that insure offshore should pay their share towards fire and emergency services. Is

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this legislation the way to do it? Are there loopholes in the legislation? Will insurers find ways of getting around the legislation? The member for Hillarys suggested an arrangement almost akin to what the Prime Minister, John Howard, did with health insurance. The federal Government said that if people took up private health insurance, it would go easy on them in the tax system; if they did not, they would be hit with a levy.

[Leave granted for the member's time to be extended.]

Mr R.F. Johnson: It was a very good suggestion from the member for Hillarys!

Mr D.F. BARRON-SULLIVAN: I do not know from where the member for Hillarys got his advice, but it was very good advice. The notion of home and business owners providing a certificate of currency, and thereby demonstrating that they have insurance, or alternatively paying a levy, either fixed or based on gross rental value, could be a simple way around it. People in the insurance industry have indicated to the Opposition that it could be a simple way of resolving the matter. Bearing in mind what happened with health insurance, when a flood of people returned to the system and took up health cover, perhaps there are reasons for looking at alternatives. Again, without a doubt, a standing committee would be a good means by which to explore these matters.

However, the key reason for referring the Bill to a standing committee is to get to the heart of the finances behind the legislation. I have a lot of time for people in the Fire and Emergency Services Authority, local government and elsewhere who have put a lot of hard work into finding a formula for a fair and workable system. The Government has said that it will dip its hands into FESA's pockets; it will not pay FESA to provide fire and emergency services for government properties; it wants to recoup the stamp duty; and it wants the money it will have to pay for concessions to seniors, pensioners and Homeswest properties. In fact, it has said that it wants \$21 million of FESA's budget. Surely that matter should be examined in detail by a committee.

There was a helluva hullabaloo in this State about the proposed premium property tax, which would have raised a little more than \$10 million. This legislation will impose at the very least a \$21 million slug on property owners.

Points of Order

Mr A.P. O'GORMAN: The motion before the House is to refer this legislation to a committee. I fail to see the relevance to premium property tax and the other issues raised by the Deputy Leader of the Opposition.

Mr R.F. JOHNSON: The member for Joondalup is correct: we are discussing the reasons for referring the legislation to a standing committee. My colleague the Deputy Leader of the Opposition is giving the reasons that he believes it should be referred to a standing committee. He must be able to outline those reasons in detail; that is what he is doing. It is the Opposition's intention to conclude this debate shortly. I ask the member for Joondalup to sit back, be patient and listen to what members on this side of the House have to say.

The DEPUTY SPEAKER: There is no point of order. The Deputy Leader of the Opposition has stated the connection between the finances and his reasons that it should be referred to a standing committee. However, I remind the member again that he is addressing the motion, and any debate should be tightly linked to it.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: In general, a standing committee would open up the scope for serious questioning of government legislation; for example, there are no time constraints on a committee. I do not recall whether the member for Joondalup has spoken in the debate on this Bill. However, he would have had 20 minutes plus a half-hour extension in the second reading debate in which he could have talked to these clauses.

Mrs M.H. Roberts: You were asked to get to the point.

Mr D.F. BARRON-SULLIVAN: However, he would not have been able to ask the questions that I am posing.

The DEPUTY SPEAKER: I warn the member not to try the patience of the Chair.

Mr D.F. BARRON-SULLIVAN: I am trying to demonstrate that a standing committee process is different from going through consideration in detail of a Bill, and that a committee would be able to delve into the legislation in more detail than we can in this Chamber. For example, if I wanted to know why the residents of Joondalup will have to pay a median rate of \$126, I would not get the answer to that question today at the consideration in detail stage. A standing committee would get to the heart of that matter. Without a standing committee, this legislation will remain tainted because the Government cannot satisfactorily explain why it will charge the community more to provide the same level of fire and emergency services that is being provided currently; nor has the Government adequately explained the information that has been given to us, which indicates it is simply shifting \$21 million-worth of budget requirements onto small businesses.

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Mrs M.H. Roberts: Where do you get that figure from? It is trash.

Mr D.F. BARRON-SULLIVAN: I got that figure from tables 3 and 4, which were provided to the Opposition in information that the minister will be aware of. Table 4 refers to a redirected appropriation of \$12.5 million. That relates to three figures on table 3, which add up to \$12.5 million of redirected appropriations; in other words, the Government has provided the money and it will now redirect it elsewhere in the coffers.

Mrs M.H. Roberts: That is wrong.

Mr D.F. BARRON-SULLIVAN: How does it work then?

Mrs M.H. Roberts: The \$5.4 million for pensioner and seniors' concessions will be given by Treasury to FESA. That line item will appear on the budget estimates of the Office of State Revenue and will be an additional grant to cover those moneys.

Mr D.F. BARRON-SULLIVAN: Additional to the \$40 million?

Mrs M.H. Roberts: That is right. Your whole argument, therefore, has collapsed.

Mr D.F. BARRON-SULLIVAN: If that is the case, what is the total allocation from the budget to FESA in 2004-05?

Mrs M.H. Roberts: It is in the order of \$40 million.

Mr D.F. BARRON-SULLIVAN: Hang about! That is what I said earlier. If one takes away the \$12.5 million, it gives a net revenue of \$28 million.

Mrs M.H. Roberts: It is \$28 million plus \$5.4 million.

Mr D.F. BARRON-SULLIVAN: Where will the \$5.4 million come from? I have a table of figures with me. This is why we need a standing committee.

Mrs M.H. Roberts: It is coming from the Office of State Revenue.

Mr D.F. BARRON-SULLIVAN: Where is the \$5.4 million in the table I have here?

The DEPUTY SPEAKER: Order!

Mrs M.H. Roberts: If you would like a briefing by independent FESA officers, you are welcome to have one.

The DEPUTY SPEAKER: Members, I point out that this is exactly the sort of debate that would be raised in consideration in detail. I ask members to address themselves to the motion at hand.

Mr D.F. BARRON-SULLIVAN: The Deputy Speaker has directed that we have this sort of debate during the consideration in detail stage of the Bill. At what clause of the Bill can I ask questions about this issue?

Mrs M.H. Roberts: I thought the Chair had directed that we not debate this issue at this time.

Mr D.F. BARRON-SULLIVAN: The Chair has said that this is exactly the sort of thing we will deal with during the consideration in detail stage.

Mrs M.H. Roberts: Does the member have a problem with what the Chair has said?

Mr D.F. BARRON-SULLIVAN: At what stage will I be able to ask these questions? If the minister cannot answer that question, this legislation should go to a standing committee. The minister should tell me the clause at which I can ask this question.

Mrs M.H. Roberts: I am prepared to answer all your questions.

Mr M.P. Whitely interjected.

The DEPUTY SPEAKER: Order, members! Please go through the Chair.

Mr D.F. BARRON-SULLIVAN: I ask the minister to tell me the clause. The minister cannot because there is no clause.

Mrs M.H. Roberts: I am prepared to answer all the member's questions clause by clause.

Mr D.F. BARRON-SULLIVAN: The minister is not prepared to be accountable for ripping off home owners in this State to the extent of \$21 million.

Mrs M.H. Roberts: The member is not prepared to have a decent briefing. He is not prepared to sit down and do a bit of homework.

Mr D.F. BARRON-SULLIVAN: The Treasurer sits there with a grin on his face because he has ripped home owners off to the extent of \$21 million.

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Mrs M.H. Roberts: You are an ignorant fool.

Mr D.F. BARRON-SULLIVAN: I beg your pardon.

Mrs M.H. Roberts: The member is plainly ignorant if he is going to come in here and mislead people in that way.

Mr D.F. BARRON-SULLIVAN: The minister has called me an ignorant fraud because I am asking questions about why the community -

Withdrawal of Remark

Mr R.F. JOHNSON: The Deputy Leader of the Opposition clearly heard the minister refer to him as a fraud.

Mrs M.H. Roberts: I called him a fool.

Mr R.F. JOHNSON: Even calling a fellow member a fool has been ruled unparliamentary. The minister should withdraw that.

The DEPUTY SPEAKER: There is no point of order. They are not the words I heard. The Deputy Leader of the Opposition understands the vigorousness of this debate, and we will continue to hear debate on the motion.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: We are in a real predicament. The Chair is saying that this is what I should be dealing with during the consideration in detail stage. I am asking the minister when I will be able to deal with this issue, because I cannot find a clause in the legislation dealing with the budget rip-off.

Points of Order

Mrs M.H. ROBERTS: The Deputy Leader of the Opposition is canvassing your ruling, Madam Deputy Speaker, and is asking me to respond to his canvassing of your ruling. I do not think that is in order and the Deputy Leader of the Opposition should be called to order.

Mr R.F. JOHNSON: The Deputy Leader of the Opposition is not challenging your ruling, Madam Deputy Speaker. Members on this side would not canvas your ruling; I assure you of that. The Deputy Leader of the Opposition is asking the minister where he can possibly ask the questions he wants to ask about this legislation.

The DEPUTY SPEAKER: There is no point of order. I again remind members that the motion at hand is whether this Bill should be referred to a standing committee. I ask that members address themselves directly to that motion. The member with the call is well aware of the motion. He has an ability to ask questions of the minister as we proceed. However, he should keep to the job at hand.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: This is getting more and more frustrating. It is clear that the Government does not want to answer questions about this issue. We have obviously hit a rather sore nerve. The minister was saying that \$5.4 million will come back into the budget of the Fire and Emergency Services Authority.

Mr M.P. Whitely interjected.

The DEPUTY SPEAKER: Order, members!

Mr D.F. BARRON-SULLIVAN: I am referring to a document that was provided by the minister's office, which states that the net allocation to FESA was \$28 million. I cannot see any other \$5.4 million figure in that document. Further down I can see how the figure of \$28 million is allocated, including the \$8.5 million of government expenditure that FESA has to pay on behalf of the Government, but I cannot see any clauses dealing specifically with a budget rip-off affecting home owners. That is why this matter must go to a standing committee.

Mrs M.H. Roberts: That is because there is no budget rip-off.

Mr D.F. BARRON-SULLIVAN: I am beginning to wonder -

Mr R.F. Johnson interjected.

Mr D.F. BARRON-SULLIVAN: I do not often disagree with the member for Hillarys, but I suspect that the minister may not be shielding the real situation; she does not understand it.

Mrs M.H. Roberts: It is very sad when the Deputy Leader of the Opposition and the member for Hillarys have to form their own mutual admiration society, and they have so much wrong. The Deputy Leader of the Opposition cannot do maths.

Point of Order

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Mr A.P. O'GORMAN: We have gone right off the point again. The point is whether this legislation should be sent to a select committee, and we are now getting into the details of the Bill. It is about time we debated the motion before the House.

The DEPUTY SPEAKER: There is no point of order. There were cross-fire interjections and answers across the Chamber between the member who had the call and the minister.

Debate Resumed

Mr D.F. BARRON-SULLIVAN: Madam Deputy Speaker, I share your frustration in all of this, because I cannot get the answers. It appears that we will not have a standing committee debate to arrive at the truth of the matter. Important legislation like this should have been dealt with in a proper, amicable and objective way, but as that will not happen I serve notice that the minister's lack of cooperation and the fact that she is shielding the truth from the people of this State could have a significant bearing on whether members on this side of the House are prepared to actively support this legislation.

Mr T.K. WALDRON: I support the motion to refer this legislation to a standing committee. We are not against the Bill, but we have some areas of concern. A number of shires and volunteer groups in my region accept that this legislation will come in and that it is a good thing, but they have five areas of concern. They are suspicious of what may result from this legislation. This Bill should go before a standing committee to ensure that those suspicions are ironed out and that everyone knows exactly what this Bill will do. Those five areas of concern are the multiple charging of land owners; compatibility of computer software; use of local government to collect the levy; appropriate payments to local government; and, most importantly, the distribution of funds, particularly to the volunteer bush fire groups. The minister's trip to these areas helped solve many of the queries, but on the weekend four or five different groups came to me saying they were confused and unsure about the legislation. I am not sure about some areas myself, and maybe that is my problem, but from what I have heard in the last half hour a number of areas require more attention before this Bill is finalised. This is an ideal opportunity for the referral of a Bill to a standing committee, particularly one concerning the volunteer bush fire groups. Considering the role they play, those groups should know exactly how this legislation will affect them.

The member for Pilbara said it had taken four years and a lot of consultation for the legislation to get this far - and I acknowledge that - but if we still cannot understand how the legislation will operate in some areas, we should not rush it through; it should go to a standing committee. The member for Mitchell mentioned government funding of \$40 million. Following our briefing I thought I understood that point, but after listening to the argument across the floor, I thought it came down to a net amount of approximately \$18 million, taking into account what the Government had to pay for the Homeswest allowance etc. Obviously that should be clarified. It would be commonsense to refer this matter to a standing committee to clarify these points.

Mrs M.H. ROBERTS: I must express my disappointment at the attitudes of members opposite. This legislation has been in gestation for a long time. The parameters of the legislation have been under serious discussion for at least five years. It is interesting that today, out of the blue, members opposite are seeking to refer it to a committee of some politicians of this House; yet in the same breath they say that they do not want to politicise the issue. However, that is exactly what they intend doing. The member for Mitchell has a track record of derailing this legislation. He derailed it from under his own minister, the former member for Albany, during the coalition's term of government and he is trying to do the same thing now. At that time the legislation was withdrawn and uncertainty prevailed. We should keep in mind that more than two years ago the former Government provided funds to local government authorities to adapt their computer systems. That is an indication of how long this has been in progress. Five years ago Tim Shanahan, one of the doyens of the conservative side of politics, the then Chief Executive Officer of the Western Australian Municipal Association -

Mr P.D. Omodei: Is that right?

Mrs M.H. ROBERTS: Absolutely. I first met Tim when he was the Chief Executive Officer of the Country Shire Councils Association. My impression at the time was that he was very well credentialled, particularly in his connections with the National Party.

Members opposite have stood up today and called the levy some kind of secret Labor land tax. What a load of rot! What we have seen today is one of the most crass political exercises I have ever seen in this House led by the member for Mitchell, who is a master of cheap gutter politics. Why does he want to refer the Bill to a committee of five? The only reason is to delay it. Who would be disadvantaged by a delay? Our volunteers throughout the length and breadth of the State. The member for Mitchell gave examples of who might pay what and where. He queried how the Bill could improve the situation if everybody was required to pay more. Everybody will not pay more. We have provided briefings and piles of notes on what people will pay and how. Many people in this State will be better off. The following are examples of what average property owners in a number of shires pay towards their bush fire brigade and State Emergency Service costs. Property owners in

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Bruce Rock pay \$111; in Carnamah, \$150; in Cranbrook, \$201; in Dalwallinu, \$101; in Halls Creek, \$118; in Kondinin \$101; in Mt Marshall, \$57; in Nannup, \$98; in Northam, \$70; in Northampton, \$71; in Tambellup, \$74; in Wandering, \$89; in Westonia, \$68; and in Wickepin, \$46. What can I tell members about that? Under the scheme provided in this Bill most of the ratepayers in those shires will be paying only a \$30 flat fee. I reject the argument from members opposite that everybody will pay more; they will not. The Opposition has been deliberately deceptive.

This referral proposal if agreed to will disadvantage people enormously. It will cause a delay that will lead to further uncertainty. We do not need another committee of politicians looking at this and politicising it. Decent, honest people, mostly from the conservative side of politics, have been working on this for the past five years. This scummy little effort today is a disgrace.

Mr J.P.D. EDWARDS: I was not going to speak to this motion; however, I have been driven to do so by some of the minister's argument. I support the motion of the member for Warren-Blackwood to refer this Bill to the Community Development and Justice Standing Committee. I congratulate the minister on the introduction of the Bill - it is timely. As she knows, in my past role as President of the Western Australian Municipal Association, I was involved in the initial process to some degree with Tim Shanahan. In the main, local government is probably keen to see some action. In fairness, that is reasonable, and I am pleased to see the Bill in this place after five years. However, some questions remain unanswered. Regardless of what attitude one takes to the member for Mitchell's queries, there seems to be some misunderstanding about the Bill or a need for some questions to be answered. In fairness, I cannot see anywhere in the Bill answers to the questions the member for Mitchell asked on behalf of our electorates. If those answers are not available, it is all the more important that this Bill be referred to the standing committee. I had not intended to speak because enough eloquent speeches have been made so far. However, if this motion is unsuccessful and those questions cannot be answered before a committee, the debate in this Chamber must provide an opportunity for those questions to be answered, because they will be asked by our electors, particularly those in rural areas.

Mrs M.H. Roberts: The Fire and Emergency Services Authority has sent out dozens of pages of information to all members opposite. If members opposite have further questions, the Government is more than prepared to answer them all in writing and on the record. There is no difficulty with that.

Mr J.P.D. EDWARDS: I understand that and I thank the minister for interjecting. However, we are asking questions on the floor and they need to be answered by the minister on the floor.

Mr P.D. OMODEI: There is no guarantee that this legislation will be passed promptly in the Legislative Council unless it is afforded priority. Electoral reform legislation was introduced in this place today and, I presume, in the other place. Debate on that legislation will take some time, so there is no reason this Bill cannot be referred to the Community Development and Justice Standing Committee. I do not understand why the minister has strong concerns about it being referred to that committee. I am confident that the bureaucrats will provide the answers we require. It is complex legislation and the people of Western Australia need to be satisfied that the Parliament has given the legislation the scrutiny it deserves. The Bill proposes that people throughout Western Australia pay an essential emergency services levy to fund the 26 000 volunteers who give their time generously. It seems that the minister doth protest too much. What is there to fear from the committee's scrutiny? It will have the time to discuss the Bill thoroughly, to seek evidence and to seek answers in detail to all the questions so that members of Parliament can say to the people of Western Australia that they have done the right thing by this legislation. It has been a long time in its gestation and many people have been involved in its drafting. However, I do not believe it has universal acceptance. In fact, local government has had concerns about it up to the eleventh hour. I implore the minister to consider very carefully the proposal to refer it to the committee. It would allow an opportunity for the minister to say to the public that Parliament had done the right thing by this legislation.

Question put and a division taken with the following result -

Extract from *Hansard*
[ASSEMBLY - Wednesday, 23 October 2002]
p2259b-2269a

Speaker; Mr Paul Omodei; Mr Larry Graham; Mr Dan Barron-Sullivan; Barron-; Deputy Speaker; Mrs Michelle Roberts; Mr Tony O'Gorman; Mr Rob Johnson; Mr Terry Waldron; Mr Jeremy Edwards

Ayes (17)

Mr R.A. Ainsworth	Ms K. Hodson-Thomas	Mr B.K. Masters	Dr J.M. Woollard
Mr M.F. Board	Mr M.G. House	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Dr E. Constable	Mr R.F. Johnson	Mr D.F. Barron-Sullivan	
Mrs C.L. Edwardes	Mr W.J. McNee	Mr T.K. Waldron	
Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker	

Noes (26)

Mr P.W. Andrews	Dr G.I. Gallop	Mr J.A. McGinty	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr L. Graham	Mr M. McGowan	Mrs M.H. Roberts
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mr D.A. Templeman
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr M.P. Whitely
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Ms M.M. Quirk (<i>Teller</i>)
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	

Pairs

Mr C.J. Barnett	Mr S.R. Hill
Mr J.H.D. Day	Mr P.B. Watson
Mr R.N. Sweetman	Mr M.P. Murray

Question thus negatived.

Consideration in Detail Resumed

Debate interrupted, pursuant to standing orders.