A Gap in Scrutiny?

Access to Australian Standards adopted in delegated legislation

Peter Abetz MLA

Introduction

Everyone knows what an Australian Standard is. Perhaps not actively, but somewhere in their subconscious. They apply to virtually everything we do or use. They set the accepted standard for all manner of consumer goods, from food to cot mattresses, seat-belts to life jackets, sunglasses to bean bags. They regulate the provision of the gas and electricity we use, set acceptable guidelines for buildings and the plumbing in those buildings, and ensure (in so far as they can) safe work practices.

Most developed countries have their own standards-setting organisations – New Zealand, the US, the UK, Germany and Canada to name but a few. Most people will also have heard of the ISO, the International Organisation for Standardisation, which boasts a membership of 162 countries, and has produced over 21,000 standards. If people aren't aware of the ISO, they will probably have seen its stickers on some product or other that they have purchased.

During a recent parliamentary inquiry held by the Joint Standing Committee on Delegated Legislation of the Parliament of Western Australia (**JSCDL**), Standards Australia itself listed the benefits to Australian life of a robust and independent standard-setting system:

- facilitating market exchange;
- facilitating international trade, transport, communication and innovation;
- improving the process of research;
- providing businesses and consumers with greater certainty about the safety and quality of products;
- addressing public concerns on issues such as health, safety and the environment; and
- harmonising supply chains nationally and internationally by contributing to trade in compliance with Australia's World Trade Organisation obligations.

But standards are also used as a shortcut in legislation. Where complicated regulation needs to be laid down, it is not unusual for legislation, usually subordinate legislation (or 'delegated legislation', as we call it in Western Australia) to simply cite the relevant standard(s) that apply to the matter being regulated.

The practice of adopting (or "calling-up") external material such as standards is perfectly lawful. Less than a century ago, the courts would not countenance the validity of delegated legislation that merely referenced external material – in the case of *McDevitt v McArthur*[1], for example, a by-law made under powers contained in the *Marine Boards Act 1899* (Tas) was declared to be void on the grounds of non-publication and/or uncertainty because it merely referenced imperial regulations without setting out their terms in full. In *Arnold v Hunt*, which concerned the fixing of minimum prices for goods under national security legislation in force during World War II, where the Prices Commissioner had fixed the price of liquor by reference to a price list prepared by the United Licenced Victuallers Association. Hunt J said:

> *I consider that the price must be fixed and declared in the body of the order itself or in a schedule to the order and cannot be fixed by some extraneous document which is not part and parcel of the order.*[2]

The legal tide turned not long after that however. In *Wright v TIL Services Pty Ltd*, regulations which required electrical devices to comply with the relevant rules of the Standards Association of Australia (as Standards Australia was then known) were held to be valid. Walsh J said:

> *The general proposition that in no circumstances can a regulation incorporate by reference something not set forth in it is, in my opinion, unsound.*[3]

The ability to adopt external material such as standards in delegated legislation is now clearly legitimised in statute – in Western Australia, it is permitted by section 43 of the *Interpretation Act 1984* (or section 3.8 of the *Local Government Act 1995* for local laws). In Commonwealth legislation, incorporation by reference is permitted by section 14 of the newly renamed *Legislation Act 2003*. In New Zealand, the practice (of incorporating New Zealand Standards in this case) is permitted by section 30 of the brand new *Standards and Accreditation Act 2015.*

Across the State and nationally, the precise number of statutory instruments that cite standards is unclear. The Commonwealth Department of Industry and Science supplied the JSCDL with some rudimentary numbers of Acts and Regulations per jurisdiction in 2015:

[1] (1919) 15 Tas LR 6
[2] (1943) 67 CLR 429, p 432.
[3] *Wright v TIL Services Pty Ltd* (1956) SR (NSW) 413, pp 421-2.

Commonwealth	**200**
ACT	**189**
NSW	**411**
NT	**79**
Queensland	**228**
South Australia	**223**
Tasmania	**176**
Victoria	**119**
Western Australia	**207**
National total	**1,832**

According to the Standards Council of New Zealand, as of 30 June 2015, there were 1,232 AS or AS/NZ standards incorporated in 262 Acts, regulations and other statutory instruments. A further 1,050 international standards were referenced by 175 pieces of legislation.

There are very sensible and practical reasons for incorporating standards in delegated legislation. For example:

- the content of the external material would usually have to be replicated in full, sometimes leaving the legislation unduly cumbersome, if this practice were not adopted. By way of recent example, in August 2015 the Department of Commerce in Western Australia made the *Electricity (Network Safety) Regulations 2015.* This instrument adopted Australian Standard AS 5577, which deals with network safety management systems. That standard alone runs to more than 1,000 pages. The regulations also adopted by reference AS/NZS 2067:2015, AS/ANZ 3000:2007 and AS/NZS 7000:2010. In addition to all of those, regulation 19 requires compliance with '*obligatory provisions*' and '*evidentiary provisions'*, which mean provisions in a standard or code specified in Schedules 1 and 2 to the regulations. Those schedules then list 87 further Australian or AS/NZ Standards;
- the practice serves to provide a measure of uniformity of provision nationally, or indeed internationally, where standards are agreed as between standards-setting agencies and published jointly between countries (such as AS/NZ Standards) or indeed much more widely by the ISO;
- where an instrument adopts a standard as published *'from time to time'* rather than as it stands on a given date, it allows for ease of amendment to incorporate future developments without the need to remake the instrument itself, and thus follow the full statutory process for making regulations.

So what are the downsides? First of all, it is possible to hold a suspicion that public authorities, including governments, have become reliant on the material produced by external agencies in order to fulfil their own regulatory responsibilities. There has been a tendency towards 'skeletal legislation' in some jurisdictions (discussed in another forum in this conference). Full parliamentary scrutiny and debate is afforded only to the bare bones of

a statute, with the often all-important detail left to regulations and, increasingly, external material which is cited or referenced (but not set out) in those regulations.

Secondly, there is a fine line to be drawn between '*delegation*' and '*abdication*'. The act of delegation generally retains a measure of continued oversight, in terms of reports back to the delegator on the use of the delegated power, or indeed a final veto on their use. In terms of the delegation of legislation under statute in the Westminster model of Parliaments, the review power is generally entrusted to committees such as the JSCDL, so as to ensure that the delegated power is not exercised capriciously or outside of the legislative boundaries set.

But apparent abdication may be evident where statutory provisions allow for the adoption of standards, as mentioned above, '*as made from time to time*'. Whilst this is extremely convenient for the makers of the instrument, in that the regulations need not be reproduced each time the standard is updated or rewritten, it also means that only the version of the standard as it exists at the time the legislation is made is subjected to any sort of parliamentary scrutiny – when it is later amended or reproduced, it is effectively the private standard making body that is making the law. It amounts to a sub-delegation of the delegation to make the instrument, albeit a lawful one. In some circumstances, an abdication perhaps.

The third, and most important, downside to the practice of adopting standards or other external material in delegated legislation is the issue of access to that material. This was the subject of the recent report of the JSCSL, which I have the honour of chairing, to the Parliament of Western Australia The final report of that Inquiry may be found at:

http://intranet/parliament/commit.nsf/all/6BCDA79F24A4225648257E3C001DB33F?opendocument&tab=tab3

The Rule of Law

> *The maxim that ignorance of the law does not excuse any subject represents the working hypothesis on which the rule of law rests in British democracy. That maxim applies in legal theory just as much to written as to unwritten law, i.e., to statute law as much to common law or equity. But the very justification for that basic maxim is that the whole of our law, written or unwritten, is accessible to the public – in the sense, of course, that, at any rate, its legal advisers have access to it, at any moment, as of right.*[4]

A common thread running through any definition of the Rule of Law is that the law must be accessible, as well as clear and intelligible. In his book of the same title[5], Tom Bingham (Lord Bingham of Cornhill) set out very simply three reasons why this must be so:

> *First, and most obviously, if you and I are liable to be prosecuted, fined and perhaps imprisoned for doing or failing to do something, we ought to be able, without undue difficulty, to find out what it is we must do or must not do on pain of criminal penalty. This is not because*

[4] Per Scott LJ, *Blackpool Corporation v Locker* [1947] 1KB 349, at p. 361.
[5] *The Rule of Law*, Tom Bingham, Allen Lane, London, 2010, pp 37-47.

> *bank robbers habitually consult their solicitors before robbing a branch of the NatWest, but because many crimes are a great deal less obvious than robbery, and most of us are keen to keep on the right side of the law if we can.*
>
> *The second reason is rather similar, but not tied to the criminal law. If we are to claim the rights which the civil (that is, non-criminal) law gives us, or to perform the obligations which it imposes on us, it is important to know what our rights and obligations are. Otherwise, we cannot claim the rights or perform the obligations.*
>
> *The third reason is rather less obvious, but extremely compelling. It is that the successful conduct of trade, investment and business generally is promoted by a body of accessible legal rules governing commercial rights and obligations. No one would choose to do business, perhaps involving large sums of money, in a country where the parties' rights and obligations were vague or undecided.*

Yet often, external material cited or referenced in delegated legislation is not accessible in the same way as primary or secondary legislation itself is. This is invariably the case with Australian Standards.

The problem is simple:

- copyright in Australian Standards is owned by Standards Australia. In 2003, Standards Australia publicly floated its publishing, sales and distribution arm, and granted its rights to SAI Global Ltd. (SAI Global) for a period of 15 years (with an apparent 5 year further option), in return for a rather derisory commission on sales. SAI Global is now the monopoly provider of Australian Standards and other international standards in this country;
- no-one is granted access to those standards without payment, not the public, libraries, businesses, unions, educational institutions, governments or parliaments.

Access generally

Free access to Australian Standards for parliaments varies across different jurisdictions – parliamentary access (and the possible 'gap in scrutiny') will be dealt with later in this paper.

Difficulties for everyone else in freely accessing those standards are the same all over Australia, however.

During the course of the JSCDL inquiry mentioned earlier, a number of State and Territory governments and government agencies (as well as Western Australian ones) told of how they maintained collections of such standards as were necessary for informing their own obligations, but that (with the exception of the ACT), there was no 'whole of government' arrangements. However, both copyright and licensing restrictions prevented them from making those documents more widely available to the public. In most cases, the fall-back position was that the full range of standards was available at State Libraries.

Unfortunately, that changed in April/May of this year. That was when negotiations between SAI Global and the **NSLA** (being National and State Libraries Australasia) on licensing terms broke down. As a result, at the time of producing this paper, no State Library, or the National Library in Canberra, subscribes to the standards database of SAI Global (both the ACT and the NT governments had already pulled the plug).

It would be fair to say that the usefulness of that availability was somewhat limited in any event, not particularly due to copyright issues, but by the licensing terms and conditions imposed on the libraries by SAI Global that went well beyond what copyright laws would generally allow. For example:

- the reading of just one standard at a time was permitted;
- printing facilities for users were severely limited - one page at a time up to a maximum number of pages per standard, which varied as per the length of the standard;
- no printing or archiving of the full standard by the library was allowed; and
- (crucially, particularly in a State as geographically large as Western Australia) no inter library loans could take place.

Moreover, an important issue for all States and Territories is that, for most online databases to which the State Libraries subscribe, access is available to members remotely i.e. from their home, work or educational institution. The State Libraries' collecting policy is to acquire electronic copies of resources rather than print and to make them available online so that everyone in the State has access. However, SAI Global does not allow remote access through the public library licence. For Western Australia, in addition to the ban on inter-library loans, it is obvious that this is a major disadvantage for people in rural and remote areas of the State, or small businesses in the outer areas of Perth.

This, in the modern technological era, is an unacceptable state of affairs.

It is a straightforward task to produce examples of how inconvenience (to say the least) may be caused by an inability to freely access Australian Standards – just to highlight a few:

Householders in general

Regulations 42 and 43 of the *Water Services Regulations 2013* state that an owner or occupier of land may be required by the Water Corporation to install a backflow prevention device to his or her sanitary plumbing. The selection and installation of such a device is governed by standards called-up into the regulations, as is the testing, certification and maintenance of the device. A failure to comply with the provisions of these standards may result in the owner or occupier incurring a fine of $5,000 and a daily penalty of $500.[6]

[6] By virtue of section 222(6) of the *Water Services Act 2012*, under which these regulations are made, the adoption of external material in the regulations is of no effect unless it '*can at all reasonable times be inspected or purchased by the public'.* The simple fact that the standard regarding materials, design and performance requirements (AS/NZS 2845.1:2010) is available from SAI Global for between $256.71 and $438.97, depending on format, would satisfy this requirement.

Householders in bushfire-prone areas

To date, regrettably, there is still little free public access to AS 3959-2009 – *Construction of buildings in bushfire-prone areas,* or HB 330-2009, the handbook *Living in bushfire-prone areas*, which is clearly of great importance to those who are planning to build in bushfire-prone areas, to those who may wish to voluntarily retrofit their homes for their own protection and to those who are forced to rebuild their properties following a fire, as was recognised by the report of the Perth Hills Bushfire Review 2011.[7] The Department of Commerce in Western Australia engaged with SAI Global in order to seek to negotiate a deal whereby it could purchase sufficient copies of AS 3959-2009 to supply one to each of Western Australia's local governments. The cost to the Building Commission was $16,025.13 for the purchase of 145 hardcopies. In addition it had to pay an SAI Global membership fee of $563.86. The total cost was therefore $16,588.99, a total saving to the Department of Commerce of only $2,684.22. In the meantime, the City of Swan purchased six copies of the standard, for placement in each of its public libraries. However, under the terms of the purchase, librarians were not permitted to photocopy one page of the standard on the request of a local resident.

The construction industry

Recent evidence from the Building Standards and Occupational Licences Agency of Tasmania estimated that, at any one time, up to 250 Australian Standards could apply to one individual building site, and that figure did not include standards relating to Work Health and Safety laws. Happily, the National Construction Code (**NCC**) is now freely available online to anyone who registers on the Australian Building Codes Board (**ABCB**) website. The NCC is not a standard, nor is it produced by Standards Australia – rather, it is a production of the ABCB produced through the funding of Australian governments following a decision taken at the Council of Australian Governments (**COAG**), and that free access is an absolute gift for the construction industry as a whole. However, the NCC directly references some 200 Australian Standards, many of which make further cross-references – the Housing Industry Association estimates that there are in fact over 1,400 standards called-up by the NCC through primary, secondary or tertiary references. None of those is included in the free ABCB online content.

Trade Unions

Unions explained to the JSCDL Inquiry how their duties are hampered. They are not able, for example, to give their members information relating to their duties that comes from standards by way of notice-board announcements or newsletters. It is difficult to get information to health and safety representatives on the ground. In fact, there is concern that the entire process of locating and viewing a relevant standard is so difficult that many such representatives simply give up. By way of example, manufacturers' guidelines for machinery will commonly simply cross-refer to a number of Australian Standards, and representatives are then forced to try to access those standards.

[7] Perth Hills Bushfire Review 2011, *A Shared Responsibility – The Report of the Perth Hills Bushfire February 2011 Review,* Government of Western Australia, 16 June 2011.

Training and education

SAI Global has made much of the fact that Australian Standards are available free of charge for the use of students in many tertiary institutions. This would clearly be desirable in an educational establishment which has subjects such as engineering, construction or mining, for example, on its syllabus. As ever, though, such access comes at a cost. By way of example, the Manager of Library Services at the Central Institute of Technology in Perth told the JSCDL Inquiry that, at 2015 prices, a 3 concurrent user license cost $37,632. This provides access to all Australian Standards, but only an index to the ISO. Some limited access copies may be made available to students for lecture use.

Government and Legal

The ACT Government has an arrangement with SAI Global whereby all of its departments have access to the Australian Standards database. Obviously, again, no public access is permitted. As mentioned earlier, no other State or Territory governments have such 'whole of government' arrangements, but their individual agencies will subscribe or purchase individual standards as is necessary. Astonishingly, the Parliamentary Counsel's Office of Western Australia has no direct access. If instructing agencies do not supply copies of standards that are intended for inclusion in delegated legislation that is to be drawn up, then Counsel was forced to attend at the State Library in Perth in order to read them. That, of course, is no longer possible.

In the absence of an overall solution to these problems (which will be suggested at the end of this paper), the JSCDL Report has made some recommendations that would, if accepted and acted-upon by the Western Australian Government, provide for at least some measure of public access to Australian Standards. In the main, they are based on provisions that are already contained in Victorian legislation. For example, under the terms of the *Interpretation of Legislation Act 1984* (Vic), where a standard is referenced in delegated legislation, a copy of it must be retained at the department of the Minister making the regulations. It must be available for inspection by a member of the public, during office hours and at no cost. The *Local Government Act 1989* (Vic) makes similar provision for documents cited in local laws by local councils. Not ideal perhaps, but better than nothing.

Parliamentary access

As it happens, parliaments, parliamentarians and parliamentary committees have no greater free access to Australian Standards than any other person or entity in the country. This is where the foundation of the potential **Gap in Scrutiny** can be found.

Regardless of the licensing terms and conditions that attach to Australian Standards by virtue of SAI Global's stipulations, it is interesting that the *Copyright Act 1968* (Cth) contains no clear exemption for the use of copyright material for parliamentary proceedings, including Committee proceedings. Government use in terms of '*acts done 'for the services of the Commonwealth or State'* is exempted (section 183), as is the reproduction of material for the purposes of judicial proceedings (section 43). However, only the work done by parliamentary librarians for the purposes of assisting a member are covered by an exemption (section 48A)

and, clearly, this was an exemption created not for the protection of the member but of the librarian.

So, of the three arms of government, the executive is protected from litigation by copyright owners, as is the judiciary, but not parliaments when reproducing copyright material for the purposes of parliamentary (including parliamentary committee) proceedings. A remarkable state of affairs.

In 2013, the Australian Law Reform Commission (**ALRC**) published a report entitled *Copyright and the Digital Economy*.[8] In it, the ALRC acknowledged that there exists a problem in respect of parliamentary matters. It said:

> *Copyright material is sometimes provided in evidence, in a report, or otherwise presented ('tabled') before a parliament or a parliamentary committee. The Copyright Act does not currently include an exception for use of material for parliamentary proceedings or reporting on parliamentary proceedings.*[9]

The ALRC recommended statutory reform, including the introduction of a new exception of 'fair use' in Australia (following the American model, which is based on four 'fairness factors', being the purpose and character of the use, the nature of the copyright material, the amount and substantiality of the part used and the effect of the use upon the potential market for, or value of, the copyright material.). Failing that, an expansion of the defence of 'fair dealing' might be considered which, if legislated, might have the effect of expanding parliaments' and governments' use of copyright material, thereby possibly improving public access to adopted Australian Standards.

However, in an entirely unsatisfactory summation, the ALRC report stated:

> *Nearly all of the uses covered by the recommended exceptions are likely to be assessed as fair, if judged according to the four fairness factors. The purpose and nature of the use would be given great weight: the uses are intended to serve the public interest in the free flow of information between the three branches of government and the citizen. With regard to the fourth factor, it is not anticipated that the exceptions will have a significant impact on the market for material that is commercially available. There may be an occasional use that affects the copyright owners' market. However, if the use is essential to the functioning of the executive, the judiciary or the parliament, or to the principle of open government, it is likely that the use would be considered fair.*[10]

This can only be classified, quite simply, as a missed opportunity. The ALRC's use of the terms '*nearly all'*, '*it is not anticipated'* and '*it is likely'* in this one paragraph illustrates the

[8] *Copyright and the Digital Economy: ALRC Report 122.* Australian Law Reform Commission. Commonwealth of Australia, 2013.
[9] Ibid. Paragraph 15.33.
[10] Ibid. paragraph 15.21.

uncertainty, and the fact that that amendments along these lines would ignite a stream of court cases and a free-for-all for copyright lawyers.

By way of contrast, section 45(1) of the UK's *Copyright, Designs and Patents Act 1988* states:

> *Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings.*

Section 59(1) of New Zealand's *Copyright Act 1994* states:

> *Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings.*

An illustration of how simply the problem could be solved.

The JSCDL is tasked, like many other committees across the country, with the scrutiny of delegated legislation on behalf of the Parliament. However, where such incorporation by reference of a standard as is described in this paper has taken place, such scrutiny comes at a price, and with limitations.

In 2014, the rules regarding the supply of documentation to the JSCDL (contained in a Premier's Circular) were changed, so that the authors of regulations are now required to supply to the Committee a copy of any Australian Standard, or any AS/NZ Standard, or any other referenced external material, alongside the newly made instrument and its accompanying Explanatory Memorandum. They need to do so at their own expense.

It would be fair to say that whilst the amendment to the Premier's Circular has brought with it compliance from some departments and agencies, it is by no means universal.

Again, the Parliament of Victoria appears to have the jump on the rest of us. Where instruments are tabled in both Houses following gazettal, they must be accompanied by copies of any material referenced within those instruments.

Without provision being made to bring the Western Australian legislation into line with that in Victoria, compliance cannot be enforced, other than by threatening to move a Notice of Motion to disallow the instrument in question on the ground that the Committee is unable to properly fulfil its function of scrutinising the delegated legislation. That may, or may not, be appropriate in the circumstances. Moreover, requiring the tabling of referenced material means that all Members of the Parliament have access to it – of course, it is not only scrutiny committees that can move Notices of Motion to disallow.

So, would provision for direct and free access to cited material such as Australian Standards remedy the problem of the possible gap in scrutiny? Not necessarily. There remain two substantive issues:

- the very length and complexity of some standards. Take, for example, the electricity supply regulations mentioned earlier in this paper. Just one of the cited standards was over 1,000 pages in length. Three more were incorporated by reference, and another 87 listed in schedules that required compliance. Even if members of scrutiny committees, or committee staff,

were sufficiently educated in the subject matter of the standards, the sheer length of them would count against proper scrutiny being performed;

- as mentioned previously, the ability to reference standards or other external material '*as made from time to time*' will limit the committee and staff to scrutinising only the edition of the material as it stands at the time the instrument is made. Amendments made to the material later on will become law by default, with no parliamentary involvement whatsoever.

With regard to both of these issues, a balance needs to be struck between the convenience of being able to cite standards and thus avoid cumbersome legislation, together with the ability to be reactive to future developments by allowing for referenced material to be updated without further troubling the parliament and its committees on the one hand, and the requirements and expectations of parliaments and the public that laws are made, or are at least scrutinised and ratified by parliaments, on the other.

Finally, returning to what is regarded as the biggest constraint on scrutiny (access to the referenced material), the JSCDL made some recommendations to the Government of Western Australia, but recognised that the problem as a whole, of public access as well as parliamentary, could only be addressed by all jurisdictions across the country acting together.

New Zealand has recently taken the opportunity to bring the operation of what was Standards New Zealand back in-house. One of the effects of its *Standards and Accreditation Act 2015* was to disestablish the Standards Council and Standards New Zealand, and replace them with a board appointed by the Minister and an in-house employee. The Minister introducing the Bill hoped that this would be a measure that would assist in promoting increased access for all. In the meantime, some fees are charged, set according to a statutory formula, essentially on a cost-recovery basis.

Having considered a number of solutions put forward by submitters and witnesses, the conclusion reached was that governments should act together through COAG (just as they did to make the NCC freely available to all) to 'cut out the middle man', i.e. SAI Global, when the current contract between it and Standards Australia comes to an end (in either 2018 or 2023 – there remains a level of dispute regarding this).

As part of its Inquiry, the JSCDL sought figures from government agencies and local governments in Western Australia as to the funds expended per year on hard copies of Australian Standards or subscriptions to the SAI Global standards database. The total spend by the public sector in WA can be estimated at around $1 million annually. SAI Global itself told the Committee that its revenue from WA as a whole, public and private sectors included, was some $5.5 million. States and Territories may extrapolate from those figures what their own financial outlays might amount to.

In the meantime, Standards Australia's accounts for 22014/15 reveal outgoings of $17.6 million. That is met in part from income of $14.5 from its investment of the sale proceeds from the 'privatisation' in 2003. Its income from SAI Global, in the form of royalties from sales of standards, is minimal in comparison. The balance of income needed by Standards Australia, even were it to take over the publishing and sales roles currently performed by SAI

Global, could very easily and more cost-effectively be met by the Commonwealth, States and Territories acting together.

Quite clearly, not only would financial savings be achieved based on these figures, but free access to the whole database of Australian Standards, together with free access to all of those international standards over which Standards Australia retains publishing rights, would be achieved.

Peter Abetz MLA

Peter Abetz came to Australia as an 8 year old migrant kid from Germany who could not speak a word of English. Living in Tasmania, he went on to university and completed a Bachelor of Agricultural Science with Honours in 1973. While studying he developed a small enterprise growing organic strawberries and raising goats. Peter is a keen advocate of sustainable farming methods, and was a regular contributor to Tasmanian Organic Growing Magazine for over twenty years. He has a keen interest in environmental issues.

He worked as a farm advisory officer, before moving into technical sales and rural supplies. He then worked as an agricultural consultant to pay his way through theological college while supporting his young family. In 1983 he graduated with a Bachelor of Divinity and became an ordained minister in the Christian Reformed Churches, serving in Dandenong, Victoria, before moving to Western Australia in 1991, where he served churches in Willetton and North Beach.

He has worked with a wide range of caring organisations including the Dandenong Palliative Care Service and YouthCARE for 13 years. He has coordinated and worked in a drug rehabilitation support group, and has worked with the disabled and with migrant families. This has given him a great insight into human needs in our community. This experience, coupled with his compassionate spirit and sharp analytical mind, enables him contribute to debates on a wide range of issues. Peter is an advocate for family, community, small business and environmentally friendly legislation.

Peter was elected to the Thirty-Eighth Parliament for Southern River on 6 September 2008. He was re-elected for a second term in 2013. He served on the Education and Health Standing Committee (2008-13) and is currently Chair of the Joint Standing Committee on Delegated Legislation.

Peter is married to Jenny, has five adult children, nine grandchildren and lives in Southern River. He is well known for his love of VW Kombis and has been a member of the Volkswagen Car Club in WA since 1995.