



Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2015

LEGISLATIVE ASSEMBLY

Wednesday, 23 September 2015

Legislative Assembly

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THE SPEAKER (Mr M.W. Sutherland) took the chair at 12 noon, and read prayers.

PAPERS TABLED

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

TERRORISM (EXTRAORDINARY POWERS) AMENDMENT BILL 2015

Notice of Motion to Introduce

Notice of motion given by **Mrs L.M. Harvey (Minister for Police)**.

LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL 2014

Notice of Motion

Mr R.S. Love gave notice that at the next sitting of the house he would move —

That the Local Government Amendment (Regional Subsidiaries) Bill 2014 be restored to the point it reached prior to its removal from the notice paper on Tuesday, 15 September 2015.

BIGGER PICTURE FUNDING — ANTI-METHAMPHETAMINE ADVERTISING CAMPAIGN

Removal of Notice — Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I advise members that private members' business notice of motion 1, notice of which was given on 22 April, will be removed from the next notice paper unless written notification is provided to the Clerk requiring that the notice be continued.

EDUCATION AND HEALTH STANDING COMMITTEE —

FIFTH REPORT — “THE IMPACT OF FIFO WORK PRACTICES ON MENTAL HEALTH”

Government Response — Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I advise that in relation to the recommendations contained in the Education and Health Standing Committee's report entitled “The impact of FIFO work practices on mental health”, which was tabled on 18 June 2015, no response has been received from the Minister for Mines and Petroleum, the minister representing the Attorney General, the Parliamentary Secretary to the Minister for Mental Health or the Minister for State Development by the required time.

EMERGENCY TELEHEALTH SERVICE

Statement by Minister for Health

DR K.D. HAMES (Dawesville — Minister for Health) [12.03 pm]: I rise to alert members to a state government initiative to improve health services for people in rural and remote areas. With my colleague Hon Terry Redman, Minister for Regional Development, I have today been pleased to announce the successful statewide rollout of the emergency telehealth service. The provision of emergency health care in rural and remote hospitals is very challenging. Staff in small country hospitals and nursing posts have to respond to complex care needs in medical emergencies without necessarily having the day-to-day experience or resources that are available in large metropolitan emergency departments. The emergency telehealth service commenced as a pilot program in August 2012. The concept was to enable clinical staff at small country hospitals to be able to call on the expertise of an emergency medical specialist via a videoconference link. In the pilot stage, emergency departments at eight wheatbelt hospitals were linked to a specialist in Perth located at the WA Country Health Service's Wellington Street office.

With the value of the ETS quickly becoming apparent, the government has moved rapidly to extend the service to additional sites. The service now links to 72 regional emergency departments from the Kimberley to the great southern. The ETS operates from 8.00 am to 11.00 pm seven days a week and options are being examined to provide 24-hour coverage. Since the initial pilot, the ETS has delivered more than 19 000 emergency telehealth consultations. As it operates now, specialist emergency consultants based in Wembley link through high-definition videoconferencing to clinical staff at country hospitals via a virtual ED and are able to view patients and provide expert guidance on their treatment. There are now 40 sessional emergency medicine specialists and 13 nurse coordinators contributing to a dedicated emergency telehealth service roster. There are usually two to three ETS specialists and a nurse coordinator per shift. The ETS is dramatically improving the quality of care and patient outcomes in country areas, and at the same time is cost effective. Patients are more often able to be treated locally instead of having to be transferred to larger regional hospitals or Perth for treatment. As well as

improving the quality of care for patients, having the support of the ETS is both reassuring and empowering for regional clinical staff.

The rollout of the ETS has been made possible through funding from the government's royalties for regions program, and is a great example of how the program is delivering real benefits to people living in regional Western Australia. I wish to commend the staff at the WA Country Health Service who have done excellent work in planning and implementing the rollout of the ETS.

PLAN TO REINVIGORATE REGULATORY REFORM

Statement by Minister for Finance

MR W.R. MARMION (Nedlands — Minister for Finance) [12.06 pm]: I rise today to update the house on the government's progress with its Plan to Reinvigorate Regulatory Reform. Early this year, I announced the government's reform plan, which has four actions: cutting red tape, progressive deregulation and regulatory reform, improving regulatory assessment and ensuring success through communication and engagement. An important step in advancing the plan is to agree to the government's priorities for reform and its plan for action. Today the Premier and I released the government's Regulatory Reform Policy Statement—flagged with the social media hashtag #ShredTheRed—aimed squarely at cutting the estimated \$12 billion annual cost of government regulation in Western Australia. The policy outlines the government's commitment and planned actions to cut red tape, reduce barriers to investment and make working with government easier. Ministers have committed to regulatory reform and red tape reduction priorities, with an initial focus on small business and community benefits. The small business sector is an engine room of employment with great growth potential, and already contributes around \$44 billion to WA's economy.

The policy highlights the government's seven priority areas of reform: business licensing; home building regulations; transport reforms; liquor regulations; agriculture, aquaculture and fisheries regulations; environmental approvals; and administrative burden. The Department of Finance will support the government to achieve its reform priorities by working in partnership with relevant agencies. As Minister for Finance, I have the lead role on whole-of-government regulatory reform and red tape reduction, and my priority is to find practical solutions that will reduce costs, time and frustration for business. These solutions are often really simple; sometimes small and incremental changes make a difference, particularly for small business. I am calling on business and the community to get involved with constructive ideas on reducing red tape by using the simple online link on the Department of Finance's website.

To date, the Department of Finance's red tape reduction portal has received more than 40 suggestions and the department is pursuing many of these ideas with relevant agencies. The government's recent red tape reduction successes include: changes to rock lobster catch rules to lift industry profitability by up to \$15 million per year; Property Exchange Australia online conveyancing to save the property industry and homebuyers \$1.6 million a year through improved productivity and reduced delays; Department of Mines and Petroleum environmental regulation reforms to save the resources industry \$2.2 million in direct costs per year; planning reforms to cut 60 days off home building and renovation approvals and save homeowners up to \$7 000; and online streamlining of special transport permits, saving operators \$250 000 a year. The government will continue to pursue red tape reductions over 2015–16 to help lower the cost of doing business and support innovation and improved interactions with government.

EID FESTIVAL CELEBRATIONS

Statement by Minister for Minister for Citizenship and Multicultural Interests

DR M.D. NAHAN (Riverton — Minister for Citizenship and Multicultural Interests) [12.10 pm]: I would like to inform the house about the Islamic Festival of Eid celebrations by the Western Australia Muslim community, which start this week. Eid-ul-Adha, or the festival of the sacrifice, is a significant celebration of the Muslim community, which marks the end of the Hajj—the pilgrimage to Mecca. It is a time for Muslims to commemorate the act of sacrifice, or giving up, and a reminder that life is sacred. Eid festivals have been celebrated in Western Australia since 1896 and are now an important part of our cultural calendar, drawing thousands of participants from across the community. At Eid events across the state, the Muslim community will celebrate this major festival and welcome participation of Australians of all religions and cultural backgrounds to advance understanding between cultures and contribute to building a harmonious society. This year, the state government, via the Office of Multicultural Interests, is supporting a number of Eid celebrations organised by the Islamic Centre of Western Australia, the Australian Arab Association, the Muslim Social and Sports Association (WA), Pakistanis in Australia and the Islamic Council of Western Australia. In addition, Eid prayers are being held at more than 18 different locations around Perth on Thursday 24 September.

The Muslim community has played an important role in the history of Western Australia. It is well known that in the 1800s, with the discovery of gold, Afghan and Punjabi cameleers helped open up the state by providing camel trains for transport in Coolgardie and Kalgoorlie and in coastal port towns such as Albany, Fremantle,

Geraldton and Port Hedland. It is perhaps not so well known that they started planning the construction of the Perth Mosque in William Street, Northbridge, which opened its doors in 1906. This heritage-listed building is, in fact, the second oldest purpose-built mosque in Australia.

After World War II, and particularly in the 1960s and 1970s, more Muslims began migrating to Australia. They came from many countries, including Malaysia, Turkey, India, Pakistan, Indonesia, Lebanon, Afghanistan, South Africa, Iran and Burma. Muslims from Sudan, Iraq, Albania, Bosnia and Somalia started arriving in the mid-1990s. These migrants have taken their place in our community as business owners, academics, doctors, engineers, teachers and police officers and many other professions. They contribute greatly to the social, cultural and economic development of this state. Today, more than 39 000 Muslims live in Western Australia, almost one-third of whom were born in Australia. Furthermore, the state is home to more than 20 mosques and prayer halls and four Islamic schools and colleges. On behalf of the state government, I take this opportunity to wish all Muslims, Eid Mubarak—a happy Eid.

MINISTER FOR YOUTH — HONG KONG VISIT

Statement by Minister for Youth

MR A.J. SIMPSON (Darling Range — Minister for Youth) [12.12 pm]: I rise to inform the house of my recent visit to Hong Kong from 31 July to 4 August 2015. I was invited by organisers to address the sixth University Scholars Leadership Symposium. The audience consisted of some 850 international youth delegates from around 50 countries and representatives from universities, governments and non-government organisations. Held annually, the symposium is hosted by a different developing country in the Asia-Pacific region each year. This event, officiated by the chief executive of the Hong Kong government, provided the opportunity for the state government to sponsor two exceptional young people from Western Australia to attend the conference.

While in Hong Kong, I attended a briefing provided by Paul Tighe, the Australian Consul General for Hong Kong and Macau. At this briefing Mr Tighe emphasised the opportunities that a close relationship between Hong Kong and Western Australia provides both jurisdictions. Aside from the obvious trade ties, the consul general spoke at length about the thirst in Asia for tertiary opportunities in Australia, and in particular in Western Australia. This was a theme that I encountered across a number of discussions during my visit.

On 31 July, I met with Dr John Fung, the business director of the Hong Kong Council of Social Services. Dr Fung and I discussed at length the shared challenges of an ageing population and affordable housing and the respective approaches of the Hong Kong and Western Australian governments to tackling these issues. Also on 31 July I met Mr Vincent Fung, the Principal Assistant Secretary for Home Affairs. The Home Affairs Bureau's responsibilities include youth, social harmony and civic education, sport and recreation, culture and community, and public relations. I look forward to an ongoing dialogue around a joint initiative to establish a youth exchange program between Hong Kong and Western Australia. On 2 August, I was fortunate to spend time with Haoliang Xu, the United Nations Assistant Secretary-General, Assistant Administrator and Director of the Regional Bureau for Asia and the Pacific. Mr Xu highlighted the focus that the UN has placed on young people in Asia, particularly the demand for quality tertiary education.

I had great pleasure meeting with a wide range of members of the government of the Hong Kong Special Administrative Region, including the Secretary for Labour and Welfare. I was struck by the shared challenges facing our respective communities and the collaborative approach the Hong Kong government has started to embrace with the non-government sector. I look forward to building on the relationships established during my time in Hong Kong and I hope that my visit helped strengthen the ties between this state and the Hong Kong government.

I would like to acknowledge Hannah Willis and Rory Johnston, who attended the symposium with support from the state government, for the manner in which they represented young people from Western Australia. I would also like to thank Craig Comrie and the Youth Affairs Council of Western Australia for their support. My time in Hong Kong was extremely informative and I look forward to utilizing the knowledge gained on this trip across the communities portfolio.

I table the itinerary for my visit to Hong Kong.

[See paper 3361.]

BUSHFIRE RISK MITIGATION STRATEGIES

Statement by Minister for Emergency Services

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [12.15 pm]: On 11 August, the government announced that a three-year \$904 000 funding arrangement is now in place to help reduce the bushfire risk in Western Australia. As part of the National Bushfire Mitigation Program, the state government is in partnership with the commonwealth to better equip communities to prevent and withstand bushfires. Applications are now open for individual "Are You Ready?" grants of up to \$50 000 to help local communities

reduce the threat of bushfire. These bushfire grants will be invaluable in helping organisations undertake bushfire mitigation work, such as installing firebreaks, undertaking prescribed burning, and promoting bushfire safety in the community. Building strong, resilient communities will minimise the destruction and devastation that bushfires cause, and reduce the financial cost of recovery. The Department of Fire and Emergency Services is coordinating the grants process, with up to \$605 000 allocated for this round. The grants are open to eligible local governments, fire brigades and emergency services organisations. Applications close at 4.00 pm on Monday, 26 October. To apply for a grant or to find more information, visit the DFES website.

Considerable effort and resources have been invested in reviewing and improving the state's bushfire risk mitigation and response procedures since the release of the Keelty report four years ago. These improvements are part of a considered response and strategy, and the government remains committed to properly analyse and better mitigate bushfire risk. Bushfires are an unavoidable part of the Western Australia summer and it is essential that everyone plays their part in reducing their bushfire risk. The \$15 million National Bushfire Mitigation Program delivers on a federal coalition government election commitment to cement a commonwealth partnership with all states and territories to build on their existing bushfire management practices and to implement strategies to reduce the threat of bushfires.

PERTH MARKET (DISPOSAL) BILL 2015

Introduction and First Reading

Bill introduced, on motion by **Dr M.D. Nahan (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

DR M.D. NAHAN (Riverton — Treasurer) [12.18 pm]: I move —

That the bill be now read a second time.

Following a thorough due diligence process undertaken by the Department of Treasury and supported by the lead financial adviser Ernst and Young—also known as EY—and Jones Lang LaSalle, the government has decided to sell the assets and operations of the Perth Market Authority, collectively referred to as “Market City”. This decision has been made in light of the challenging fiscal circumstances facing the state. It should be acknowledged that Western Australia's finances have been under pressure since the government came to office in 2008, a time when the global financial crisis was an emerging issue, and revenue and savings measures have been a feature of every budget and mid-year review since that time. The recent 2015–16 budget was framed against the most challenging economic and fiscal environment the state has faced in the last two to three decades.

In accordance with sound budget management, members will recall that the government first announced that it would pursue an orderly program of asset sales in the 2014–15 budget speech to Parliament, with sales proceeding only when demonstrated to be in the interests of Western Australian taxpayers. In the 2015–16 budget speech, the government reaffirmed its commitment to the asset sales program, and announced a significant expansion to the program. The asset sales program is an important element of the state government's fiscal management strategy, with proceeds generated from sales to be used to reduce the state's debt levels. It is noted that the forward estimates make no provision for the anticipated asset sales proceeds, which will be reflected only after sale transactions are completed.

I will now provide members with a brief overview of the first asset to be sold, the Market City facility at Canning Vale. It is situated 16 kilometres south of the Perth central business district and is currently owned and operated by the Perth Market Authority. The authority was established by the Perth Market Act 1926 to create a fruit and vegetable wholesale market in the Perth metropolitan area. The overarching objectives for the sale of Market City are to ensure the sustainable continued operation and growth of the market function; facilitate private sector investment for the future; maximise transaction proceeds and the financial return for the state; and minimise residual financial risks and liabilities for the state.

The current Market City site was opened in 1989 and occupies a significant landholding of 50.9 hectares, of which over 13 hectares is vacant and available for development. The site represents the largest industrial land holding in Canning Vale and one of the largest freehold industrial sites in the Perth metropolitan area. Canning Vale is widely recognised as one of Perth's prime metropolitan industrial sites. Market City's strategic location is reinforced by its proximity to major arterial road networks and key industrial infrastructure that allows swift access to the wider Perth metropolitan area, Perth airports, Kewdale freight terminal and Fremantle port.

As Western Australia's only wholesale fresh produce market, it is one of the primary distribution channels for fruit and vegetables in the state. Each year, more than 200 000 tonnes of fresh produce, valued at approximately \$500 million, is traded through Market City. Market City's position in the industry supply chain provides a strong activity base and tenant demand for the site. Market City currently accommodates over 100 tenants, who provide a secure and diverse income stream. It has operated at an average occupancy rate of 99 per cent over the

past 10 years, reflecting both stable and strong tenant demand. The central trading area, which is the only designated area from which to buy and sell wholesale fresh fruit and vegetables on the site, is currently operating at full occupancy.

The attributes of Market City make a compelling investment opportunity for a range of potential buyers. The current financial position of the Perth Market Authority is sound. The primary driver of revenue is rental income received from tenants, with additional income received via management functions, including the operation of weekend markets for the general public. The sale of Market City offers a significant opportunity for private sector investment in the fruit and vegetable industry. The transition to private sector ownership will allow the new owner to unleash the potential of the site by investing in expansion and upgrades to deliver greater levels of efficiency and productivity to tenants. This has been demonstrated in the precedent cases of the Sydney and Brisbane markets, which successfully transferred to private ownership in 1997 and 2002 respectively. Both markets continue to support the industry and have enjoyed strong growth following their sales.

The diverse range of bidders and the high level of interest in response to the government's invitation for expressions of interest provides assurance of a competitive sale process that will deliver outcomes to benefit both the state and the industry. The request for detailed proposals stage will commence shortly, with shortlisted bidders invited to demonstrate their commitment to the continuity of the market and vision for the future of Market City.

The government will implement a number of control measures to support the sustainable operation of the wholesale market, and continued growth of the state's fruit and vegetable industry. This bill contains two key measures to ensure continuity of the market function, namely a requirement to continue to operate the central trading area exclusively as a wholesale fruit and vegetable market for a period of at least 20 years; and a requirement to maintain a minimum level of warehouse storage for market-related purposes for a period of at least 20 years. Other control measures that will be implemented through transaction documentation include a requirement for the new owner to prevent a single wholesaler from controlling more than 20 per cent of the available floor space within the central trading area; a requirement for the existing key market trading rules to be retained for a minimum period of two years from sale; and a requirement for the new owner to formally indicate to government its intention for the site five years before the 20-year restricted use period expires.

The government acknowledges that a change of ownership will impact on tenants. A number of contractual measures will be introduced to assist tenants with the transition to private ownership, including limitations on the new owner's ability to charge tenants for the recovery of land tax over a period of six years and to profit from the distribution of electricity to tenants.

I turn now to the structure of the bill. The bill has been drafted with a degree of flexibility to allow for varying scenarios in the transaction structure and legal entities that may be employed, while ensuring sufficient certainty and protections in executing the sale. The bill consists of 55 clauses, which broadly provide for the disposal of the assets and liabilities; continuation of the wholesale market function; and post-sale transitional arrangements and administrative wind-up of the Perth Market Authority. The bill is divided into seven parts and one schedule. Part 1 relates to the usual preliminary matters and specifies that the bill will come into operation on the day after it receives Royal Assent. Part 2 deals with the authorising powers and related limitations for the disposal, including the 20-year limitation to ensure the continuation of a public market. Part 3 provides for the administrative mechanics of implementing the disposal, including, but not limited to, the making of transfer orders; access to records; registration of documents; disclosure of confidential information; and the payment of proceeds. Part 4 relates to specific provisions for the use of corporate vehicles in a disposal, ensuring that relevant laws will apply to the operation of the market assets while temporarily held in a corporate vehicle prior to disposal. Part 5 covers a range of miscellaneous matters, including, but not limited to, the optional exemption of the disposal from state taxes; and restrictions on local governments in relation to the creation of other public markets, thereby maintaining the status quo of the current exclusivity arrangements contained within the Perth Market Act 1926. Part 6 deals with the repeal of the Perth Market Act 1926 and the transitional arrangements after repeal. Part 7 deals with a suite of consequential amendments of other acts following the disposal of the assets and repeal of the Perth Market Act 1926. Schedule 1 provides a detailed survey plan identifying the areas of land that form the boundaries of the central trading lot and central trading area.

I reiterate that the sustainable operation of the wholesale market has been, and remains, a priority for the government. I have outlined the measures that the government will enforce to safeguard the continuity of the wholesale market and to limit the potential impact of the sale on tenants. It is important to recognise that Market City is on schedule to be the first asset sold under the state government's asset sales program, and completion of its divestment hinges on the enactment of the bill.

I commend this bill to the house.

Debate adjourned on motion by **Mr D.A. Templeman**.

CITY OF PERTH BILL 2015*Second Reading*

Resumed from 21 May.

MR D.A. TEMPLEMAN (Mandurah) [12.28 pm]: I am pleased to stand as the lead speaker for the opposition on the bill that is before the house this afternoon, the City of Perth Bill 2015. After nearly eight years of so-called local government reform under the Barnett government, after millions of dollars of taxpayers' funds have been wasted on an abysmal and disastrous process for the metropolitan councils, and after countless hours, weeks, months and years have been wasted by councils in trying to comply with the demands of the Premier and the Minister for Local Government, all that we have to show for this laborious and controversial process is this bill.

In debating the bill before the house today, I think it is important that we first understand how bad this government, this Premier and this minister have been in their approach to the local government sector in Western Australia during their tenure. In some ways it is unfortunate that this minister has been the sacrificial lamb of the Barnett government and will go down in history as having presided over the portfolio area that has seen the relationship between the two levels of government reach an all-time low. The Premier's denigration of the sector and the people who work in it is well known in the sector. The Premier has attacked people who make up the sector and work in the sector—elected members, staff—all because he ultimately blames them for his own failings and failure to reform the sector. We are now left with the deep-seated distrust of the state government in the local government sector, and it never needed to be this way. In a last gasp to try to claim any sort of credibility or outcome from the Premier's failed process, the City of Perth Bill 2015 was conceived. The bill seeks to give the City of Perth, as the state's capital city, appropriate special status and recognition. The key objectives of the bill, as outlined in the second reading speech, include providing objects for the City of Perth; setting out the constitution of the City of Perth council, recognising the unique roles and responsibilities of the lord mayor and the elected Perth city councillors; and establishing the City of Perth Committee, which is an important consideration that sets about facilitating collaboration between the state government and the City of Perth. The bill then goes on to specify the boundaries that will encompass the enlarged City of Perth. That will include the University of Western Australia's Crawley campus, Western Australia's iconic Kings Park, the Queen Elizabeth II Medical Centre and the new Perth Children's Hospital. There are clauses in this bill that seek to allow the City of Subiaco to make changes to its boundaries and ward system, and there are elements in the bill that define a role for the executive director of Health to have some jurisdiction with regard to Kings Park.

In considering the nature of this bill and its significance, the opposition has carefully looked through the legislation as proposed and at examples of other capital city legislation in Australia. All states apart from Western Australia have legislation that underpins the status of their capital cities, and, indeed, Western Australia is the last state in Australia to move to create a piece of legislation that defines the roles and responsibilities of the lord mayor and councillors and the special status a capital city has in its jurisdiction. In consideration of this bill, the Leader of the Opposition and I have spoken to various stakeholders, including the University of Western Australia, concerned residents of the City of Subiaco, and numerous mayors, including the Lord Mayor of Perth and the mayors of areas adjoining the City of Perth—the mayors of the Cities of Nedlands, Subiaco, Vincent and South Perth, and the Town of Victoria Park. All these councils are stakeholders in what a bill that enhances the status of the City of Perth, our capital city, might look like. We have also had numerous contacts from citizens from other councils in the metropolitan area who were part of the bruising campaign and fight against the Barnett government's forced amalgamation process. Numerous lines of concern include the underpinning concern about lack of trust—a profound lack of trust in this Premier, this minister and this government in their handling of local government reform in the last eight or so years. Those people have, quite rightly, reflected and drawn as examples the various circumstances that we saw in the ill-fated and abandoned process in the metropolitan area to reduce the number of councils from 32 to around 15 or 16. There were issues such as meetings between the Premier, the minister and senior people in the department at which assurances were given and then countered by the minister or the Premier. The minister made assurances that were then struck down by the Premier. There were examples of some communities having a say on their future, as was proposed in the process overseen by the Local Government Advisory Board. There were examples of some communities having a say under the Dadour provisions and the government and this minister not giving others a say because boundary changes, rather than the Dadour aspects of the Local Government Act, were used to assert councils to come into being. As I said, history shows that the handling of this local government amalgamation process not only was ultimately bungled and abandoned, but also has left a very sad and sorry element of deep mistrust with this Premier, this minister and this government.

That is the context and background with which we arrive at a bill that now focuses, importantly, on our capital city of Western Australia—Perth. Earlier this year, after the government was ultimately forced by the community, the opposition and stakeholders to abandon the process in the wider metropolitan area, the Leader of the Opposition made some telling comments about this bill when it was introduced and read into the house. He

said that the opposition would not simply oppose this bill. It would be very easy for us to simply oppose this bill, because the Premier is probably well aware that a number of members on his side would rather this bill failed—they tell me.

Mr C.J. Barnett: Not this bill.

Mr D.A. TEMPLEMAN: I think the Premier will find that—I might tell the Premier that I talked about this with a couple of his members only yesterday—he does not have the numbers. The Premier certainly does not have, it seems, the National Party's support; I will talk about how the National Party has approached the City of Perth Bill 2015 later. I will be interested to see whether the National Party makes a contribution to this debate later today.

The opposition could simply have opposed this bill because there are some good reasons to; I will go through a couple of them during my second reading contribution. We will also be scrutinising and questioning the minister at length during consideration in detail. But the opposition is not opposed to considering the importance of a bill that highlights the status of the City of Perth—it is not opposed to there being a piece of legislation that recognises the specific and special status of a capital city. We also do not have a problem or major concern with the proposed boundaries, although during consideration in detail—I would also like feedback in the minister's second reading response—I will query the delineation, particularly into the centre of the Swan River. I would like the minister's response to include the background for that boundary being arrived at. But, by and large, the opposition understands the logic of, for example, the Crawley campus of the University of Western Australia being within one jurisdiction. We do not have a problem with that; it is logical. However, we need to bear in mind that other significant assets of the University of Western Australia sit outside the Crawley campus, and are indeed, and will remain, in neighbouring councils. They include the former Claremont Teachers College precinct, which will remain in Nedlands, and Underwood Avenue, which is a significant university site, to name but two. It would be misguided to think that putting the Crawley campus into the boundary of the City of Perth will address that issue, because other assets sit outside it. However, the opposition does not oppose the logic of having our sandstone university in the City of Perth, in line with the proposed boundaries.

The other, if you like, assets that will be added to the City of Perth through this bill and its proposed boundaries include the Queen Elizabeth II Medical Centre, and the new Perth Children's Hospital. In terms of logic and uniform sense, that is not opposed by the opposition, either. However, there is a significant issue for the 3 000 residents of the City of Subiaco who are, understandably, concerned about their future. Through this bill and its proposed boundaries, those people will be transferred to the City of Perth. I have met with a number of them and their representatives and discussed their concerns. It was interesting to look at their two main concerns. The first was that a survey process had actually been encouraged by their local member, the member for Nedlands, to put their aspirations out there. My understanding is that that survey came back with a 97 per cent response that requested or urged that its participants stay in the City of Subiaco.

It was very interesting to look at the role the local member played. The 3 000 residents of the City of Subiaco were quite distraught—certainly the ones I met with and talked to were—about the representation provided by the member for Nedlands. At the beginning, he sort of sat on the fence and said, “We need to do a survey, and you need to go and find out what people think”, and then, of course, in their words, he abandoned them. In abandoning them, he actually even encouraged them to talk to the Labor and National Parties. The member for Nedlands is a senior minister in the cabinet. I would be very interested to know whether there had been any direct advocacy by the member for Nedlands on behalf of his constituents about their concerns, considering that he encouraged them to do a survey but then sort of basically said, “Oh, I can't do anything.” That is despite the fact that he is a senior minister who sits around the cabinet table, and, indeed, is probably more senior than the Minister for Local Government. They were disappointed.

One of arguments put by these people is that they should have a say; they should be able to vote on this. That has been strongly advocated for, on behalf of the residents, by the City of Subiaco, as well as the residents themselves advocating through various letters et cetera. We need to remind ourselves that this process is a boundary change or adjustment; it is not an amalgamation of a council through either boundary adjustments that the minister tried to use in the ill-fated metropolitan process or, of course, an adjustment that triggers the Dadour poll provisions. The WA Labor Party, its leader, and I, as shadow Minister for Local Government, believe very strongly in the importance of the Dadour provisions. I know there is a difference of opinion between the minister and me on the Dadour provisions. The minister has previously said that he was proposing to get rid of or delete them because he does not believe in them. We differ very strongly from the minister on that. We believe, as per the provisions, that if there is a proposal to totally amalgamate a council, then, yes, there should be a local say.

The difference is that this process is a proposed boundary adjustment; therefore, the Dadour provision is not triggered. Personally, I believe the residents who will be transferred from the City of Subiaco into the City of Perth will not be disadvantaged. However, I say that with the proviso that we need honesty.

I come to a question I asked the minister earlier this year after the minister, in response to a dorothy dixer, highlighted to the house that there had been extensive consultations with the City of Subiaco about the implications of the City of Perth Bill. In fact, on 21 May, in response to a question, the minister said —

... the government is working with the City of Subiaco on transitional arrangements for affected ratepayers in the area known as the Crawley finger.

Interestingly, the Mayor of the City of Subiaco countered very strongly the minister's assertion that "the government is working with the City of Subiaco on transitional arrangements for affected ratepayers" and said that that was not necessarily the case. In fact, I will read from a letter of 29 June sent to me by the Mayor of the City of Subiaco. Following that interchange in the Legislative Assembly during question time, I asked the minister a question about how truthful he had been about his consultation process with the City of Subiaco. Heather Henderson, the Mayor of the City of Subiaco, stated in a letter to me —

Thank you for raising the matter of the lack of consultation in the Assembly recently, we have read the transcript with interest and appreciation.

When the Minister assured us of consultation in relation to the proposed City of Perth legislation we reasonably anticipated this would occur at some earlier stage and at a senior level within government. Consultation in this context surely should mean that the City, and its affected community members, should have had the opportunity on being briefed on the proposed legislation at the outset, and being provided with the opportunity for comment, and it being shown that those comments were receiving appropriate consideration—and a suitable response.

None of this has occurred. The legislation has been a *fait accompli* and hence the City and the community have necessarily taken other paths to object to the legislation in its totality. The process the Premier and the government are following is a breach of faith —

I will repeat that: a breach of faith —

both in terms of the promised consultation, and from your Party's viewpoint in that neither polls nor other appropriate avenues of expression opinions have been available to the affected communities, including those other than Subiaco's. In many ways this process is simply a repeat of the Premier's ill-fated attempts to trample over community opinion in relation to the so-called reform program and failure to provide any business cases for what he and his government were expecting to achieve for all of the affected communities.

The CEO (and I) are being offered 'information discussions' at a mid-level within the Department and this is not what was expected as the result of the Minister's commitment to consult.

That is a damning letter against the minister, particularly given his comments in this house on 21 May, in response to a dorothy dixer, that the government is working with the City of Subiaco on transitional arrangements for affected ratepayers in the area known as the Crawley finger. The *Subiaco Post* highlighted Mayor Heather Henderson's strong denial, which stated, and I quote —

"The city hasn't had any interaction with anyone from the government since ... the beginning of March.

That is damning of the minister, and I think that the minister misled this Parliament when he did that. He came into this place telling everyone that he was consulting and then he was found absolutely wanting. Is it any wonder that there is a great sense of distrust of the minister, the Premier and this legislation?

I want to go further into the legislation and its clauses. At the beginning of my remarks I highlighted the broad objectives of the bill, which this opposition does not necessarily oppose broadly. I want to highlight some of the assurances that the Leader of the Opposition and we are seeking if we are to ultimately support the bill. Firstly, the government botched the entire process of metropolitan reform, so we then demanded, along with other stakeholders, that the Governor's orders to force the proposed mergers be revoked, and they were. That was an embarrassing situation for the government, but it was done. The second assurance that the opposition and in particular some key councils sought was that the City of Vincent remain a stand-alone council, separate from the City of Perth, because the Premier's intention very much was to force Vincent to merge with the City of Perth. The third assurance sought was that the City of Perth Act and the City of Perth as an entity would not be given annexation powers over the Burswood peninsula. It is on this matter that we absolutely do not trust the minister or the Premier. We know that this Premier has already made comments in this place and publicly that it is his firm view that Burswood should be within the City of Perth's boundaries and that in five or so years' time it will be revisited. The WA Labor Party and, indeed, a significant number of councils are not of that opinion. We are of the opinion that the Burswood peninsula remain within the Town of Victoria Park's jurisdiction. Of course, we know that had the government not botched the process, had it not created such a disdainful approach to local government, which created distrust with the Premier and the minister, the government would have actually potentially achieved an agreed amalgamation between the Town of Victoria Park and the City of South Perth, with the proviso that the Burswood peninsula remain within that new jurisdiction. But the government botched that.

Mr C.J. Barnett: And Victoria Park and South Perth agreed to that—to my face, they agreed to that.

Mr D.A. TEMPLEMAN: Yes, they did, but the Premier's comments have been offhand. In the Premier's view that should be without the Burswood peninsula. The sticking point to those two is and always has been that Burswood remain as an entity of those southern Perth suburbs.

Mr C.J. Barnett: And that was agreed.

Mr D.A. TEMPLEMAN: But the Premier does not say that publicly. This is where the Premier tells fibs. He does not say that publicly. He talks about and has talked about it publicly in a side-of-the-mouth comment, "I'll agree to it, but I actually think that Burswood should go into the City of Perth." That is why there is no trust for the Premier. That is why people do not trust what the Premier says anymore. That is why, unfortunately, the Minister for Local Government is a laughing stock. Despite being a nice person, he is a laughing stock in the sector, because on numerous occasions the minister has said one thing and the Premier has come out, sometimes less than 24 hours later, and slapped him down and said that that is not going to happen. The Premier has constantly contradicted the Minister for Local Government. All of that has fed this great distrust. For that reason, and in relation to the Burswood peninsula, the opposition will be seeking to strike out clause 37 of the bill. I call clause 37 the Trojan Horse clause—the clause that the government has snuck in because of the Premier's comments about Burswood; his real intentions. Clause 37 states, under the direction to the advisory board —

In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.

Upon analysis of that clause it would seem to some to be innocuous, but the reality is that it is the Trojan Horse clause. Here is our chance to direct the Local Government Advisory Board to be aware of the aspirations of the Premier in this Trojan Horse clause. We are going to get to the bottom of this. I want to know how this clause got in the bill. Whose idea was it? What advice did the government get to propose the clause? What is its intention? The sector thinks that this is the government's underhanded and deceitful way of providing in this bill an opportunity at some time in the future to annex the Burswood peninsula and possibly the City of Vincent. If the opposition is to support this bill, it will move to oppose that happening and will be seeking the minister's assurance that he will support the deletion of that clause. This is important because, given the government's history of failed local government amalgamations and lack of transparency, the opposition knows that the government cannot be trusted. Opposition members do not want this bill to provide any possibility or give the government any chance of using a loophole to reach across the Swan River, a natural boundary for local government, and annexe Burswood or Vincent. Clause 37 is not the only clause the opposition has a problem with, but we will absolutely oppose that clause and if the minister does not agree to have that struck out, the opposition will not support the bill. It is as simple as that.

I will go through some of the other clauses in detail before my time is up, but I refer the minister to clause 17, which relates to the City of Perth boundaries on and after 1 July. Schedule 1 of the bill, which is a map of the City of Perth effective from 1 July next year, shows that the boundary reaches into the Swan River at the north eastern point of the new proposed City of Perth, traversing a delineation of roughly the centre of the Swan River and taking in Heirisson Island, which is already a part of the City of Perth, as we are all well aware. It encompasses Heirisson Island, travelling then in a westerly direction, roughly again, according to this diagram, not quite halfway across the Swan River, through where the Narrows Bridge straddles north and south. On this map, it seems to come very close to the neck of the Narrows Bridge, where it lifts off across to the other side. We will get into the more technical aspects in consideration in detail. Then, of course, it comes around into Crawley Bay and circles around. I hope that during the minister's second reading response, we will garner from the minister the basis for that particular aspect of the boundary.

The other clause that causes concern and that the opposition will be watching for in the minister's response to the second reading and consideration in detail is clause 29, which inserts a number of subsections on the role and responsibility of the Executive Director of Public Health. Clause 29 will insert in part 8 proposed section 44A, which contains a range of subsections. The concern raised about this with the opposition is very much about Kings Park and whether or not, because this government cannot be trusted, it will try to get its greedy fingers all over Kings Park. This is a legitimate concern of Western Australians. I hope this is not a Trojan Horse. We will get to this clause in consideration in detail, but I want a very clear explanation of the powers of the Executive Director of Public Health. I will give the minister a couple of scenarios and he had better have his people there ready to answer me, because the government is on the block here. If the opposition is not absolutely convinced of this, this is another clause it will not support. I float that with the minister now, and I did float it with the minister's people at the briefing. The opposition wants to know exactly what this clause means for the jurisdiction of the Executive Director of Public Health. Proposed section 44A(2) refers to the Executive Director of Public Health's jurisdiction over promoting and improving public health in relation to any designated land, and refers to the executive director's powers and authority. Proposed subsection (4) reads —

However —

- (a) nothing in the *Local Government Act 1995* ... applies to or in respect of the making of local laws by the Executive Director, Public Health;

I want to get to the bottom of what that means and its implications. To continue —

- (b) before making local laws, the Executive Director, Public Health must consult with the Authority, and consider any advice provided by the Authority.

This is the key element in proposed section 44A, because the opposition's reading is that whilst the Executive Director of Public Health must consult with the authority and must consider any advice provided by the authority that still means that he or she can make determinations. I want to know the scope of those determinations, and how they may impact on planning issues related to Kings Park. I know it is an A-class reserve and that protections are in place because of that category, but the opposition does not trust the government, so it will have to convince us that this is absolutely crucial and the reasoning behind the Executive Director of Public Health being able to have, from our reading, a capacity to veto decisions made by the authority. One of the unique qualities of the act that establishes and oversees the management of Kings Park—I was the minister responsible for Kings Park as environment minister in a previous government—is that the legislation gives the Botanic Gardens and Parks Authority very clear jurisdictional powers, and they are very much focused on the protection, enhancement and ongoing custodianship of that very unique part of Western Australia. If this bill is an attempt by the minister and the Premier to get their greedy fingers on Kings Park —

Mr C.J. Barnett: Grow up! Greedy fingers—come on! Lift your level of debate!

Mr D.A. TEMPLEMAN: The Premier has already demonstrated how much mistrust has been created; the Premier has form. He can keep badgering me, but the opposition's support for this bill is tenuous. Does the Premier want no wins in local government? The opposition does not trust this government. The people of Western Australia do not trust this government. That is why these questions and queries about elements of this bill are legitimate concerns; it is because the government does not have a track record of being honest and transparent with local government. The Liberal–National government does not have that.

Several members interjected.

Mr D.A. TEMPLEMAN: It does not! It does not! The government does not have a history and track record of honesty and transparency with local government, and that is why people are expressing concerns now. The opposition will examine this proposed amendment.

The other aspect of this clause is proposed section 44A(5), which reads —

If there is a conflict or inconsistency between a local law made by the Executive Director, Public Health under subsection (2) and a local law made by a local government under the *Local Government Act 1995* or any other Act, the local law made by the Executive Director, Public Health prevails to the extent of the conflict or inconsistency.

That is very, very interesting! The minister need not worry, as the opposition has a series of questions on this clause. The minister will need to convince opposition members that this proposed section does not allow that veto. From our reading, proposed subsection (5) gives great power to the Executive Director of Public Health. The proposed section does not say anything about the jurisdiction of the Botanic Gardens and Parks Authority, so the minister can expect questions on that, and I expect the minister to be able to answer a series of questions relating to that. During the briefing we had a month or so ago, we raised a whole range of questions, which will come out in consideration in detail. They include things such as businesses within Kings Park and whether they are rateable by the City of Perth. At the moment, by arrangement, those businesses have a contract or tenancy with the Botanic Gardens and Parks Authority. We want some clarification about that. We want clarification about signage. They are legitimate questions about whether there will be jurisdiction that overrides the authority's jurisdiction over businesses and activities within Kings Park. These are legitimate queries we have about what the minister has inserted in this City of Perth Bill. We do not want the Botanic Gardens and Parks Authority's expertise, the experience of the staff and the long history of excellent custodianship of that significant Western Australian asset overridden by another organisation that has been given extraordinary powers by this bill. I am floating very clearly the need for the minister to highlight that. They are broadly the big-ticket issues for us as an opposition. The minister has to convince us that if we are to support this bill, he will support us in voting down clause 37 and, therefore, it being deleted from this bill.

I want to now go to a couple of key elements of this bill and refer the minister to the City of Perth Committee's role. This bill will establish the City of Perth Committee. In the constitution, if you like, of the City of Perth Committee, the bill provides that it will comprise the Premier and the minister of the day. There have been some criticisms. The Premier has received some letters and concerns have been raised about why the Minister for

Planning is not a member of the committee. But as it stands in this bill, the committee will comprise the Premier of the state or the minister of the Crown nominated by the Premier, who will chair it; the minister of the day who will be responsible for local government; the lord mayor; the deputy lord mayor; the chief executive of the City of Perth; and the chief executive officer of the department of the public service assisting the Minister for Local Government. That will be the minister's director general for Local Government. I am pleased to see that clause 12(3) allows the Premier to invite a minister of the Crown. There might be situations in which the Minister for Planning and the Minister for Transport, I assume—that makes sense—will be invited to meetings on an as-needs basis. I am interested in the basis on which the minister came to the composition of that committee. In analysis of other capital city legislation, the legislation that oversees the Cities of Melbourne and Adelaide were looked at closely. I think this bill is more rounded on the City of Melbourne legislation than the Adelaide legislation, but some comparisons were made. We will ask some questions about the City of Perth Committee's composition.

The other issue is the objects of the City of Perth. Broadly, we do not have a great problem with the objects highlighted in the bill about the representative role, the provision of good governance, the promotion and awareness of events and all those sorts of things. We do not have any beef with them. However, in the time I have left, I want to talk very briefly on the special role of the lord mayor and the general role of the lord mayor and councillors. In many respects, even though I think most lord mayors, certainly our most recent ones, have operated as the senior ambassador for the capital city in a range of formats, this legislation probably underpins more of an ambassadorial role for the lord mayor and a supportive role of the city's function by the councillors. I would like the minister's view about what that means specifically for the transparency and accountability aspects of elected members who are part of our capital city. There has been recent media comment and criticism about transparency around gifts, whether it be the lord mayor or councillors going on official trips, accepting invitations and all those sorts of things.

With this bill, I think, as minister, the member needs to be very clear in clarifying his view about the provisions. I assume that if we are to address transparency issues around gift registers and all those sorts of things, they are best placed in the Local Government Act more broadly because they affect elected members. However, I would like to float with the minister his views on why some specific elements were not added to this bill about the transparency issues associated with the role of the lord mayor and councillors. I am interested in his comments on that because the wording in the bill covers the mayor's role in the state and nationally and internationally. I think the minister owes it to the current and future lord mayors and councillors of the City of Perth to ensure they are not compromised because the legislation is not clear or is not clear enough to ensure that they do not find themselves in a situation in which they need not find themselves. I would like some answers to that in the minister's second reading response or when we go into consideration in detail.

One of the other issues is clause 20. This relates to both electoral enrolment and official enrolment as an owner or occupier and is in clauses 19, 20 and 21 under division 5 of the bill. Clause 19, "Election of Lord Mayor", is fairly straightforward. Clause 20 provides for the enrolment eligibility issue. It is my understanding that this clause allows business enrolment to remain forever on the roll. Basically, a business enrolment means a business is forever on the roll unless it seeks to take itself off. I think we need to clarify the basis of eligibility and why there is no expiration under clause 20 and its subclauses. I want some clarification about that when we go into consideration in detail.

In the 10 minutes I have left, I would also like some clarification on division 2 of the bill, which covers the issue of the repeal of the City of Perth Restructuring Act 1993 and provisions associated with that. Logically, I understand that through the initial legislation of 1993, the then Court government essentially broke up the City of Perth into the four entities of the City of Perth and the then Towns of Cambridge, Vincent and Shepperton—now the Town of Victoria Park—and that this bill does not have any consequences for the current Town of Cambridge, City of Vincent and Town of Victoria Park. After reading it, it does not seem that it has any negative implications, but issues have been raised by some of those councils that there is some ambiguity. What will the repeal of the City of Perth Restructuring Act 1993 leave in its place? That act established those three other entities. This bill creates the City of Perth, but what does the repeal of that bill mean for the City of Vincent, the Town of Victoria Park and the Town of Cambridge? I would like to hear the Minister for Local Government's response to that. The other provisions simply seek to protect the employer benefits et cetera that, of course, have been accrued.

I hope I have been able to go through the areas of the bill that are still sticking points for the opposition if we are to support it. I want to again highlight to the minister the reason we are not averse to supporting the bill but are—quite rightly, I believe—deeply suspicious of some of the aspects of the bill. In his response to the second reading debate and during consideration in detail, the minister will need to convince us and give us comprehensive and effective answers—we are not going to let this go quietly through consideration in detail in an hour or so, by the way—to the elements of concern and the queries that I have raised and highlighted, which have been reflected by other interested stakeholders.

I do not know what the National Party is going to do. I know that the member for Moore is possibly going to make some comments, and I hope he does. I think we need to hear from the National Party. I am sure that the National Party would share some of the concerns we have. National Party members have not been in the chamber all the time through this debate, but I hope that the National Party, irrespective of whether it —

Mr V.A. Catania: We're the only ones with a clear policy.

Mr D.A. TEMPLEMAN: Yes, but the member for North West Central's policy is just to oppose for the sake of opposing. If he wants to be in government, that is not necessarily the approach he should take, in my view. I disagree with him on that. We could do that, too; we could oppose just for the sake of opposition, but we actually think there is some importance in the status of the City of Perth. One of the problems the member may face is that he may have a constituency that he looks towards outside the metropolitan area, but essentially we all need to make decisions on behalf of all Western Australians, no matter where they live. In this case, this is about the status of the City of Perth, and the member for North West Central should be interested in that city's status. He actually should have an interest in how, internationally and nationally, the City of Perth is seen. Simply saying, "Oh, we oppose it because we opposed forced amalgamations", is not enough. We opposed forced amalgamations too, but we also believe that we need to have good policy and a good focus on the things that are important, and we actually do think that having an act of Parliament underpinning our status as a capital city is important. It is always repeated, but we are one of the most isolated state capital cities in the world, and our alignment with our neighbours to the north is far more important in some respects—certainly with regard to our economy and our lifestyle—than is our connection to the capital cities of the other states of Australia. I think it is important for us to have legislation that underpins the role of the lord mayor, the councils and the City of Perth, including what that entity looks like and what it projects internationally and across the country. I think they are important considerations. The National Party can just vote no because it can vote no; that is its choice, but we have looked at this in a much more analytical way and looked at the broader impact, and I think it is to the National Party's detriment if it simply says that the City of Perth is not important, because I think it is.

That is where we differ, but I will be interested to hear the minister's response to the debate. I am not going to attack him or harangue him. I hope National Party members will support us in striking down clause 37 because I think that is something they would naturally support, given their previous concerns. If they were listening to what I said earlier, they would have heard me say that we do not trust the guys that they are in government with, so we want to make sure that we are not short-sheeted in this process at all.

With those comments, we will be looking very closely at the minister's response, and I am sure the Premier will also make a response, and I think there are other members in this place who should make a response to the second reading debate on this bill. It is an important one, and when we come to consideration in detail, we will obviously look very closely at, in particular, those aspects of the bill that I have highlighted in my contribution to the second reading debate. We will be seeking the National Party's support to strike down clause 37 and I want answers about clauses 20 and 27—particularly clause 27—on the role and issue of Kings Park. I have also highlighted some of the other issues and concerns that we will cover in detail during the consideration in detail stage. That is where we sit at the moment. If the minister wants our support, he is going to have to earn it, and he is going to have to convince us that this bill does not have Trojan Horse elements. I look forward to debate over the coming day or so.

MR B.S. WYATT (Victoria Park) [1.27 pm]: I rise to speak to the City of Perth Bill 2015. The shadow Minister for Local Government, the member for Mandurah, has outlined the Labor opposition's position on this bill, so to a certain extent we will wait to hear from the minister. I am not sure whether he has given any indication as to whether he will warm to the proposition put by the opposition, but it is not negotiable, as the member for Mandurah has pointed out. Indeed, it is my community that has, if you like, borne the brunt of the key issue of the Burswood peninsula, which really dictated debate locally. I like to think that it has been influential on our position around clause 37. The Premier and the minister have commented for a long time about their desire to split the Burswood peninsula away from the community of Victoria Park and put it in the City of Perth.

This bill has been a long time coming, as part of the dog's breakfast of the government's local government reform. At the end of all of that, and after all the money spent, angst created and time wasted, this is where we have got to.

Mr C.J. Barnett: This is where we started.

Mr B.S. WYATT: I thank the Premier: this is where we started, and this is where we end. It is just extraordinary.

I was interested to note—I know the member for Mandurah was also interested in this point—that, despite everything, the problem the Premier had was the Abbott problem, of saying what he was going to do without making a case. A case was never made.

Mr C.J. Barnett: WALGA made it.

Mr B.S. WYATT: I will deal with the Western Australian Local Government Association. No, it did not. It never made a case. Even if the Premier thinks that WALGA made the case, it does not mean that he can abrogate his responsibility to make a case. It is his legislation, and it was his policy idea. I asked what the case was, and the Premier replied, “Of course, there are efficiencies.” As close as I got to an answer was when he said once to the media that there are all these CEOs being paid big bucks, and that if we remove some of them and reduce them, there will be savings. That is less than one per cent of the local government spend—a tiny per cent. That was all I was able to grasp. I understand the argument basically around the City of Perth Bill 2015 that there is prestige around the City of Perth—sure. However, when I read through the “Objects” clause of the bill and the special role of the lord mayor, I saw nothing to suggest to me anything new. The special role of the lord mayor is a role that lord mayors have been playing for some time, and the objects are outlined but, despite everything, clause 8(2), which deals with the objects of the City of Perth, makes this point —

This section does not —

...

- (b) impose on the City of Perth or the City of Perth Council any obligation that is enforceable in a court of law; or
- (c) confer on any person any legal right that is enforceable in a court of law.

Despite all this discussion around efficiencies and changing the behaviour of local government and getting something better out of local government—the government has never explained what—this bill does not create one obligation on the City of Perth to do anything differently. It does change the boundaries. I note that the University of Western Australia is keen on those changes and I can understand why: it is because the university is split amongst three local government authorities. That is perhaps one of the strongest arguments that this government could have made for having this legislation, but it never made it. The government never articulated its position for how local government reform would deliver anything. That was played out considerably in my electorate of Victoria Park. Victoria Park used to be part of the City of Perth and the Court government split it to create the Town of Victoria Park. Since that time, the Victoria Park community has developed considerably; not being part of the City of Perth has been a better outcome for the people of Victoria Park. The arguments made by Richard Court back in those days—sorry, perhaps I did not clarify that the Richard Court government created the Town of Victoria Park. Anyone who has been in Victoria Park since that time can see that the change was to the benefit of Victoria Park. As I have said to the Premier in here and around the place, the City of South Perth and the Town of Victoria Park were two local governments that were willing to work with the minister —

Mr C.J. Barnett: They agreed in front of my face to amalgamate 18 months ago.

Mr B.S. WYATT: Is the Premier saying “full stop”? I will deal with that because the Premier has just interjected. For the benefit of Hansard, I think he said that the Town of Victoria Park and the City of South Perth agreed in front of his face to amalgamate. They were working on that for a long period throughout 2013 and 2014. However, the one consistent part of that is that neither the City of South Perth, to its credit, but in particular the Town of Victoria Park and its people, never wavered from the stipulation and condition that the peninsula stay in that merged entity.

Mr C.J. Barnett: And we agreed to that.

Mr B.S. WYATT: No; the government eventually agreed to that for five years. The government did not agree to it. It agreed only to five years, and that is why the member for Mandurah makes the point that we do not trust the Premier and why clause 37 has to be deleted if the government wants our support. The government cannot be trusted. The agreement was always about the protection of the revenue base of the Town of Victoria Park or, in the event of a merger, the protection of the revenue base of that merged entity combining South Perth and Victoria Park. The City of South Perth and the Town of Victoria Park have been consistent on that position for a long time. I will read part of a letter that I received that highlights the importance of Burswood peninsula to the Town of Victoria Park. The letter to me is from the then chief executive officer of the Town of Victoria Park, Arthur Kyron, dated 25 June 2013, so it goes back a way. Arthur Kyron made this point —

In the case of the Burswood Peninsula, which is in the Town of Victoria Park, and includes the Belmont Race Course, Crown Casino and residents in the Peninsula (bounded by the Graham Farmer Freeway to the north, Great Eastern Highway to the east and the Causeway to the south), the total rates paid is \$5.4 million per annum, which equates to 20% of the Town’s total rates, or 14% of its total revenue.

I emphasise that the peninsula provides the Town of Victoria Park with 14 per cent of its total revenue. The letter continues —

If the Town is to lose the Peninsula the subsequent impost on the residents in the rest of the municipality will be at least a 14% rate increase.

The claims by the City of Perth to the Burswood Peninsula and other significant infrastructure have been supported in doorstep interviews although refuted by the Minister of Local Government, Tony Simpson MLA. The Minister stated at two meetings with the Town, in public and private, that Local Government reform will involve whole councils, not extend across natural boundaries and not include cherry picking the best resources of councils thus rendering them unsustainable. He further stated that no decisions have been made by the Government.

The Premier said a minute ago, “They told me to my face that South Perth and Victoria Park supported amalgamation.” However, members will remember that two very different positions were outlined by the Minister for Local Government, Mr Simpson, both publicly and in private with the Town of Victoria Park and the City of South Perth. In a minute, I will read some correspondence from the City of South Perth and the Premier. Members can imagine the angst when we talk about a piece of land that provides 14 per cent of the Town of Victoria Park’s total revenue. As a result, the local community action groups under the heading of “Battle for Burswood” fired up incredibly effectively. We ended up with thousands of names, which, by and large, belonged to Victoria Park residents, on a petition in support of keeping the peninsula in the Town of Victoria Park boundaries because they knew—they are not silly—that if 14 per cent of the town’s revenue was taken away, their rates would go up or their services would go down, but probably a combination of both. As the member for Mandurah put it, the reality was that we simply could not trust the government anymore. We certainly could not trust the Premier and we could not trust the minister either, not because of any particular intent but simply because he was always undermined by the Premier. The minister’s problem is that no matter what he said, the Premier continued to contradict or undermine him in public and in private on this whole issue of local government reform. We had a massive protest rally at Memorial Gardens in Victoria Park. The member for South Perth, John McGrath, also turned up. Without any shadow of a doubt that rally made the point that the local community does not support that loss, and neither does the City of South Perth. I will read in some media releases for the benefit of the Premier and his incomplete interjection that South Perth and Victoria Park council members looked him in the eyes or stood in front of his face or whatever it was and said, “We support a merger.” I said to the Premier that he will get one provided he keeps the peninsula within the boundaries of the Town of Victoria Park or the merged entity. In the end, all he could do was simply bring himself to the position that the town could keep the peninsula for five years, but then it would be taken in by the City of Perth. That is why the Premier is not trusted on this matter and why clause 37 must be deleted if the government wants the support of the opposition.

I want to remind the Premier, because he often forgets things that have been said, that all the way throughout 2013 media statement after media statement put out by the City of South Perth and the Town of Victoria Park emphasised that point. The Town of Victoria Park and the City of South Perth had established a joint committee or a task force to examine ways to create efficiencies and potentially amalgamate. A media statement in May 2013 stipulated —

On the basis that the Burswood Peninsula is not transferred to the City of Perth ...

Again, a media statement on 25 June 2013 stated —

To that end the joint taskforce has written to the Premier, all Members of Parliament and Ministers highlighting the importance of the retention of the Burswood Peninsula to the future viability of the Town, and should the two communities combine, to the new amalgamated community.

The minister knows that. They were working with the government to try to deliver a new entity that might benefit all ratepayers in South Perth and Victoria Park, but they would only do so if the peninsula was kept in that entity. This is something that the Premier does not seem to understand. He gives a five-year certainty about the peninsula, and he talks about sustainability in planning. How can we plan, when in five years’ time we might lose 20 per cent of the rates or 14 per cent of the revenue base of the Town of Victoria Park. On 5 July 2013 another media statement was released by the City of South Perth, which is really a media statement from the joint task force, and I quote —

A key concern for the two councils is the possible loss of the Burswood Peninsula to the City of Perth, and what impact it may have on the sustainability of the Town of Victoria Park and the City of South Perth.

Another release on 26 July 2013 states that a key concern for the two councils is the possible loss of the Burswood peninsula to the City of Perth. On 29 July 2013, we see the angst put out by the joint task force in a media statement titled “Advisory board principles ignored”. It reads —

The Minister informed the two Mayors that a change in boundaries would result in the loss of the Crown Casino Complex and the future Perth Stadium to the City of Perth.

The press release goes on to outline the councils’ disappointment at the fact that it contradicted the advisory board’s principles. The Premier needs to be just a little bit more elaborate with his words when he says that they

looked him in the eye and said that they would merge. They said that they would look at merging, provided the peninsula is kept within the boundary. That is the key point that thousands of people in Victoria Park, in my community, confirmed when they signed this petition. That is what they confirmed, and the government brings in this bill after all that dog's breakfast. The City of Perth Bill 2015 does not impose any obligation on the City of Perth, its council or any other person that is enforceable in law. They are not required to do one thing differently, despite years of complaints about the inefficiencies of local government. The bill does not stipulate that they have to do one thing differently. What an extraordinary period of so-called policy development in Western Australia. It is extraordinary that the government could get to this position.

The Premier said to me by way of interjection that the Western Australian Local Government Association made the argument. Give me a break. Since when does the government contract out the making of arguments for its policies? Hopefully, we might get an argument from the minister when he responds. The member for Mandurah set out a few questions that he wants the minister to deal with, and I hope the Premier will as well. I suspect that the Premier will, hopefully, speak on this bill; it is really his dog's breakfast that has delivered us here. He said that WALGA made the argument. I said to a local journalist in Victoria Park that my view of WALGA in this process is that it has removed itself from the debate. It was not involved. I could not work out what WALGA's position was. I thank the member for Cannington for providing me with a letter that he wrote to WALGA on 10 December 2013. We all remember when the former Labor government changed the electoral system for local government from first-past-the-post to a preferential system. I was not in Parliament at the time, but I remember the television advertisements that were taken out by WALGA, and the motions of no confidence in the then Minister for Local Government. I know that WALGA has a capacity to campaign when it has a view. The member for Cannington, in that letter of 10 December 2013, curious, like all of us, about WALGA's position, wrote to the then president of the Western Australian Local Government Association with a couple of questions about what its position is.

[Member's time extended.]

Mr B.S. WYATT: The first sentence in WALGA's reply says it all about why it became irrelevant to the debate. It reads —

Dear Mr Johnston

Thank you for your letter regarding the City of Canning.

As you would appreciate, WALGA, as the Local Government sector peak body, does not take a position on individual structural reform proposals.

It does not take a position. I do not know why the Town of Victoria Park pays its fees to WALGA. When it came to the crunch about the sustainability of the Town of Victoria Park, WALGA did not take a position. As a ratepayer in Victoria Park, I do not know why the council pays its fees to WALGA. There is a new president now, Lynne Craigie, who is a great president, and I think she will bring a bit of rigour and a bit of muscle to WALGA. I hope that is the case, because I want to hear from WALGA, not to be told that it does not take a position on perhaps the most significant issue facing local government in a decade. Heavens above!

There has also been a lost opportunity. There have been some significant changes in the way our mayors and councillors are paid, and I think that those changes are timely. I think the present minister did that.

Mr A.J. Simpson: On 1 July 2013, through the Salary and Allowances Tribunal.

Mr B.S. WYATT: Thank you—1 July 2013, and it went to the SAT. I think that was warranted, but what we should have done with the City of Perth Bill is perhaps reform the transparency around the City of Perth. The member for Mandurah set this out, and he is quite right. The City of Perth requires its own act. The objects of this City of Perth Bill stipulated in clause 8, the special role of the lord mayor set out in clause 10, and, of course, the general roles of the lord mayor set out in clause 11, are worthy because I think the lord mayor is a unique position and has a unique role to play, not just in Western Australia but also nationally and overseas. We see that with lord mayors in Sydney, Melbourne and, in particular, Brisbane. Perth warrants and should have that prestige, as the Premier likes to refer to it. Similarly, we should also treat the City of Perth like, perhaps, the City of Melbourne. The City of Melbourne has both statutory and non-statutory registers. I note some debate at a recent WALGA conference about registers of interests that should be publicly available. We all have that in this place—I think they are due this week—and quite rightly. Councillors and mayors should have a similar obligation to register their interests in a way that any member of the public can log on and see. The City of Melbourne has that, but in the City of Perth we have to obtain that information through freedom of information action. As members know, FOI can be a difficult process.

Mrs G.J. Godfrey interjected.

Mr B.S. WYATT: Member for Belmont, I will run out of time, so just let me finish.

I do not want to spend much time on this, and I do not want to embarrass anybody with issues around allowances in the City of Perth. Every year it seems we see that standard story about the clothing allowance. It may have had its time. I am not sure of the history of that, but maybe the Minister for Local Government can tell us about that. Now that they are paid properly, as the lord mayor and the councillors should be, I think it is time that perhaps we had a look at those allowances. I do not mean by that that we should withdraw them, because, looking at the most recent City of Perth annual report, we see that the lord mayor has an income of about \$180 000, with allowance reimbursement of \$13 360. It is the same for the deputy lord mayor, and there is just a bulk figure for general councillors at \$93 520.

I think those allowances should stay, but they should be used for or limited to things like travel, conferencing, printing, or communication with the electorate—the sorts of things that we use our travel or electorate allowance for. There is no particular controversy there. Clothing allowances are archaic and I am not sure, maybe the minister might tell us why that came about. At a time when the Lord Mayor and councillors were paid a sitting fee—it was not pay at all, it was a sitting fee—then I could see why. Maybe that allowance came about because of the inadequate remuneration that is now hopefully being regressed. The City of Melbourne has an incredible range of registers, both statutory and non-statutory, and a lot of detail around how those expenses are spent. They are online for everyone to see. We all get it. When we use our travel allowance, every quarter it is tabled in here: where we travelled to, how much it cost—and quite rightly so. A similar standard should also be given or put on the City of Perth, because if we are indeed serious about creating, as the clause, “Objects of City of Perth” states —

- (a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors;

then transparency is also required. I do not think there is anything controversial about that. Maybe the minister has some plans in that space, and hopefully he can address that when he gets to his feet.

I want to come back and conclude with a couple of points. Provided the government is willing to delete clause 37 and as the member for Mandurah pointed out, subject to answers in some other areas to be given by the minister and/or the Premier—subject to those stipulations—then the opposition will support the City of Perth Bill 2015. The objects are worthy, the role and how the lord mayor goes about doing his or her job will not change, but it certainly recognises the position, and it creates that committee. I heard the current Lord Mayor, Lisa Scaffidi, make the case for that committee on radio and if that generated the sorts of things that the lord mayor was arguing for then, good; it is not a bad outcome. Ultimately, coordination between the state, government and the City of Perth is always useful, and generally happens, when the state government is putting significant moneys into various projects, whether it is Elizabeth Quay, or whatever. I am sure those happen anyway, with the usual frustrations that we sometimes see expressed through the media.

Let me make one point crystal clear—I will keep labouring this point. The Premier said that the City of South Perth and the Town of Victoria Park looked him in the eye and said they supported a merger. That is not correct. What they supported was a merger on the basis that the existing revenue base was protected. I read in media statement after media statement from the joint taskforce of Victoria Park and South Perth. I read in the letter that I received from Arthur Kyron, the then CEO of the Town of Victoria Park. For every discussion with the City of South Perth, every discussion with the state government, whether it be the minister or the Premier, support was always conditioned on the basis that Burswood peninsula would stay within the boundary of the Town of Victoria Park or the merged entity. As Arthur Kyron pointed out in that letter, even though publicly and privately the minister was saying, “Yeah, we support the river being the natural boundary, we do not support cherry picking of assets”, the minister then allowed that to happen. The response from the Premier was, “Well, we’ll keep the peninsula in the Town of Victoria Park, or this merged entity for a period of five years.” That is not good enough, because it does not then allow, as the government demands, planning and sustainability. How does the state government do that, if in five years it is going to take 14 per cent of the current Town of Victoria Park’s revenue base away from it? That is 20 per cent of its rate base, 14 per cent of its total revenue base. Of course the government cannot; it is absurd. The Premier still holds that view and it highlights the mistrust that not just the opposition but people around Western Australia have with how the Premier has gone about this whole debacle. As I said, when the minister was saying to the Town of Victoria Park, “It is okay, we are not going to come across and allow the City of Perth to cherry pick the peninsula”, I do not think the minister had evil intent or deliberately tried to deceive the council or the Town of Victoria Park. The minister just did not know what the Premier was going to do. The Premier has been the Minister for Local Government’s greatest obstacle to getting outcomes in this whole area, which is why he has no outcomes. The minister might get one; he might get the passage of this bill, subject to the stipulations outlined by the member for Mandurah. I strongly suggest that the minister takes the position of the member for Mandurah and the WA opposition on board, and hopefully the minister accepts the deletion of clause 37. That is the clause that will allow the Premier to do what he wants to do, and that is, without any form of public debate, to snatch the Burswood peninsula out of the Town of Victoria Park and stick it where he wants it: in the City of Perth. That will always be opposed by me, as

the member for Victoria Park, and the opposition. No way will we support that because it would then undermine a community that has been thriving. It does not allow the Town of Victoria Park to set up a sustainable path forward with its aspirations because the government is, as I said, taking away 14 per cent of its revenue. I would not expect any government—state, federal or local—to be able to respond to that or plan appropriately if it knew that in five years, 14 per cent of its revenue is going to be taken off it.

With that, I want to thank the people of Victoria Park for their support on this issue. They have been determined in their claim over the Burswood peninsula. They have worn the cost of that peninsula and they want to see the reward, and I hope that the Minister for Local Government accepts that demanded amendment by the WA opposition, because then he might finally, at the end of this dog's breakfast that has been local government reform, get something and some form of outcome, which is ultimately the creation of a committee within the City of Perth.

MR D.J. KELLY (Bassendean) [1.57 pm]: I am happy to rise just before question time to make a contribution to the debate on the City of Perth Bill 2015. This bill is all that remains out of the government's ill-fated, ill-conceived, badly executed, embarrassing and expensive forced amalgamation process; and I choose those words carefully. It really was a shambolic process. This bill primarily concerns the City of Perth. The City of Perth is a good local authority. It is primarily concerned with delivering good services into Perth. One of the things that has caused no end of disruption to people in the City of Perth in recent times has been the burst water mains we saw on Wellington Street. In that regard I am very pleased to say that I have just come from a rally conducted by the Civil Service Association and Professionals Australia for Water Corporation employees, who are very angry about what is happening to the Water Corporation under this government and under this minister, so I am very pleased to say I support good services for the City of Perth. It has been badly treated and affected by what is happening through the Water Corporation—those burst water mains on Wellington Street. I am very pleased to say that I was talking to some Water Corp employees today, and they wanted me to send a message to the Minister for Water that what she is doing to the Water Corporation is chaotic and a disgrace, and we certainly hope the government sees the error of its ways and treats the staff and the utility with the respect it deserves, and which it is currently not receiving.

I possibly digress, but I thought I would take this opportunity to convey to the minister and the house the feelings of Water Corporation staff as they have been conveyed to me as recently as this morning. As I have said, this bill is all that is left of the state government's rather disastrous forced amalgamation process.

Debate adjourned, pursuant to standing orders.

[Continued on page 6900.]

QUESTIONS WITHOUT NOTICE

CRIME STATISTICS — AUGUST

780. Mrs M.H. ROBERTS to the Minister for Police:

I refer to the just-released crime statistics for August, which show increases in multiple areas, including a 21 per cent jump in burglaries and a 23 per cent increase in vehicle theft.

- (1) Is this not now a clear trend and proof that the 20 per cent increase in crime in July is not just a one-off spike?
- (2) Given that Operation Sweep provided no additional resources to tackle this, what is the minister doing to address this unprecedented increase in crime?

Mrs L.M. HARVEY replied:

- (1)–(2) It is true—there has been another spike in the August figures in a number of areas that we measure police by in overall reported crime—but I think that we should also have a look at what police are doing to respond to this. Operation Sweep has been incredibly successful, with over 7 000 charges now being laid against offenders in the Perth metropolitan area —

Mrs M.H. Roberts interjected.

Mrs L.M. HARVEY: Over 7 000 charges have been laid against offenders in the five to six weeks since it has been in operation. Police are well resourced to respond to these sorts of spikes in crime. I think we need to get this in context and look at crime trends in general. When we look at the figures corrected for population growth from 2007–08, when we came to government, to now, the figures are very compelling to show that crime is on a downward trend, notwithstanding that we have had some spikes in recent months. As an example, non-domestic assault is down 34 per cent since 2007–08 when the opposition was in control, and burglaries are down 16 per cent, trending down consistently since we came to government. I expect that burglary figure will probably go down even further now that we have the “three strikes and you go to jail for two months” mandatory

sentencing finally through both houses of Parliament, after the filibustering of the opposition to try to avoid that legislation going through.

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, I have been lenient with you, and we are only one minute into question time. I call you to order for the first time.

Mrs L.M. HARVEY: Non-dwelling burglaries, there were 619 of those per 100 000 when they were in control, and 374 per 100 000 last financial year, down 40 per cent, consistently trending down since the Liberal–National government came to power; theft down 11 per cent; and property damage down 36 per cent when we correct for population growth in Western Australia. But, on the other side of the picture, let us have a look at those measures of crime that are a direct result of police activity. From when they were in control to last year, there had been a 41 per cent increase in drug possession charges levied against offenders, an 18 per cent increase in drug trafficking charges, and a 40 per cent increase in receiving drugs—illegal use of drugs. That is a measure of police activity—actually rounding up offenders and charging them with offences, taking them through the court system —

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, you should have been called three times already.

Mrs L.M. HARVEY: Operation Sweep has been a tremendous success. I did speak to the figures with respect to what police have been doing: 2 226 arrests as a result of this response to the spike in crime in July, 2 268 summons issued, and 7 076 charges; and, for burglary, 169 arrests, 17 charges, 17 summons, and 240 charges.

Ms M.M. Quirk interjected.

Mrs L.M. HARVEY: The member for Girrawheen can say it is meaningless. That is 169 people arrested for burglary who will now go before the courts. Some of those will likely be eligible for a “three strikes, you’re in” sentencing result as a result of our legislation. Stolen motor vehicle: 97 arrests—97 offenders who will now go before the courts. Police are responding. Police have the resources to respond. Our growth program is in train.

We will respond to this spike in crime, as police have been doing, and we will see an overall downward trend consistent with what has occurred since the Liberal–National government came to power.

CRIME STATISTICS — AUGUST

781. Mrs M.H. ROBERTS to the Minister for Police:

I ask a supplementary question. Noting that Operation Sweep does not provide for even one single hour of extra police time, has the minister asked the Premier or Treasurer for more money for overtime for police to get on top of her crime problem?

Mrs L.M. HARVEY replied:

The member for Midland really needs to get with the program and understand what has been happening with our local policing teams and our reform project. The way that we are dealing with crime in the community —

Point of Order

Mrs M.H. ROBERTS: Mr Speaker, you have asked that supplementary questions be direct and to the point. My question is whether the minister has approached either the Treasurer or the Premier for extra money, and it is simply a yes or no answer that I was anticipating.

The SPEAKER: The minister.

Questions without Notice Resumed

Mrs L.M. HARVEY: We have had the growth program—500 additional police and police auxiliary officers put in place since 2009. We are currently recruiting and training even more police officers and detectives and police auxiliary officers, consistent with our promise to the community in 2013. We have changed the way that we do policing. Now, as an example, Kensington police, under the previous model, had 22 detectives assigned to them —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: We now have 33 detective positions for Kensington, because we are decentralising that activity.

Several members interjected.

The SPEAKER: Member for Butler, I call you to order for the first time; member for Victoria Park, I do not want to hear you. A quick answer, minister.

Mrs L.M. HARVEY: Notwithstanding that there are five vacancies at Kensington, we have created 11 new positions. So they are 50 per cent full at this point in time, and we are now recruiting. We have advertised for people to fill those positions.

We are changing the way that we deal with crime in our local community. Operation Sweep is a success. That is to respond to the spike in crime in July. We need to remember that the overall trend since we came to government in 2008 is a significant improvement across nearly every area of reporting for offences in Western Australia. We will keep the pressure on, we will keep resourcing police, we will keep training officers, we will keep training detectives, and we will continue to get the great results that we have achieved so far.

KIDSPORT PROGRAM

782. Mr C.D. HATTON to the Minister for Sport and Recreation:

The KidSport program—a great program—reached a big milestone today. Can the minister please provide an update to the house on this very important program?

Ms M.J. DAVIES replied:

I am very pleased to provide the house with an update on this program, and, before I do that, just to put on the record, on behalf of everyone in this Parliament, our congratulations to Aidan Tropiano, who won the Sandover Medal on Monday night—the peak recognition for best and fairest in our West Australian Football League competition. He gave a very good account of himself on the evening, spoke beautifully and recognised the people who had helped him along the journey so far. It was quite a special evening—the first Sandover Medal ceremony that I have attended.

Today is about a special milestone for the KidSport program, which was introduced by this state government. The Premier and I are very pleased to announce that we have reached 50 000 kids involved in this program. Of the 50 000 kids who now have the opportunity to participate in organised club sport, 30 000 have joined a club for the first time. Kids aged from five to 18 years old are eligible, and they get \$200 towards their club membership fees; quite often, they split the \$200 across a summer and a winter sport. We were joined by a number of young kids who have been beneficiaries of that program, including Antoni Grover who works in the Aboriginal development program in the Department of Sport and Recreation. Antoni Grover said that he would have been a KidSport kid had the program been around when he first got involved in sport. He credited his involvement in organised sport as being something that really changed his life and helped him develop and achieve the highs he did in his career and life.

Obviously, we are reaching fever pitch in the state in terms of footy, and we acknowledged that a significant number of kids would access KidSport vouchers to join their local footy club. In fact, 15 000 KidSport kids participate in footy, and 1 400 are young women. These are really exciting times for women's footy in Western Australia, with a 23 per cent increase in participation in women's football across the board. In the state open-age competition this year, the Western Australian women's team beat the Victorians for the first time in 17 years. They, and the people who assisted them in that journey, were rightly acknowledged in that forum on Monday night. The state government continues to support footy to grow not only at an elite level through our support of the West Australian Football Commission and the new stadium, but also through to the grassroots of the sport. We have seen significant investment of around \$50 million in community projects, including new ovals and lighting; we have also provided \$500 club equipment grants to assist clubs to continue to encourage new players. I think in the lead-up to this weekend, and then grand final weekend, we wish both our teams the very best. We hope that our state's investment into the grassroots level of footy will result in us having a very strong footy culture here in WA for a long time.

WESTERN AUSTRALIA POLICE — DETECTIVE POSITIONS

783. Mrs M.H. ROBERTS to the Minister for Police:

Having had time to reflect on the minister's criticism of the Western Australian Police Union of Workers this morning —

- (1) Does the minister now acknowledge that the vice-president, Brandon Shortland, did in fact raise the issue of unfilled detective positions with her when they last met?
- (2) Will the minister correct the record, and apologise to Mr Shortland?

Mrs L.M. HARVEY replied:

- (1)–(2) I thank the member for Midland for the opportunity to correct the record. Mr Speaker, I categorically and emphatically state to the house and the community of Western Australia that no member of the

police union has raised the issue of detective shortages with me at any time, until I contacted them yesterday after hearing the media release from the member for Midland. It has not formed part of any of my WA Police Union of Workers' agenda meetings over the last six months, and it has not been discussed with me privately in any capacity by any member of the police union.

I appreciate the opportunity to correct the record. I stand by what I said on the radio this morning. It has not been raised with me; it has been now, and I will get to work with the executive on addressing the concerns of the union, now that I have been made aware of them.

WESTERN AUSTRALIA POLICE — DETECTIVE POSITIONS

784. Mrs M.H. ROBERTS to the Minister for Police:

I have a supplementary question. Is the minister accusing Mr Shortland of lying, or is she verballing him?

Mrs L.M. HARVEY replied:

I am stating the facts as I recall them and the people in the meeting in my office recall them. We have gone through all the agenda items with the union. It has not been raised, and we have received no letters with respect —

Several members interjected.

The SPEAKER: Member for Midland, I call you to order for the first time.

Mrs M.H. Roberts: I know who I believe.

The SPEAKER: I call you to order for the second time.

Mrs L.M. HARVEY: We have received no correspondence from the union to my office. It has not been discussed with me, but I raised the issue today with George Tilbury, the president of the WA Police Union of Workers, and asked him what kind of result he thought he was going to get if he did not give me an opportunity to address an issue. As my —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, I am going to call you for the third time. Minister, a quick answer.

Mrs L.M. HARVEY: As my relationship with the union has shown over time, if the union raises an issue with me, I get to work on resolving the problem. The union raised mandatory blood testing, and legislation went through this Parliament —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, do you want to have a rest? A quick answer, minister.

Mrs L.M. HARVEY: I brought legislation through this Parliament, and we now have mandatory testing for disease as a result of that issue being raised with me.

Point of Order

Mrs M.H. ROBERTS: Mr Speaker, I note that you have called me to order several times. This was a supplementary, simple question —

The SPEAKER: Yes, that is not a point of order.

Mrs M.H. ROBERTS: — and you have allowed the minister to go on extraneously attacking me!

The SPEAKER: That is not a point of order. I want you to wind this up immediately; thank you.

Questions without Notice Resumed

Mrs L.M. HARVEY: The union raised that it wanted section 139(3) —

Mr J.R. Quigley: Who is telling lies—you or the union?

The SPEAKER: Member for Butler, I call you to order for the second time.

Mrs L.M. HARVEY: The police union raised the issue that section 139(3) of the Criminal Investigation Act was unworkable; we amended that and we have fixed that problem. It raised the issue of people failing to stop, and driving recklessly and dangerously when police are involved in emergency driving —

Several members interjected.

The SPEAKER: I do not think you are on the point now, minister. Have you finished the answer?

Mrs L.M. HARVEY: I will just finish.

The SPEAKER: Okay.

Mrs L.M. HARVEY: When the police union raises an issue with me, I get to work on the problem and we resolve it. My record speaks for itself.

Point of Order

Mrs M.H. ROBERTS: My question simply was whether she is accusing Mr Shortland of lying or not.

The SPEAKER: This is not a point of order; thank you.

Mrs M.H. Roberts: It is a point of order.

The SPEAKER: That is it. I want short questions and I want short answers. I want succinct answers; I do not want people digressing and going off into side alleys.

ACTIVITY CENTRES — PUBLIC TRANSPORT ROUTES

785. Mr A. KRSTICEVIC to the Minister for Planning:

I have a succinct question for the Minister for Planning. There was a lot of discussion in this place last week regarding development around train stations. Can the minister please advise the house on what the Liberal-National government has been doing to build activity centres around train stations?

Mr J.H.D. DAY replied:

It is widely recognised by most people that we need to facilitate higher density development around major public transport routes and within 10 to 15 kilometres of the Perth CBD to deal with the growing population and ageing population and issues of road congestion and a drying climate, and to ensure that people have access to a good standard of community facilities and amenity. Indeed, since we have been in government, a major part of the planning reform program has been intended to facilitate such developments, and that has been occurring under the “Directions 2031 and beyond: metropolitan planning and beyond the horizon” planning policy for the Perth metropolitan and Peel regions, and also through the revised state planning policy on activity centres for Perth and Peel. These two policies are leading to substantial development along major public transport routes and around train stations, for example, and in some other locations, including the member’s electorate around the Karrinyup Activity Centre where there was recently an approval for about a doubling of the commercial floor space, and, importantly, for approximately 130 apartments to be included.

In relation to transit-oriented developments along train lines, for example, it is instructive—I will pass it, appropriately, to the Minister for Transport—to show the plan of train facilities around Perth. It is an extensive public transport network. If we just very briefly look at the Midland line, along —

Several members interjected.

The SPEAKER: Thank you!

Mr J.H.D. DAY: Along the Midland line in Midland there are ultimately 7 000 new dwellings planned, and of course substantial transit-oriented development has already occurred. That was done initially under the Midland Redevelopment Authority—now the Metropolitan Redevelopment Authority. Similar development is occurring in Bassendean under the local government’s planning scheme. Also, around Bayswater train station, the recent rezoning of the City of Bayswater planning scheme will facilitate increased residential density height. There is similar major development around Maylands, along the Armadale line. In the Burswood and Belmont Park region, 12 500 dwellings are planned under the Burswood peninsula district structure plan. In Gosnells, an improvement plan is in place whereby the local government, the Planning Commission and LandCorp are working together. In Kelmescott, a master plan is currently in preparation under the MRA, for example; and in Armadale, there is the major Armadale–Wungong redevelopment area. In Cannington, a draft structure plan is currently being developed by the City of Canning.

Several members interjected.

Mr J.H.D. DAY: Members opposite are not listening; they do not understand. They should do what I do and drive around the metropolitan area and have a look sometime.

The SPEAKER: Minister, you have one minute.

Mr J.H.D. DAY: Much is also happening on the Mandurah line, for example, around Murdoch; and similar development has happened around Wellard station and around Canning Bridge. There is the Canning Bridge master plan and, specifically, a more detailed structure plan that is being put in place by the City of Melville. Along the Fremantle line, substantial development is occurring, including in Fremantle. Just a couple of weeks ago I met with Defence Housing Australia, for example, which has recently lodged a development application for 166 new apartments in Fremantle. There are similar developments along the Joondalup line. Of course, in central Perth, there is the Perth City Link, the Elizabeth Quay development and also development at Claisebrook. Much is being done in this area. Members only need drive around the metropolitan area or travel by train, bus or whatever and it is very easy to see.

MINISTERIAL CODE OF CONDUCT — CABINET CONFIDENTIALITY

786. Mr M. McGOWAN to the Premier:

I refer to reports this morning that ministers have leaked to the media about —

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park, you are not helping your leader.

Mr M. McGOWAN: I refer to reports this morning that ministers have leaked to the media about cabinet discussions after Monday's cabinet meeting.

- (1) Will the Premier's changes to the Ministerial Code of Code include the issue of leaks from cabinet?
- (2) Will there be an inquiry into this week's leaks from cabinet?
- (3) Will the Premier now release the new code of conduct?

Mr C.J. BARNETT replied:

(1)–(3) There was a media report this morning about events in cabinet. Cabinet is confidential.

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: If I am allowed to conclude the sentence, I will confirm that the issue under discussion was the Ministerial Code of Conduct and that, indeed, I made a commitment last year that we would review the Ministerial Code of Conduct. That work has been ongoing, and the Ministerial Code of Conduct has been amended to be more similar to the commonwealth government's code. Members would expect that. There was a discussion in cabinet, and I never intended that it would be approved by cabinet this week; we will take some time to look at it. Once it is completed, I will put that in place and I will table it in the Parliament.

There are some issues. All members of Parliament have their —

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, I call you to order for the first time.

Mr C.J. BARNETT: The declaration that we all make to the Parliament is as it is and it is a public document for people to see. I do not think anyone sees anything particularly difficult with that. The level of disclosure to cabinet, to the cabinet secretary, is not a public document; it is confidential and it requires in its current draft form an enormous level of disclosure of personal, financial and other matters not only to the member of Parliament—to their spouse and to their children and even perhaps beyond that.

Mr D.J. Kelly: What's your problem with that?

Mr C.J. BARNETT: Listen and I will answer it! There was a brief discussion about that and there will be a further discussion about it. I happen to think some of the requirements are too invasive into people's personal —

Several members interjected.

Mr C.J. BARNETT: That is my view. I think they are.

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: For example, to require not only details of deposits in, say, banks, but also the amounts of deposits and the like, I think goes beyond what the objective of the ministerial code is. The objective of the ministerial code is for ministers —

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, they are not interested in the answer.

Several members interjected.

The SPEAKER: Member for West Swan, I call you to order for the first time. We have been going for 25 minutes and we are now on only the third question.

Mr C.J. BARNETT: The purpose of the ministerial code is different from the declaration to Parliament. The ministerial code —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the first time.

Mr C.J. BARNETT: The purpose of the ministerial code is not one of public disclosure as the declaration to Parliament is. The purpose of the ministerial code, which is a far, far higher level of reporting, is so the cabinet secretary or the minister themselves, and particularly the Premier of the day, can determine whether there is a conflict or potential conflict of interest and the like. That is its purpose. It is not a public document. It is to ensure that every decision of cabinet has full integrity. Members should understand the difference. That is the difference. In that sense, we would want to know whether a minister had a shareholding in a company and whether it was a large-value shareholding, but do we need to know the exact dollar amount? No, not in my opinion. We are still working on that so it does its job to identify conflicts or potential conflicts. That is its job and if members opposite cannot grasp that, they need to do a refresher course on Parliament.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany, I call you to order for the first time.

MINISTERIAL CODE OF CONDUCT — CABINET CONFIDENTIALITY

787. Mr M. McGOWAN to the Premier:

I have a supplementary question. If, as the Premier says, cabinet is confidential, why are his ministers leaking from cabinet; and why did he take a new Ministerial Code of Conduct to cabinet if he thinks the code he has taken there is too harsh?

Mr C.J. BARNETT replied:

No. I am taking a revised code to cabinet. It is not a dramatic change; there are changes. I have taken the new code to cabinet because I made a commitment last year that we would review the code, which had really remained unchanged for a number of years, and we would —

Mr M.P. Murray interjected.

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

Mr C.J. BARNETT: I made a commitment a year ago that we would review the code. We have taken into account some of the measures in the commonwealth code, and we are still looking at that. I imagine that in the next couple of weeks that will be finalised. There will probably be some minor alterations to make it fair to all parties and to do its job—not to do more than its job, but to do its job—and when that is completed, I will table it in the Parliament.

Several members interjected.

Mr C.J. BARNETT: Here is the Labor Party. Can members remember? One after another they went before the CCC. And they talk about this stuff!

URANIUM MINING

788. Mr J. NORBERGER to the Minister for Mines and Petroleum:

Can the minister please update the house on the economic benefits that would flow from the development of the uranium industry in Western Australia?

Mr W.R. MARMION replied:

I thank the member for the question, and I would be delighted to answer the question.

Before I do, I congratulate the two champions in field hockey—the men’s champion, YM Coastal City, which defeated Wasps on the weekend 2–1, and the women’s premiers this year, Westside Wolves, which beat Curtin Trinity Pirates. Western Australia is lucky to have probably the strongest domestic hockey competition in the world, and I was privileged to see lot of international players, both men and women, playing on the weekend. Congratulations to the Western Australian Hockey Association.

I am delighted to be able to talk about the important economic benefits that uranium brings to Western Australia. When the Liberal and National Parties came to government in 2008, we put up a sign, “Door Open for Business in Western Australia”—the door is open for uranium mining. Since 2008, \$300 million has been spent on uranium exploration in Western Australia. That \$300 million would not have been spent if the Labor government had been in power. That \$300 million means substantial jobs for Western Australians and lots of flow-on benefits to the community. WA is positioned now for the possibility of a \$1 billion per year revenue export business from our uranium exports by about 2020. China already has 29 nuclear power stations and it plans to treble that by 2020 and to treble that again by 2050. We are well placed for the rapidly developing areas of China, India and also Saudi Arabia. It was a big surprise—or is it a surprise?—that when I got a copy of Labor’s draft 2015 environmental platform, it stated —

In Government, WA Labor will:

... Oppose the mining and export of uranium;

That was very disappointing. As Minister for Mines and Petroleum, how disappointed was I? What does that mean?

A member: Shock-horror.

Mr W.R. MARMION: It is shock-horror. It means that in government, WA Labor will oppose the creation of 1 500 construction jobs, oppose the creation of 500 mining production jobs and oppose the creation of hundreds of indirect jobs related to the mining industry. Members opposite oppose Western Australia playing a major part in reducing carbon emissions in China, India and Saudi Arabia. I believe this has been driven by the member for Gosnells and his friends in the Conservation Council of WA and their 1970s policies such as encouraging local governments to declare themselves nuclear-free zones.

Mr D.A. Templeman interjected.

Mr W.R. MARMION: It is the Eagles, 1994—a very modern tie!

Several members interjected.

The SPEAKER: Members!

Mr W.R. MARMION: The reality is that Labor is a threat to the economy of Western Australia, and I know the member for Joondalup recognises this.

Several members interjected.

The SPEAKER: You have had enough now about the 70s gear, thank you very much. You have got one minute, thank you.

Mr W.R. MARMION: I will conclude with some other words. These are not my words; they are words from Mr Reg Howard-Smith, and I quote —

From a local perspective, it was disappointing to see the Labor Party pursue an anti-hydraulic fracking policy.

Together with WA Labor's long-standing, yet irrational —

They are his words, not mine —

anti-uranium stance, these policies fly in the face of providing new energy sources to international and domestic markets craving access to competitive energy sources. This approach risks the future of vibrant local energy industry and the associated benefits and —

More importantly —

jobs.

PUBLIC TRANSPORT — PREMIER'S COMMENTS

789. Ms R. SAFFIOTI to the Minister for Transport:

I refer to the minister's plan outlined in July this year to use buses instead of building the Metro Area Express light rail because, as he claimed, and I quote, "You will get more bang for your buck." In light of the Premier's comments today, which completely undermine the minister, as he is now favouring light rail over buses, can the minister confirm today what his government is committed to—light rail, MAX light rail or MAX on wheels?

Mr D.C. NALDER replied:

I love being asked about public transport solutions and what this government is working on.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you to order for the third time!

Mr D.C. NALDER: I have said —

Several members interjected.

The SPEAKER: Members!

Mr D.C. NALDER: I have said that the delay in the delivery of MAX has allowed me to explore this more fully. In some of the conversations—I have had them with the Premier—the Premier has been clear that until I can validate to the satisfaction of the Premier and my colleagues that I am on the right track, we are still committed to delivering MAX light rail.

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I can hear you all the time up here. I call you to order for the first time.

Mr P.T. Miles interjected.

The SPEAKER: Member for Wanneroo for the first time.

Mr D.C. NALDER: I am going to help the people opposite along and give them a little bit more of an education about the challenges in this space. We talk about two aspects of MAX; one is across city and the other one is about running from Mirrabooka into the CBD. In looking at Mirrabooka into the CBD, we are trying to solve two issues with the one solution. The two issues are: first, we are trying to find a rapid transport solution for the people of Mirrabooka and Dianella to get them to the city as quickly as we can. The second issue we are trying to solve is around this whole urban renewal of inner-city suburbs.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I call you to order for the second time. Minister, you have two minutes.

Mr D.C. NALDER: Thank you, Mr Speaker—two minutes; I will look at the clock. The member for West Swan is absolutely full of it and full of her own self-importance. It had nothing to do with her metropolitan transport plan—absolutely nothing. We are talking about a rapid transport solution at the same time as urban renewal, and members opposite are trying to mix getting people into the city through Fitzgerald Street —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean!

Mr D.C. NALDER: I thought members opposite were Western Australians. I thought we were all interested in the long-term public transport solutions for Western Australia. I apologise; I take it back. The Liberal–National government is committed to public transport.

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka!

Mr D.C. NALDER: The Liberal–National government is committed to public transport solutions. We are committed to delivering the best possible outcome for the local community and for all of Western Australia. I am taking the delay time to ensure that we validate this appropriately. I am of the view that we can deliver the same outcomes at a lot lower cost.

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka!

Mr D.C. NALDER: There are still two outcomes that may require two different solutions.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Mr D.C. NALDER: We are looking at rapid transport. If we build a light rail to Mirrabooka and solve that with rapid transport, those light-rail vehicles will be moving at 50 to 60 kays an hour through the suburbs. Light rail, or the trams in Melbourne, average 17 kilometres an hour.

Mr D.J. Kelly interjected.

Mr D.C. NALDER: The member for Bassendean is trying to change the argument. We are not talking about Fitzgerald Street being the same as the Bourke Street mall and vehicles trundling through at four kilometres an hour. I have serious concerns that we will be able to deliver the two solutions with the one outcome. We are still committed to delivering a light-rail solution. We will continue to work through and we will provide our solution when we have it all at hand and I have taken it through cabinet.

PUBLIC TRANSPORT — PREMIER'S COMMENTS

790. **Ms R. SAFFIOTI to the Minister for Transport:**

I have a supplementary question. When will the minister provide some certainty about MAX light rail or MAX on wheels, and has he taken to cabinet his submission for the Charles Street bus bridge?

Mr D.C. NALDER replied:

The second question is not a supplementary. I have said for a long time that I am working through the validation of the project and I expect to have that back next year.

NORTHERN SUBURBS RAIL LINE — BUTLER STATION

791. **Mr P.T. MILES to the Minister for Transport:**

Recently the extension to the Joondalup line Butler station had its first birthday. Can the minister please outline to the house the success of the Butler train station and the rail line?

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka, I call you to order for the first time.

Ms J.M. Freeman interjected.

The SPEAKER: Do you want me to call you for a second time?

Mr D.C. NALDER replied:

That is a great question. I appreciate the member and congratulate him not only on his support and his endeavours to ensure the Joondalup line out to Butler, but also his work and that of his colleagues to ensure the extension of Mitchell Freeway through to Hester Avenue. He and his colleagues have done a great job for the people of the northern suburbs. Last Monday, the Butler station passed its first birthday. It is on track to mark 600 000 boardings for the year since it opened. I want to take this time to remind members opposite that this rail line—\$221 million—was delivered three months ahead of schedule and under budget. It is now averaging more than 2 000 weekday boardings. I would say that everyone would acknowledge that it has been extremely successful. Not only that; when we take into account the services to the Clarkson, Butler and Yanchepp catchment, 12 months ago, in 2014, 9 500 daily boardings were recorded. In August 2015, it was up 13 per cent to 10 759. All in all, it is a fantastic outcome for the people of the northern suburbs.

It is really important to remind people, because members opposite try to have people believe that we do not do anything about public transport, that we delivered a \$220 million extension to the Joondalup line. We spent \$260 million on the Mitchell Freeway extension from Burns Beach to Hester Avenue, and in the northern suburbs, we spent \$29.5 million on the Edgewater multistorey car park.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the second time. Calm down, please. Minister, a quick answer.

Mr D.C. NALDER: We are also adding an additional 5 000 car parking bays up and down the network. We are spending \$243 million on 22 three-car rail sets, which is an increase of 28 per cent to the rail fleet. We are spending \$500 million on a bus renewal program that will increase the bus fleet by more than 30 per cent. We are about to start construction of the Aubin Grove train station. We are doing a lot, and I think anyone would acknowledge that. To say that we do not have a focus on public transport is a misnomer. I am very proud of the work that the Public Transport Authority and the Department of Transport are undertaking to deliver a better public transport solution for Western Australia.

COMMUNITY CONNECT SOUTH PROJECT

792. Mr F.M. LOGAN to the Minister for Transport:

I refer to the state and federal Liberal governments' pledge regarding the Community Connect South project.

- (1) Can the minister confirm that the government has committed only to the Armadale Road option portion of the project?
- (2) When will the project go out to tender?
- (3) What is the expected commencement date for the project?
- (4) Can the minister confirm that the government has not committed to the North Lake Road bridge and interchange portion of the project?

Mr D.C. NALDER replied:

(1)–(4) It is questions time; I have four questions and have to try to remember them all!

Several members interjected.

The SPEAKER: Members! Member for Bassendean, I call you to order for the second time. I just want to make a comment. I have spoken to people asking questions, telling them to keep their questions short; I have spoken to government ministers to keep their answers short. People have just ignored me. I ask you to keep the questions short and the answers short.

Mr D.C. NALDER: I think we were pretty clear in our commitments at election time. We are not out there spruiking that we are going to grade separate 31 rail interchanges. We are not out there spruiking that we are going to do Denny Avenue and Tonkin Highway and all that. We made one commitment, and that one commitment was to dual nearly seven kilometres of Armadale Road that will take it all the way through to Kwinana Freeway. We have made that commitment. The federal government committed to 80 per cent of the funding, and we have committed to finding the other 20 per cent. We are now going through all the processes that the Department of Transport go through. A lot of the planning work had been completed on this project because it has been a priority for this state for a few years. We are very keen to see this work undertaken, but

I am not going to put a date out there until I get everything back from my department to outline the process that we are going through. I can confirm that the planning —

Mr F.M. Logan interjected.

Mr D.C. NALDER: Let me finish! The member has asked the question.

The planning work has been done on the dualling, but the planning work is not finalised for the North Lake Road bridge; that requires more work. The feedback I have had from Main Roads is that the work that the City of Cockburn has put in needs a high level of validation, so we are not committing to that at this point. It is not ready to go, but Armadale Road is ready to go, and that is what we will be doing.

COMMUNITY CONNECT SOUTH PROJECT

793. **Mr F.M. LOGAN to the Minister for Transport:**

I have a supplementary question. If that is the case, what does the minister intend to do—if he goes ahead with the dualling of Armadale Road—about the pooling of traffic that will occur where Armadale Road meets the Kwinana Freeway? That is what will happen without that bridge. It will be chaos!

Mr D.C. NALDER replied:

I am glad that the member for Cockburn finds this such a pain. I have not heard him applaud the government for the extra two lanes between Kwinana Freeway and Armadale Road. I have been contacted by people telling me that it is saving them up to 20 minutes. I am waiting for a pat on the back, member for Cockburn! He is happy to come and criticise; it would be nice, now and then, just to acknowledge the good work that we have been doing.

Several members interjected.

The SPEAKER: Member for Bassendean, I call you to order for the third time. Minister, a quick answer.

Mr D.C. NALDER: If I had a magic wand, there are a couple of hundred projects that I would wave that magic wand over tomorrow. Guess what? Unlike some members opposite, I am not going to go out there and talk to the press making promises about Karnup station, making promises about level crossings —

Several members interjected.

The SPEAKER: Member for West Swan, I call you to order for the third time.

Mr D.C. NALDER: They are making promises about level crossings and making promises about the delivery of the Ellenbrook line. They are making all these promises without wanting to commit to a date or a cost, and they are out there saying, “We’re gunna do it”. It is absolute rubbish.

“MENTAL HEALTH COMMISSION ANNUAL REPORT 2013–14”

Correction — Statement by Speaker

THE SPEAKER (Mr M.W. Sutherland): I received a letter from the Minister for Mental Health dated 22 September 2015 requesting that corrections be made to the Mental Health Commission’s 2013–14 annual report, which was tabled on 24 September 2014. Amendments are requested to correct the 2013–14 schedule of earnings. Under the provisions of standing order 156, I advise the Assembly that I have authorised that the necessary corrections be attached to the tabled paper.

HILTON HOTEL — KARRATHA — PREFERRED PROPONENT

Question without Notice 696 — Supplementary Information

MR D.T. REDMAN (Warren–Blackwood — Minister for Lands) [2.45 pm]: Pursuant to standing order 82A, I wish to provide additional information to the response I gave to a question without notice asked by the member for Victoria Park on 10 September. The question was about Ramtron Australia and the proposed hotel development in Karratha. I gave a commitment to the member to provide information on how much public money went into the plan and the preparation of the hotel site. With regard to the plan, Ramtron Australia funded its project work and the state has not provided any contribution. With the preparation of the site, the hotel site is part of a much larger civil works program, so it is not easy to isolate the specific costs. The best estimate I can provide is the contract value for the preparation of the entire site, which was \$1.3 million, and the hotel site, which forms 27 per cent of the total area; 27 per cent of \$1.3 million is \$350 000.

CITY OF PERTH BILL 2015

Second Reading

Resumed from an earlier stage of the sitting.

MR D.J. KELLY (Bassendean) [2.46 pm]: I began my comments on the City of Perth Bill 2015 before question time, and, as I said earlier, this is all that remains of the government’s shambolic forced amalgamation

process. When this process was announced, we heard speeches from the Premier in this place, talking about how unviable many local governments around Western Australia were. He talked about some local governments having fewer residents than some small suburbs; I think that was the analogy he drew. He talked about halving the number of local authorities in the metropolitan area and how he was going to remedy the problem with his local government reform plan. Unfortunately, many would say that the process has come to almost nothing. All those hours and all that money spent by local authorities across Western Australia have come to almost nothing. The hours and hours of time that mayors, councillors and staff all put in to deal with the state government's process have been virtually wasted. All we have to show for this policy is one bill—the City of Perth Bill 2015.

The government got it wrong when it said one thing before the election and then did something completely different once it was elected. The Premier told the people of Western Australia that he would not embark upon forced amalgamations. That gave some comfort to the people who supported some level of change in the structure of local government in Western Australia that the Premier would not just start drawing on maps and forcing councils to amalgamate. The Premier said that before the election, but what happened after the election? The Premier embarked upon a process that for all intents and purposes would force amalgamations. Quite understandably, the response from the general public was one of immense hostility. Any goodwill that existed in the community for local government reform evaporated because of the duplicity of the Liberal Party through the Premier saying one thing before the election and doing something completely different after the election. The Premier, having said before the election that he would rule out forced amalgamations, then embarked on that process after the election, leaving the Minister for Local Government swinging in the breeze. The Premier left it to the minister to deliver a policy that was completely untenable because any goodwill that had existed before the election had completely evaporated after the election. We could say that he left the local government minister swinging in the breeze and that we should feel sorry for him but, quite frankly, I do not. He is a member of cabinet. He accepts his salary and the benefits that come with the job so he has to take responsibility for his part in the process. He could have stood up to the Premier in cabinet and said, “This process is not consistent with what you said before the election. You need to honour your election promises.” But like so many other cabinet ministers, he just turned to water and adopted what the Premier wanted. I do not feel sorry for the local government minister at all.

As I said, the policy that has given birth to the City of Perth Bill 2015 is nothing more than the forced amalgamation process. It has caused a lot of grief and angst in the areas of local government that I represent. When the City of Swan and the Town of Bassendean could see the writing on the wall that this government was intent on pursuing amalgamations, they looked at their options. The Town of Bassendean talked to local residents. Although the council was pretty confident that most residents of the Town of Bassendean would have preferred the town to stay as a stand-alone entity, it could read the tea leaves. The council talked to residents and its judgment was that most people in the town believed that if there was to be an amalgamation, they would support an amalgamation with the City of Swan. The mayors of the City of Swan and the Town of Bassendean worked together, as did their councillors and staff, on putting together a proposal that would have been a friendly amalgamation between the City of Swan and the Town of Bassendean. They worked out what the costs, potential benefits and challenges would be. They did all that work and then what happened? Under this process they were told that the City of Swan would have to amalgamate with, I think, the Shire of Mundaring, and that the Town of Bassendean would have to amalgamate with the City of Bayswater. Although two local authorities had worked cooperatively on a friendly amalgamation after consultation with their residents, this government's process simply said, “We don't care. The Minister for Local Government doesn't care. The Premier doesn't care. We don't care about any of the work you have done. We are going to rip it up.” The Minister for Local Government is shaking his head!

Mr A.J. Simpson: That is the process of the Local Government Advisory Board. I get the report and I can only accept it or reject it.

Mr D.J. KELLY: Yes, that is right. The minister set up the process, he got the report and he accepted it. He said it himself: he could have accepted it or rejected it. The minister accepted it, so he has to take responsibility for the fact that the City of Swan and the Town of Bassendean spent hundreds of thousands of dollars working on a friendly amalgamation and then the government ripped it up. The minister accepted the Local Government Advisory Board's report that supported a forced amalgamation between the Town of Bassendean and the City of Bayswater, and that the City of Swan could amalgamate elsewhere; I think it was with the Shire of Mundaring. That is the process and the outcome. If the minister does not understand that, I am glad that I said earlier that I do not really feel sorry for him because a lot of pain was felt by those local authorities. The Town of Bassendean then had to come up with an arrangement whereby it could enter into an amalgamation with the City of Bayswater, which was never going to work.

Point of Order

Mr A.J. SIMPSON: The City of Perth Bill 2015 is before the house. We are now going on about the reform process. Where in the bill does it mention the Town of Bassendean or the City of Swan?

Mrs M.H. ROBERTS: Further to that point of order, the Minister for Local Government should well know that second reading debates allow for a very general debate and I believe that the member for Bassendean is making a connection to the bill before the house.

The ACTING SPEAKER (Mr N.W. Morton): Thank you, members, for those points of order. The second reading debate does allow for some scope, but I encourage the member to be relevant to the bill before the house.

Debate Resumed

D.J. KELLY: As I was saying, this bill is the only product of the state government's local government amalgamation process. That process has produced this bill, which is in some regards flawed, and it has also caused an immense amount of anguish amongst other local authorities, including the Town of Bassendean and the City of Bayswater. If the government had a better process, this bill would be better and it would potentially be broader. We could have potentially had before the house amalgamations between a range of authorities. However, the government's process was so bad that all it has to show for it is this bill. The mayor of Bayswater was a very ardent supporter of this government's process. He spent thousands of dollars of ratepayers' money on advertisements in the local paper extolling the virtues of the amalgamation with the Town of Bassendean, and I have to say that it was done without a lot of consultation with the residents of Bayswater. He was one of the big defenders of this process. The fact that he was also a Liberal candidate at the last election may just be a coincidence, but even he ended up with egg on his face when the government pulled the rug out from under the local government reform process and shrunk that process down to this bill. The government wasted the resources, time and effort put into a friendly amalgamation between the City of Swan and the Town of Bassendean and it wasted the money of residents of the City of Bayswater. It embarrassed the mayor, who had bent over backwards to try to paint a positive gloss on this local government reform process. Even he was left embarrassed because, at the end of the day, the Premier pulled the plug on it completely.

One of the key causes of the angst in the community about the minister's process was the Premier's broken promise made before the election, and then what he did after the election. The other closely related component to that is that under the amalgamations —

Mr C.J. Barnett: Were there any forced amalgamations?

Mr D.J. KELLY: No, because it was a disaster. That is exactly right. The Premier says that he did not break his promise because there were no forced amalgamations. There were no forced amalgamations because the whole process was a disaster. What an interjection from the Premier!

Mr C.J. Barnett: It went to a vote and people voted against it and that was the end of it.

Mr D.J. KELLY: The Premier did not break a promise, because there were no forced amalgamations. He proposed a forced amalgamation between Bassendean and Bayswater. Did that not proceed because there was a vote? No, there was never going to be a vote. That was the point I was going to make. The Premier was going to force that amalgamation without a vote, but the only reason that amalgamation did not take place is that the Premier finally realised there was so much opposition to this process that he pulled the pin on it. If those councils that had a vote had voted in favour of the amalgamations, the Premier would have then gone ahead and forced the amalgamations of those other councils.

Mr C.J. Barnett interjected.

Mr D.J. KELLY: Sometimes the Premier seems to be living on a different planet. He says one thing, and then when it comes back to bite him on the backside, he tries to pretend that he never said it. No wonder people do not trust the Premier anymore. No wonder he is back to being the most unpopular leader in Australia. It is one of the worst outcomes for the Premier from the federal leadership change.

[Member's time extended.]

Mr D.J. KELLY: I know that the Premier has a great interest in this bill, but it is probably best that he just keeps quiet and does not interject, because I will take the interjections.

As I said, one of the things that really riled the public about the government's proposal was that councils were going to be forced to amalgamate without a vote.

The opposition supports the bill before the house with some conditions. We support the notion that the capital city is somewhat different from other local authorities within Western Australia, so we are not opposed to the concept of having a City of Perth act. We consider some of the inclusions in this bill to be worthwhile. However, we are concerned about clause 37, "Schedule 2.1 clause 5 amended". It reads —

After Schedule 2.1 clause 5(2) insert:

- (3) In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.

The first problem with that is, what does it actually mean? It looks a bit like a verbal version of the Minister for Mines and Petroleum's tie that we saw earlier in question time. It is as though somebody verbally threw up their lunch onto the notice paper. What does it actually mean? What did the Minister for Mines and Petroleum's tie mean? That is a good question. Legislation can at times be complicated, but that does not mean it needs to be incomprehensible. I have read that provision a couple of times, and I cannot figure out what it means at all. If we ever get into litigation about what clause 37 of the bill means, any lawyer worth anything would have an absolute field day. "Have regard to" is a great phrase to use in legislation. What on earth does it mean, when coupled with a phrase like "the special significance of"? What does that mean? We put them together: "have regard to the special significance of". What does that mean? Maybe somebody can help me here. Are the roles and responsibilities of the City of Perth defined in this bill? Are they, minister?

Mr A.J. Simpson: In some ways, the roles and responsibilities of the mayor are defined, yes.

Mr D.J. KELLY: But this clause does not refer to the mayor; it refers to the city. Someone interpreting this legislation might ask what are the roles and responsibilities of the City of Perth. They would look in the bill, and find that they are not there. Someone will then have to sit down and work out what the role of the City of Perth is. That is pretty general. What are the roles and responsibilities of the City of Perth? How are the roles different from the responsibilities of the City of Perth? Once someone, somewhere has figured that out, and the advisory board has written for itself what the roles and responsibilities of the city of Perth are, it does not have to have regard to all the roles of the City of Perth, only those roles and responsibilities that flow from Perth being the capital of Western Australia. It was important for clarity to put in the bill that Perth is the capital of Western Australia, because there may have been people who were not aware of that.

Mr D.T. Redman: Given that it is not Denmark.

Mr D.J. KELLY: Given that it is not Denmark. Are we talking about Denmark in the south west, or that lovely country in northern Europe?

Mr D.T. Redman: Denmark in the south west.

Mr D.J. KELLY: I had ancestors who came from Denmark, and it took me a long while to figure out whether they came from Denmark in the south west or Denmark in the north of Europe!

Mr D.T. Redman: What language were they speaking?

Mr D.J. KELLY: At the time I found out about them, they were long since dead, so I do not know what language they spoke. I am distracted by the Leader of the National Party. I will be interested to hear what his view of this bill is as well.

One of the problems I have with this clause is that it is so vague and open to interpretation that I suspect it will be a living nightmare for people who genuinely want to make use of this legislation. It will be a living nightmare for people who have a legitimate interest in it, and potentially it is a career for people in the legal profession who will be asked to represent people who might have an argument about what it means.

Clause 37 is incredibly vague and almost incomprehensible in the way it is drafted. That is one of our reservations about this clause. We know that the government wanted to include in the greater City of Perth some other assets, such as Burswood peninsula and Crown Perth casino. We know that at one point the Premier certainly had his eyes on including in the greater City of Perth the City of Vincent.

Mr A.J. Simpson interjected.

Mr D.J. KELLY: The residents of Vincent wanted that, provided they were given a democratic vote within the amalgamated local authority. However, the minister would not guarantee that when he drew up this bill, there would not be some sort of gerrymander that would mean that the residents of Vincent would be duded so far as their democratic rights were concerned as to who would be elected to the City of Perth.

The government has previously expressed the strong view that the casino on Burswood peninsula should be gobbled up by the City of Perth and parts of the City of Vincent should be gobbled up by the City of Perth. Therefore, people are concerned that clause 37 will somehow be used to facilitate that happening in the future without the people being given a vote, and without the consent of the affected councils. The minister could say, "The bill doesn't say that. That's a drawing a long bow. That's just a conspiracy theory." However, because clause 37 is so complicated, we could mount an argument that Crown Perth should be included in the City of Perth because of the special role that the City of Perth plays as a tourist destination. The Premier has been saying in the last couple of days that we should be promoting Perth, not Western Australia.

Mr C.J. Barnett: I did not say that at all.

Mr D.J. KELLY: I am not sure what the people of the south west would think about that—the people of Denmark —

Mr C.J. Barnett: You need to attempt to be truthful.

Mr D.J. KELLY: That was my understanding, Premier. If I have misinterpreted what the Premier said, I apologise for that, but that was my understanding of what I heard. We could mount an argument that because Perth is central to the economic wellbeing of Western Australia when it comes to tourism, the City of Perth should have control over the casino, which is the major hospitality venue in Perth. Crown Perth is the only casino that we have in Western Australia, unless Matt Birney, a former member of this house, gets his way in getting a casino up north. We could mount an argument that under this clause, the advisory board could make a decision to take a chunk out of the City of Victoria Park and drag Crown Perth into the City of Perth, without there being a vote. We could, in a convoluted way, make the argument—because clause 37 is so vague—that that is what this bill is all about.

People do not trust the government on this issue. They look at this bill and say, “There is quite a bit of this bill that we do not mind, but what is this bit of legislative spaghetti at the end of the bill that will be an amendment to schedule 2.1?” Therefore, I strongly urge the minister to reconsider whether he really needs this part of the bill. It is complicated, messy, obscure and ambiguous. It leaves the minister open to the accusation that this bill is some sort of Trojan Horse to enable the government to achieve those other things that it wants to achieve with the City of Perth, to the detriment of authorities such as the City of Vincent and the City of Victoria Park.

MR D.T. REDMAN (Warren–Blackwood — Minister for Regional Development) [3.14 pm]: I want to make some comments about the City of Perth Bill 2015, because obviously the Nationals have taken a particular position on this bill. I guess this is unique. The alliance partnership that we have with the Liberal Party in government is, in my view, very effective and has meant that we have been able to maintain very effective government. However, there are from time to time issues on which we part ways. One of those issues is local government amalgamations. The National Party will be opposing this bill. I want to give the basis for why we have come to that position.

There is a long history of National Party views around local government amalgamations and there have been a number of National Party motions in recent years around not supporting forced local government amalgamations. Certainly the National Party is not against local government reform. In fact, the National Party has had a number of discussions around the Local Government Act and the Dadour provisions and the like because of some anomalies that we see in regional Western Australia. One of those anomalies, which I have spoken about with the Minister for Local Government, was the Narrogin–Cuballing example, where a particular small shire, for reasons unknown to me, made the decision not to support the proposed amalgamation, and hence we could argue that there was not a full-blown democratic process on that issue. Therefore, we are prepared to look at making some amendments to the Local Government Act. However, the public commentary around local government reform overtook the government’s capacity, and certainly our capacity, to look objectively at how we can improve the process.

The National Party does not support forced local government amalgamations, and we do not support forced boundary changes. Mechanisms already exist to enable that result to be achieved. Therefore, if there is any sort of force, or any sort of legislation to change the boundaries, as is the case with this bill, it goes against the principles of the National Party. However, I can say that following the 2013 election, in which the Liberal Party performed particularly well, the previous Leader of the National Party, Brendon Grylls, made the point that he would support the Premier’s intention to seek reform in the metropolitan area, but obviously would not support any changes in regional Western Australia. That was quite a difficult position for the National Party to take, given that there were some strong views in our party constituency. However, that was the position that was taken post that election.

I have mentioned to the minister on a number of occasions that the National Party was concerned, and certainly our constituency was concerned, about the level of public commentary that suggested that local government reform in regional Western Australia would be next. That created a lot of challenges in our constituency. There are a significant number of local governments in regional Western Australia. The member for Wagin has something like 24 local governments in his electorate. Therefore, as we can imagine, the views of those local governments are very strong.

At our National Party conference in Margaret River last year, a motion was moved by our grassroots members, on the basis of the concern and angst in our constituency about where regional Western Australia sat in the reform process, to withdraw the support of the National Party for metropolitan local government reform. However, we did not need to make a decision on that because it was overrun by other matters, and the National Party did not need to take a formal position on that matter either on the floor of the house or in cabinet. That was until the City of Perth Bill came into play. The principle behind the National Party’s policy position on this bill I think is sound. The view of the National Party is that the government is using this bill as a legislative tool to change local government boundaries. That is inconsistent with the National Party’s policy position. Therefore, we will not be supporting this bill. It is my understanding that the Labor Party will be putting forward amendments, and that will be worked through, no doubt, with the minister as this bill moves forward.

Another thing that occurred is that the Minister for Local Government has brought other bills into this Parliament that contain provisions for the Local Government Advisory Board to consider government policy in its position on amalgamations or on local governments that want to come together and change their boundaries. The National Party also thought that was inconsistent with our policy position. Therefore, although I come from the government side of the house, on this issue we have differing views, for the reasons I have just given, and the Nationals will not be supporting this bill.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [3.19 pm]: I rise on behalf of the opposition to help explain our position on the City of Perth Bill 2015. It is interesting that I just heard the Leader of the National Party indicate the National Party will vote against this legislation. If my understanding is correct of the numbers in this place, once again the government requires Labor's support in order to get its legislation through the house. It is an interesting development that, once again, the government will rely upon the Labor Party's support for what it regards as a major piece of legislation. It draws into focus that there is a sense of dysfunction and chaos at the heart of government in that the principal partner of the government is voting against laws the government believes are important for the future. If I understand correctly what the Leader of the National Party said, the legislation also passed through cabinet, which the National Party is a part of. On top of that, today we heard about significant leaking from cabinet during the course of this week. Clearly it is not a happy camp over there. When there is leaking by more than one minister against another minister, and there is one party in government refusing to vote for a major piece of legislation, it is clearly a major —

Mr D.T. Redman interjected.

Mr M. McGOWAN: It is. It is actually quite incredible that the National Party is doing this, so the government will rely upon our support to get this legislation through.

We have some conditions; I will go through those shortly. I just want to put that on the record up-front. The second point is this: this local government forced amalgamation process was botched from the very beginning, with different messages and stories from the local government ministers who have occupied that position. A series of different positions were put forward by the member for Bunbury, who was the Minister for Local Government in the first term of this government. A series of different positions were put forward by this Minister for Local Government over the course of this term and a series of different positions were put forward by the Premier over both terms.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: There have been a whole range of positions on this issue. Is it any wonder the local government sector got so angry? It cost so much money, and there was so much angst and division in communities around Perth out of the process this government put it through. It is a textbook case of the worst way ever invented to run a process within government. A thesis could be written about how this process drifted along and we ended up in the position we are in now. It has cost both the ratepayers and the taxpayers tens of millions of dollars to get to this point.

Mr C.J. Barnett: Tens of millions; don't be ridiculous.

Mr M. McGOWAN: Careful, Premier, we might not vote for it! If the Premier keeps insulting me across the chamber, we might not vote for his bill. If he keeps on yelling his abuse across the chamber, we might not support him. The National Party will not support him. We might talk it out for a considerable period.

This process, up until now, cost in excess of \$40 million. It follows on from the Premier's shark culling process. It was absolutely appalling how that was handled. It follows on from his threats to close 150 Indigenous communities. The Premier stood in here and said they were going to close. He put Indigenous communities throughout regional areas of Western Australia through all sorts of angst and anger. There are just three examples of complete chaos and dysfunction in the administration of this state. What is the common denominator in each of those things? It is the Premier. Shark culling, forced council amalgamations, closing Indigenous communities—angst, chaos and division in the community, and the common denominator is the Premier. They were all the Premier's ideas. Remember that amazing photograph of the Premier waving around a hook? It said, "We are going to kill all these sharks". Remember that one? It cost the taxpayers of this state millions and millions of dollars and then he backed off from it.

Mr C.J. Barnett: What would you do with seven fatalities in three years—ignore it?

Mr M. McGOWAN: Mr Acting Speaker, I am more than happy to answer the interjection. On average, about 40 people drown each year in Western Australia. Over the last 15 years, on average one person has died per annum as a consequence of a shark attack. It is still an important issue—one person dying each year is one too many. There are a range of initiatives that could be funded, apart from culling. I have been entirely consistent on that issue the whole way through. Whenever this issue has been raised historically, I have been entirely consistent. I did not support the culling of endangered or critical species in WA.

Back to this issue: two weeks before the state election the government went out and promised there would be no forced amalgamations. That was the promise; it was in writing and the Premier said it. After the election, the position changed. The Premier said, “There will be a collapsing of the number of local governments across Perth. The 30 or thereabouts will go down to 15 or 16.” The Premier said this after the election—after promising no forced amalgamations before the election. The Premier said one thing before the election and another thing after the election. The broken promise upset a lot of people. The Premier attempted to ram it through by this process. The hapless Minister for Local Government was the person responsible—his point man over here—for this process. It would be fair to say that the minister did not look happy the whole way through. He did not enjoy the process; he did not enjoy what he was being put through by the Premier. I went to Western Australian Local Government Association conference after WALGA conference, and he sat there with his head virtually in his hands. He made speeches that were somewhat contradictory and were greeted with disdain by local government representatives from across Western Australia. It was not a happy process for him. He was forced into it by the Premier.

What was the process? It was an attempt to force amalgamations by what the Premier termed “boundary adjustments”. It was an undermining and a misreading of the process contained within the Local Government Act 1995. It ended up that a few councils were given the opportunity for a referendum, and the vast majority to be amalgamated were not. There were the haves and the have-nots through this process. Some were given the opportunity for a referendum, including Kwinana and Cockburn, and others were not given the opportunity for a referendum. What happened? Huge community dissent started. There was a rally out the front of Parliament House on a Tuesday night, attended by thousands of people wearing different coloured T-shirts. Kalamunda and Cockburn councils were in revolt. Councils across the metropolitan area were wildly unhappy. The western suburbs were revolting and wildly unhappy with what the government was planning to do. I went out and addressed some of those rallies and spoke to those people. Our position had been consistent and clear for the entire period, which is: if we are going to have an amalgamation of a council, we give them a referendum. It is our position; quite simple. If the government is going to do it, give people a referendum and give them the opportunity to have a say. The conditions of the referendum are quite onerous: in order to be binding, over 50 per cent of the people need to vote. The Premier described that as undemocratic.

Mr A.J. Simpson: No, he did not; he never said that.

Mr M. McGOWAN: Yes, he did. It was on PerthNow. He said it was an undemocratic process, whereby people are given a vote.

Mr C.J. Barnett: No, I didn't.

Mr M. McGOWAN: That is what the Premier said. The Premier would deny white is white and black is black. The Premier was critical of the Dadour poll provisions.

Mr C.J. Barnett: I am critical of the Dadour provisions; yes, I am.

Mr M. McGOWAN: The Premier was wildly unhappy with the process that involved a vote.

So what ended up happening was that the Local Government Advisory Board—as the minister was always saying, it accepts or rejects; he kept saying that, “accept or reject”—got involved. Admittedly, I think it was a board fairly heavily in favour of what the government might have wanted. The chairman of the board was a senior Liberal Party member—someone who was very much attuned with the government. The Local Government Advisory Board came out with a model, by way of which three areas got the opportunity for a vote; the rest of them did not. Then it went to a vote in those three areas, and what happened? It was rejected out of hand in each of the three areas, with more than 50 per cent of votes. In other words, in those three areas, the whole thing collapsed in a heap. What did the government then do? It did not have to, but it pulled back on all the others.

Mr C.J. Barnett: That is right.

Mr M. McGOWAN: It did not have to, but it pulled back on all the others, contrary to everything it had said the whole way along—that is, that it was going happen, no matter what.

Mr C.J. Barnett: I did not say that. When did I say that?

Mr M. McGOWAN: The Premier said it the whole way along.

Mr C.J. Barnett: No, I didn't.

Mr M. McGOWAN: I do not have to have a reference for everything the Premier says, because I do listen to what the Premier says. That is what the Premier said. It was going to happen; it was going to go from 30 to 16. The Premier said it constantly.

Mr C.J. Barnett: When?

Mr M. McGOWAN: That is what was going to happen. The Premier said it constantly—30 to 16.

Mr C.J. Barnett: Give me the quote. You just make it up.

Mr M. McGOWAN: The Premier put the state and the city through this. It was the Premier's doing.

Mr C.J. Barnett: You can argue that, but you keep on attributing comments to me that I have not made.

Mr M. McGOWAN: The Premier put us through it.

Mr C.J. Barnett: Just like your T-shirts.

Mr M. McGOWAN: The Premier put us through it. It was his plan, he put the state and the city through it, and it failed.

Mr C.J. Barnett: Yes, it did. We abandoned it.

Mr M. McGOWAN: It failed dismally.

Mr C.J. Barnett: But we got what we wanted, hopefully, and that is the City of Perth legislation—where we started.

Mr M. McGOWAN: So the Premier got what he wanted. He put all those councils through this process—dozens of councils out there were put through this process.

Several members interjected.

The ACTING SPEAKER (Mr N.W. Morton): Members —

Mr C.J. Barnett: You've got a T-shirt problem.

The ACTING SPEAKER: Members; Premier.

Several members interjected.

The ACTING SPEAKER: Members, I am on my feet! Now, there has been some exchange between the Leader of the Opposition and the Premier. As long as it stays civil, I am happy to let that go, but I do not want it descending into a free-for-all across the chamber. The Leader of the Opposition has the call.

Mr M. McGOWAN: So, the Premier said he got what he wanted.

Mr C.J. Barnett: The first objective was the City of Perth.

Mr M. McGOWAN: The idea was that for the City of Perth there be —

Mr P. Papalia interjected.

The ACTING SPEAKER: Member!

Mr M. McGOWAN: Speaking of rewriting history: it was going to go from 30 to 16; now that was never the plan —

Mr C.J. Barnett: I did not say that at all.

Mr M. McGOWAN: The Premier said he got what he wanted.

Mr C.J. Barnett: Yes, our first objective was the City of Perth legislation —

Mr M. McGOWAN: It was the City of Perth Bill. Well, the Premier does not have what he wanted; the National Party is not voting for it.

Mr C.J. Barnett: The first thing we announced —

Mr M. McGOWAN: The Premier's own cabinet colleagues are not voting for it. The Premier's own cabinet colleagues, who supported it in cabinet, now walk out and say they are not voting for it. How chaotic!

Mr V.A. Catania interjected.

Mr M. McGOWAN: Sorry; the member for North West Central is not in cabinet, and never will be, my friend.

Mr C.J. Barnett: They did not support it in cabinet; the National Party never supported it.

Mr M. McGOWAN: Did the National Party never support it in cabinet? All right; I stand corrected. It never supported it in cabinet. So the Premier's own cabinet colleagues did not support his plan.

In other words, we then ended up with a process by which democracy reigned in three areas, and in a whole bunch of others, democracy did not reign—and the Premier then abandoned it. When all those councils that were put through all those millions of dollars of expense —

Mr C.J. Barnett: No, they were not.

Mr M. McGOWAN: They were. The Premier sits there, shaking his head. Yes, they were.

Mr C.J. Barnett: They chose to go and spend ratepayers' money—their call.

Mr M. McGOWAN: Some of them put some money into a local campaign. They put some money into a tiny local campaign, by comparison with —

Mr A.J. Simpson interjected.

Mr M. McGOWAN: It might have been \$100 000—there we go, the Minister for Local Government said the figure!

Mr A.J. Simpson: It was about \$135 000.

Mr M. McGOWAN: Compared with the millions they had to spend on consultants, on advisers, on staff —

Mr C.J. Barnett: They didn't.

Mr M. McGOWAN: Yes, they did, Premier.

Mr C.J. Barnett: It was their call if they went out and ran a campaign; it is their business.

Mr M. McGOWAN: Does the Premier think that when he asked them for advice on these issues, which he did, and then when the Premier indicated he was collapsing 30 down to 16, they would just sit there and do nothing along this process and wait until the date it happens and then think: Well, how do we administer all the factors going on between two councils? Does the Premier think that that is the way it works? If that is how the Premier thinks government works, no wonder he has put the state in the position it is today.

Mr C.J. Barnett: It is in great shape.

Mr M. McGOWAN: There has been the loss of the AAA credit rating, a 900 per cent increase in debt, a loss of major projects and unemployment going through the roof. All those things are the Premier's creation.

All those councils were put through millions upon millions of dollars of expense. They were; go out and ask them.

Mr C.J. Barnett: If they spent money, it was their fault.

Mr M. McGOWAN: If the Premier is thinking they lied, he is wrong.

Mr C.J. Barnett: Did I say they lied?

Mr M. McGOWAN: The Premier is saying it was not millions of dollars of expense, and I say it is.

Mr C.J. Barnett: You said I lied, and I didn't.

Mr M. McGOWAN: No; I am saying that if the Premier is saying they lied —

Mr C.J. Barnett: I did not say that either, so that makes that a lie, does it? You just can't mount an argument!

Mr M. McGOWAN: It is like arguing with John Cleese over here! It is very similar to John Cleese in —

Several members interjected.

Mr M. McGOWAN: No, the one where he came for an argument—"Yes, it is; no, it isn't." Do members know that one? It is like arguing with John Cleese over here. Good, the Premier is leaving; it will make for a better environment in this house.

Mr A.J. Simpson: You've had 15 minutes now. Have a chat about the bill.

Mr M. McGOWAN: I am talking about the process that got us to this point.

We ended up with all those councils spending millions of dollars. We then ended up with the state having to put a lot of money in. If we have a look at some of the questions on notice over the course of time along this process, many millions of dollars were spent by the state on administering this process. If we go and ask any single council involved in it, they will tell us that the staff time and resources they had to put into it cost millions of dollars. It does not take long to rack up millions of dollars. All that amounted to nought, except for the City of Perth Bill that the government will no doubt trumpet.

What will this bill do? It will change the boundaries of the City of Perth to bring in the University of Western Australia and Sir Charles Gairdner Hospital—that particular precinct.

[Member's time extended.]

Mr M. McGOWAN: It will also bring in a small part of the western suburbs associated with that. It will then create a capital city committee and recognise the role of the Lord Mayor, and there will be a few other changes in that regard.

Did we really need to go through that extraordinary process for this piece of legislation? Did we? No. I have said publicly that I would love to see the University of Western Australia, in particular, in one local government area. I have always said. So, all the government had to do was go and see UWA, get it to come and see the opposition

and perhaps the National Party, and say that that is the main change the government would like to make, and Bob's your uncle—the government has its bill. However, the government tried to bring in Vincent, which was created by Richard Court in 1994, but the people of Vincent did not want it. Then the government tried to bring in Victoria Park, which was also created by Richard Court in 1994, and the people of Victoria Park did not want it. We said that the conditions for us supporting the government's legislation were these: drop the so-called Governor's orders, which was the forced amalgamation without referendum around the state; leave Vincent alone; and, do not have any sort of power to annexe any other area—do not have this annexation arrangement. The Premier had said that the government would have to bring in Burswood at some time in the future, and that Vincent should be part of the City of Perth. The Premier said all that, and so we said we were not having a bar of any of those things, but we were happy for a City of Perth bill, we were happy for UWA, and we were happy for Sir Charles Gairdner Hospital—Kings Park, if you like—to be part of the one council.

The Labor Party ended up getting its way, bar one thing, and that will be our condition for supporting this bill. The government ended up excluding the City of Vincent, after saying it must have it in the act. It dropped the Governor's orders in accordance with the opposition's demand; and it put in a sneaky provision. It included clause 37 in the City of Perth Bill 2015 to allow some sort of special arrangement for the advisory board to have regard to the City of Perth on any expansion of the boundaries. The opposition is saying to the government that it has to drop that or else it will not get the opposition's vote. That is more than reasonable. The deletion of the annexation power was a condition of the opposition's support. I announced the opposition's condition for support of this legislation three or four months ago. It remains our condition. The ball is in the government's court. If the government drops clause 37, the opposition will have a closer look at the bill, and it can probably expect our support.

I have advised the University of Western Australia that it should be under one local government area and that would be good for UWA. I do not regard that as the biggest issue for UWA; it is a pretty small issue. Apparently the pond in front of Winthrop Hall is divided between two or three councils, or something of that nature, but I do not regard that as the worst thing for UWA to deal with. However, it is reasonable for UWA to be under one council in one local government area. For all the incredible angst created around Perth—all those rallies and millions of dollars spent, all those referenda, all those local government inquiries and all those staff and consultants employed—for the government to come up with this one 37-clause bill as a consequence is a pretty small outcome. If this was the ultimate outcome the government was seeking by that massive process, it could have been done far more simply and easily than that. That explains the opposition's position.

This has been a botched process the entire way through. The botching of the process continues with a major part of the government not prepared to vote for the government's own legislation. The government will rely on Labor Party support. As I said, the opposition has its condition. It is up to the government whether it agrees with it, but we have a condition that relates to the annexation role in the City of Perth Bill. When the Premier was out of the chamber, I said that he had indicated he wanted to expand the boundaries of the City of Perth and that the City of Vincent would have to be included in the City of Perth.

Mr C.J. Barnett: It should have. I think it would have been to the great advantage of the citizens of Vincent if they had come in, but they decided not to. I think they would have got enormous advantage out of being part of the City of Perth, but they decided not to, so that's it.

Mr M. McGOWAN: The Premier has said that he would like to see the City of Vincent and Burswood come into the City of Perth in the future. The Labor Party is not embracing or supporting any of those annexation powers and may even seek to prevent the government from doing that in the future without an act of Parliament. That will be an interesting test for the government.

MR V.A. CATANIA (North West Central — Parliamentary Secretary) [3.43 pm]: As the Leader of the National Party stated, the National Party's position is that it will not support the City of Perth Bill 2015 for reasons that have been outlined consistently for a number of years. The National Party sees that the next step to this bill is legislation being brought into the house to change the boundaries or reduce the number of councils in regional Western Australia. As the Nationals have repeatedly said, we are happy to support metropolitan reform if the regions are not touched. Unfortunately, commentary by our partners in government, the Liberal Party, has always been that the regions are next. As members of the National Party, we cannot accept that. The Nationals have a policy in place as a party that now prevents us from supporting any legislation before Parliament to change any local government boundaries without a decision by the people.

It is interesting that when the Leader of the Opposition was talking about this bill he said that the Labor Party is prepared to support the Liberal Party in local government reform, basically, to force amalgamations. I listened to what the Leader of the Opposition spoke about—although I do not know whether any member made any sense of what he said—and the Labor Party does not have a policy other than supporting the Liberal Party in what it wants to do in local government reform. It is clear that the only way that councils in regional Western Australia can be protected is by the National Party keeping its position, which reflects the position of regional councils that

regional councils should have a choice if they want to embark on reform and to have discussions with their neighbours rather than amalgamation being forced on them.

In Parliament, the National Party is the only party that has been consistent with its policy right from day one. In fact, in February 2009, the then Minister for Local Government made the announcement about council reform in my electorate in Exmouth, so I have been following the process from that point in time right through to where we are today and it is questionable how this process has been run. I understand the intent of the bill, but out of the three political parties in this house, the National Party has been consistent in its policy approach, which is no forced amalgamations and making sure that regional Western Australia is looked after. The National Party has achieved consistent policy, but more importantly that policy has been reflective of the views and aspirations of the community that it represents in regional Western Australia.

I go back to the record of the opposition on local government. There were five local government ministers in Labor's time in government. It shows that poor old local government, over time, has had a number of ministers holding the portfolio—as I said, five from the Labor Party—which does not show the importance of local government to the state.

Several members interjected.

Mr V.A. CATANIA: I think the first Labor Minister for Local Government was Michelle Roberts in 2001, then Ljiljanna Ravlich, Jon Ford, Alannah MacTiernan and John Bowler, so there have been quite a few.

Mr D.A. Templeman: I do not think that Michelle was.

Mr V.A. CATANIA: Yes, she was the first Minister for Local Government that Labor started off with. As I said, five local government ministers does not show that the Labor Party recognised the importance of local government in its time in government. The wannabe Premier, the Leader of the Opposition, stands up but provides no real policy, other than to say it was a botched process. That does not show any leadership or that he has the ability to become Premier. I asked the opposition leader what he was going to do after 2017, because we all know that he is not going to become Premier, and by then he will probably be looking for another job, like many former Leaders of the Opposition. It will interesting to see what happens after March 2017.

One thing that members can be sure of is that the National Party, between now and March 2017, and onwards, will not change its position. The National Party has a consistent policy on local government. The Nationals want to ensure that local governments have the ability to better represent their constituencies through efficiencies and that is why the member for Moore has done a huge amount of work putting forward the regional subsidiaries legislation that will have the good effect of achieving reform in a positive way for local governments. Hopefully, after this bill, the Minister for Local Government will bring in the subsidiaries bill that regional councils and councils generally have wanted for a long time. Under the previous Labor government, this bill was on the notice paper waiting to be dealt with. I hope that both sides of the house support the subsidiaries legislation that the Minister for Local Government has committed to bringing on for debate after the City of Perth Bill. It will be an important step forward for local government. All in all, the National Party has not changed its position. It is disappointed that we are going down this path of what we believe to be a forced change of boundaries with this bill. The National Party is disappointed that the Labor Party will fall into line with the other major player in Parliament—the Liberal Party. We have been saying for a long time that when the two major parties get together, they can pass all the legislation in the world.

Mr C.J. Barnett: Are you going to vote against it?

Mr V.A. CATANIA: As we have said, Premier, being consistent, we will vote against this legislation. The Premier has the Labor Party's support obviously to pass the bill, so he will get what he wants. Unfortunately, this will send a signal to a lot of our constituents in regional WA to be careful of what happens after 2017, because without the Nationals holding the balance of power they will see forced amalgamations throughout Western Australia, and that will be a great shame.

Mr P.B. Watson interjected.

The ACTING SPEAKER (Mr N.W. Morton): Member for Albany!

Mr V.A. CATANIA: I hope our constituents read this *Hansard*. I will make sure they get a copy to see how the voting patterns occurred when it came to this legislation. We are flagging what will happen after the 2017 election with whichever party gets into government. It is very important that the National Party holds the balance of power and looks after our regional voters and our regional councils because ours is the only party that has been consistent on this issue.

MS R. SAFFIOTI (West Swan) [3.51 pm]: I rise to make my contribution to this debate. I hope it will match the contribution of our lead speaker on this, the member for Mandurah. The member for Mandurah outlined some of our key concerns with the City of Perth Bill 2015. During consideration in detail we will see whether the government is serious about wanting to get this legislation through. I will talk initially about that part of the bill,

but I want to reiterate some of the comments made by the member for Mandurah and the Leader of the Opposition, which is that this has been an absolutely shambolic process.

Mr C.J. Barnett: How are those T-shirts going; are they okay; are they a good fit?

Ms R. SAFFIOTI: T-shirts—what T-shirts?

Mr C.J. Barnett: You're losing it.

The ACTING SPEAKER: Member for West Swan, you have the call.

Ms R. SAFFIOTI: T-shirts. The Premier said something about T-shirts.

Mr C.J. Barnett: Yes.

Ms R. SAFFIOTI: I have absolutely no idea what he is referring to.

Several members interjected.

The ACTING SPEAKER: Members!

Ms R. SAFFIOTI: I still do not understand what he is referring to. I am glad he is focused on the big issues.

Let us go through the shambolic reform process that this government has led. It set about trying to force local government amalgamations. We are now left with the City of Perth Bill. That is the end result of years and years of chaos in our local government sector and millions of dollars being spent on this reform process. What are we left with today? We are left with this bill. It will achieve nothing that the Premier said he wanted to achieve in local government reform—basically nothing.

Mr C.J. Barnett: Yes, it does.

Ms R. SAFFIOTI: Nothing. Let us go through it.

Mr C.J. Barnett: Apart from moving a whole lot of entities into the City of Perth and, for the first time, creating the City of Perth Act. Apart from that, nothing.

Ms R. SAFFIOTI: Tell us about the T-shirts—hilarious.

The Premier set about trying to reduce the number of councils. He said that the local government situation was unworkable and only the Liberal Party could fix it. The Premier said the whole system was totally broken and that only he could fix the situation. He has not done that and now we have the City of Perth Bill, which does a few things but, practically, will do nothing that the Premier said he was keen to achieve.

Mr C.J. Barnett interjected.

Ms R. SAFFIOTI: Honestly!

Mr C.J. Barnett: That's the truth. Read the media release.

Mr P.B. Watson: Is there any chance of no interjections?

The ACTING SPEAKER: Only if the member indicates that she does not want to take interjections.

Ms L.L. Baker interjected.

Ms R. SAFFIOTI: The Premier is obsessed with something, so let him go. We have this bill today. I want to make a couple of points. I think the debate around the City of Vincent issue is one of the most interesting debates that I have heard. The City of Vincent issue showed me exactly how the government does its politics and its policy. Remember that the draft boundaries split Vincent into, I think, three bizarre areas; some went to the City of Perth, and, as I recall, others went to Bayswater and to Stirling. It created a lot of confusion and a lot of angst. That was initially supported by government members. Then there was a campaign—one in, all in. It was an interesting campaign by the City of Vincent at the time, given what they were arguing. I am not sure whether we can argue that places such as Mt Hawthorn should be included within the city boundary. I do not think that is something that should be argued, but that is what happened; they argued all in, one in and then they swapped and the member for Perth jumped on that bandwagon and said, "I'm in—all in, one in. Then everyone realised, "Hang on; we don't want to be part of the City of Perth", and then government changed its policy again. The process to amalgamate the City of Perth and the City of Vincent demonstrates that the government had no idea. It did not sit down and look at the maps and ask: what creates a strong community of interest; what is the plan? The government let the Local Government Advisory Board draw bizarre boundaries. It created a mix of local government amalgamations into which the majority would be forced and some would be voluntary. Of course, that would create problems. How could cabinet members sit around the cabinet table and not understand that some councils could be forced to amalgamate while others could be voluntary amalgamations? I do not know how the government ever thought that would fly. As soon as that policy was released, I knew the process was gone. There is no way that we can say to some people they will be forced to amalgamate and say to others that they can take a vote. The whole process was never going to fly. Then we saw it absolutely fall apart.

Local government reform is interesting. Local government reform is not about lines on a map; it involves looking at local government and state government functions and seeing where we can achieve better economies. I agree that there is some duplication and that both tiers of local government have stepped into each other's areas. There is no doubt about that. Of course I believe that we can do things better, but we do not do things better by changing lines on a map. We have to look at the functions undertaken by the state and by local government and see what can be done to better service our community. That has not been done because that involves hard work. That is when we have to enter into a proper dialogue with local government and see what can be done and how better results can be achieved. As I said, that was never undertaken. We had a flawed process, a bullying approach and ideas put forward that did not convince anybody, and now we are here debating something that the government never really set about doing. As I said, it has tried to retrofit the argument and it is now saying that this was what the whole local government reform process was about—a new City of Perth Bill. The government is trying to retrofit the argument to reflect a bad process that has cost local government millions and has created confusion and chaos. Local governments should have been better planning for our suburbs, investing in urban regeneration and renewal and getting their plans right, but instead they have been distracted by this process. It is a complete failure.

Debate adjourned, pursuant to standing orders.

MAJOR EVENTS (TICKET SCALPING) BILL 2014

Second Reading

MR M. MCGOWAN (Rockingham — Leader of the Opposition) [4.00 pm]: I move —

That the bill be now read a second time.

Attending a major sporting event such as the AFL finals coming up this weekend or a World Cup rugby or cricket match, or attending a concert by an iconic band such as The Rolling Stones, is special. For many ordinary people, it is literally a once-in-a-lifetime experience. But very often, thanks to unscrupulous ticket scalpers, that experience is soured, or even denied, with extortionate prices being charged for tickets—tickets acquired solely for the purpose of onselling at an outrageous mark-up.

In 2013, when the Fremantle Dockers made their first ever grand final appearance, genuine fans were hoping to buy tickets but scalpers were charging a reported \$3 500 for three tickets worth a face value of \$260 each. In 2012, when the West Coast Eagles had a home final, scalpers were offering tickets on websites such as eBay and Gumtree for more than double their face value. In late 2013, ahead of the 2014 Rolling Stones concert, tickets were sold out in a matter of minutes, and within a very short time they appeared on websites at inflated prices; there were reports of \$200 tickets being advertised for \$9 000.

Apologists for the current situation state that it is the demand that forces up the prices for scalped tickets. What is often ignored is that, by buying large numbers of tickets from the primary seller, the scalpers are creating an artificial shortage to jack up the prices. They are distorting the normal market forces by creating a sellout situation for an event, when a legitimate sellout has not actually occurred.

Nobody argues with the often legitimate reasons for needing to resell a ticket. Fans may hope their team will make the grand final and so buy a ticket early. When that dream falls short, they seek to onsell their finals tickets. Sometimes, at the last minute a family member may fall ill or pass away and the fan's attendance is impossible, so they look to resell their tickets. Those are legitimate reasons and fans should be able to do that, without profiteering to an exorbitant extent.

This bill is designed to protect the interests of the genuine fans in our community, and I do not mean those who are fans of ripping people off. I mean sport, music and theatre fans—the everyday people, the families, who want to be able to attend a major event without being exploited by unscrupulous scalpers. This bill is also not a broad one-size-fits-all bill. It will regulate only the onselling of tickets to major events, as designated by the government on a case-by-case basis.

Major events, as defined by this bill, include: events that will create tourism opportunities for Western Australia; events that will raise our international profile; events that will attract a lot of Western Australians as participants or spectators; or events that will provide a substantial benefit for Western Australia. This bill gives the responsible minister the authority to declare an event a major event, after consultation with the event organiser and with specific ministers. In the case of a concert, theatrical or other cultural event, this would be the Minister for Culture and the Arts, although the Minister for Sport and Recreation would be consulted in the case of a sporting event. Once that declaration of a major event takes place, it becomes an offence to sell a ticket without the written authorisation of the event organiser or its authorised agent for a price greater than the original price of the ticket. The original price of a ticket is described as its face value, or the price for which it was originally offered for sale, plus any fee or charge payable. These sorts of fees and charges would include original booking fees, credit card charge fees or postal charges, so genuine fans who can no longer attend the event can sell their tickets and not be left out of pocket.

Other states have various forms of anti-scalping legislation, with possibly the most successful being Victoria, which has successfully prosecuted some individuals and one ticket reselling website. Queensland enacted legislation in 2001 that endeavoured to make ticket scalping an offence at certain designated venues, and this has been less successful. This bill is aimed at selected major events only.

Some members may believe that the ticket selling industry can self-regulate, and there have been attempts to do that by making tickets non-transferable without the consent of the original seller or event organiser. In these situations, when—and if—the organiser or ticket agency sees tickets for resale, and they are able to identify the barcode of the specific tickets for sale, they can cancel them and reissue tickets for those seats with a different barcode. The main effect this seems to have had is to create a situation in which buyers are cheated into buying worthless tickets, often not discovering this until they turn up to the event and try to enter the venue, only to be turned away. The subsequent anger is often then misdirected at venue staff and organisers, simply because the ticket scalper is anonymous. The only real value in this situation is that the buyer then has a legitimate case to take to a consumer protection agency, hoping, of course, that the agency can locate and identify the scalper.

The other attempt at self-regulation has been for primary ticket sellers, such as Ticketmaster, to set up their own reselling sites. However, this week we saw the extraordinary situation of Dockers tickets going on sale on Monday at 8.00 am and one hour later, at 9.00 am, they were on sale on the Queen of Tickets website for triple the price. Forty minutes after that, they were available on the Ticketmaster Resale site at similarly high prices. Strangely, Ticketmaster Resale is supposed to be the website on which ticket buyers can legitimately resell their tickets with a guarantee that the tickets have not been cancelled or counterfeited, but it clearly also plays a role in allowing buyers who have no intention of attending an event to profiteer at the expense of genuine fans.

Some people may claim that this is an area the commonwealth government needs to legislate for. Unfortunately, the current commonwealth government does not agree. In March 2014 the Senate Economics References Committee produced a report into ticket scalping in Australia. Its majority recommendations were aimed at actions that should be taken by the Australian Competition and Consumer Commission. The federal government's response to each of the six majority recommendations was that "the Government notes this recommendation", which is hardly a ringing endorsement or a call to action. The minority report's recommendation that there be federal laws amending the Australian Consumer Law to outlaw ticket scalping and to empower consumers on the basis of certain conditions was emphatically rejected by the commonwealth government. It rejected it on the basis that the ACCC had received few complaints about ticket onselling.

However, this is false reasoning and no excuse for rejecting the need for action. People who are denied the chance to attend an event because of an artificial shortage and who cannot afford the extortionate scalper prices are unlikely to lodge a formal complaint with a consumer protection agency. If they are the victim of counterfeit or cancelled tickets, then, yes, possibly; but those who face disappointment and retreat from the pursuit of tickets would have the view that since they have not entered into a transaction, they would have no basis for a formal consumer complaint.

These disappointed fans are no less worthy of our protection from unscrupulous profiteers simply because the price of tickets has been artificially put out of their reach. The Senate report recognised the limited nature of state-based legislation given the cross-jurisdictional nature of online purchasing and reselling of tickets. The report states —

Ideally, if the states want legislation to curb ticket scalping, they should aim at consistency and complementarity in legislation; and coordination and cooperation in implementing and enforcing the laws. In this regard, the committee sees a leadership role for the Commonwealth ... to encourage the states and the Commonwealth to achieve this complementarity in their approach to stamping out unscrupulous ticket scalping.

Of course, that leadership is missing, as evidenced by the current commonwealth government's response to the Senate committee's recommendations. In the absence of commonwealth government leadership, it is up to this Parliament to show some leadership on this issue on behalf of ordinary Western Australians who are disappointed and frustrated at the uncontrolled and exploitative practices of ticket scalpers.

I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.

MARRIAGE EQUALITY

Motion

MS L.L. BAKER (Maylands) [4.11 pm]: I move —

That this house supports marriage equality and calls on the Parliament of the Commonwealth of Australia to amend the commonwealth Marriage Act 1961 to provide for marriage equality.

I originally moved this motion nearly two years ago before some decisions on the matter were made by the High Court of Australia and before the most recent Senate inquiry handed down its report into this issue just last week. A lot of water has passed under the bridge, not the least of which was the flood from Ireland and America recently when those countries significantly reformed laws on this issue. There are quite a few people on this side of the house and some on the other side of the house who wish to speak so I will try to keep my speech to 15 minutes.

Mr B.S. Wyatt: Promise?

Ms L.L. BAKER: I will try to do my best, member for Victoria Park. For some members of this house this may be an academic exercise, but I know that this has direct reference to the lives of most members because they will have friends or relatives—they may be children, mothers, fathers and people from all over the community—who are impacted by the legal barriers to marriage for gays and lesbians. However, I must point out to each of you that this is personal. I stand before you to say that this debate is personal for me because I am not permitted to marry the person I love. As I have done in the past, I again ask that members stand with me against outdated, fearful and hopelessly compromised views about what it means to be gay in Australia in the twenty-first century. A couple of years ago the High Court of Australia, the greatest court in our land, the court that we turn to for advice on matters of the most gravity and seriousness and on matters of constitutional reform, made it very clear to the commonwealth and to all the states that it is the Commonwealth of Australia's right and responsibility to make laws on marriage. Indeed, the state could make laws but they could be up for challenge—we know that now.

This motion prods the federal government to do something: to stop sitting on its hands on this matter, to stop using excuses and to stop wasting time and energy with meaningless exercises and expensive opinion polls. There is no legal reason for the federal government to spend \$158.4 million of taxpayers' money on a plebiscite, and that is just the start of the cost of the actual plebiscite. If we add the cost that governments have traditionally contributed to the for and against cases, we are looking at a much bigger cost to the taxpayers of Australia. We should bear in mind that this is taxpayers' money that our Liberal-National federal government is prepared to spend while it is in complete ignorance of the fact that the High Court of Australia's advice is to just do it! A plebiscite does not change the Constitution, nor does it change any legislation. Indeed, the world could just go on as though there was never a plebiscite. The government does not have to act on the results; it might be silly to ignore it but it does not have to act on the results.

Mr C.J. Barnett: But a referendum is to change the Constitution.

Ms L.L. BAKER: That is correct. I said a plebiscite. It is, in fact, a giant and very expensive opinion poll, and this is after numerous opinion polls have already shown that a clear majority of Australians are in support of this change. Professor George Williams of the Faculty of Law at the University of New South Wales says that there must be better things on which to spend money. The new Australian Prime Minister's views on marriage equality are well known, particularly to my community, but he seems to have traded his ethics for his new job. I urge the Prime Minister to consider the advice of his Senate committee that released a report last week and asked that a bill be introduced into the federal Parliament for same-sex marriage as a matter of urgency with all parliamentarians being given a free vote. Last week when Malcolm Turnbull was asked about his new job and the issue of marriage equality in Australia he said, "Any policy can be changed, but it would have to be considered by the cabinet and then the party room." Well, Prime Minister, I am standing with 72 per cent of Australians side by side and telling you that now is the time to reconsider your party's delaying tactics. Prime Minister, I am asking you to show courage, authority and leadership on this issue. The heart of the issue is having the courage to reject discrimination and prejudice against our brothers, sisters, neighbours, fathers, mothers, children and friends. At the heart of this issue are my colleagues rejecting discrimination against me. Each and every one of us is entitled to choose who we love for the rest of our lives. I say to those who oppose or fear marriage equality that marriage is not a statement of moral ascendancy but a statement of love. A group set up to oppose marriage equality demanded recently that those with a different view must not be discriminated against. I agree completely with that. However, I would argue that a plebiscite with the accompanying media hype and public campaigns will be divisive and only serve to rip the community apart further.

My partner and I are godparents to many of our friends' and families' children. The kids have grown up with us. We have been babysitters, advisers, teachers, confidants and friends to the kids in our extended family. Now and then our families' or our friends' kids curiously ask their parents if Auntie Lisa and Auntie Kathleen are married and are told, "Well, they love each other just like mummy and daddy love each other, so it is just like they are married." But, members, my brother and his wife should not have to explain our relationship to my precious niece and nephew. We are Thomas and Emily's aunts and we love each other and we love them.

In giving evidence to the Senate committee last month, the Australian Psychological Society and the Human Rights Law Centre both urged against a plebiscite saying that it would present risks to the health and wellbeing of those most affected. I want to read two quotes that go to that point. These are from the

Rainbow Families Council's submission to the Senate inquiry. The first is from two mums who have a five and an eight-year-old. It reads —

We are concerned that allowing people to vote for or against tolerance and acceptance is a recipe for disaster in schoolyards, workplaces, football games and everywhere else we live our lives for the most part without facing homophobic outbursts and we have friends, neighbours and colleagues who accept and embrace us. Our kids deserve to be protected from the views of people who don't agree or understand their parents choices wherever possible and a high profile vote, especially with media campaigns which may be judgemental at best or breed hatred at worst, is a dangerous path to follow.

The second quote states —

We wish to make it clear that our children are very much loved and wanted and in reality, marriage equality or not, our children are here now. They already exist and deserve to live in their communities without facing hate and discrimination.

We believe that if a public vote like a plebiscite or a referendum were to be undertaken, statements similar to those expressed by some organisations or institutions have the potential to impact the health and wellbeing of our children and rainbow families, as well as those who care for them.

Members, the federal government is perpetuating a dreadful disconnect between itself and this community by failing to move forward on this issue. We are sending the wrong message by taking the pathway of the chiefs and the cowards. The Australian community has overwhelmingly embraced marriage equality as logical, necessary, commonplace and, indeed, harmless. When organisations like the National Rugby League and other sporting codes in this country have indicated their support for marriage equality, surely the federal government realises that it is hopelessly out of touch and has been left way behind the public on this reform. For those who know Alan Joyce—not personally; I do not know him personally—the Irish Catholic CEO of our national carrier Qantas, he says —

If parliament can decide, why doesn't parliament just make the decision?

... There are lots of hard decisions made all the time, should we be asking the people on every issue? The country would be ungovernable.

By the way, in case members did not know, probably the least controversial aspect of Alan Joyce is that he is gay—and a strong advocate of marriage equality, I might say.

Those members who oppose my right to be treated equitably do so on a very narrow base with antiquated views of Australian society in this century. Marriage equality is a matter of rights—human rights. I have the right to marry the person I love. It is not a gift to be bestowed by others, nor is it something we should have to wait to receive when others feel comfortable and ready to give it. The formal and legally protected right to marry should be based on dignity, fairness and equality. And, members, it should be available right now to people like me.

Opposition members: Hear, hear!

MR M. McGOWAN (Rockingham — Leader of the Opposition) [4.23 pm]: I rise to support the member for Maylands. I think she made a very moving and meaningful speech. She spoke about her personal circumstances, and that would be an emotional thing for her to do, and I appreciate that it is an issue she has taken up from the heart. She has wanted to bring on this motion for some considerable period. Originally we were considering whether or not the state had the capacity to legislate. The High Court made it plain that it is an issue that comes under the commonwealth Marriage Act and the states cannot legislate. Various people were married under the Australian Capital Territory laws and were then unmarried a few days later when the laws were struck down by the High Court.

This Parliament has the opportunity to do two things. We have the opportunity to say that we as a Parliament vote in favour of marriage equality. In addition, we have the opportunity to advise the commonwealth Parliament what the view is of the lower house of the Western Australian Parliament. It will be another voice. There are a lot of voices out there but, to be fair, it is a fairly powerful voice on these issues. Over the next few hours I look forward to a respectful and reasonable debate by members on these things, but I want to make a number of points, firstly about the commonwealth government's current plan for a plebiscite. The reason I think a plebiscite is flawed is predominantly because it is not binding. I believe that most Australians, when asked, would vote in favour of marriage equality. I think there would be an almighty scare campaign, but I think most Australians are reasonable and fair enough to see through that and to vote for it. However, it is not binding, and if there were a referendum on this issue to amend the commonwealth Constitution, it would need a majority of the vote and a majority of the states, and that is hardly fair either. All a plebiscite would do is advise commonwealth members of Parliament what the majority opinion is in the country. That does not mean they have to vote for it.

I think a far better and, I must add, less expensive initiative in this regard is for the commonwealth Parliament to allow a free vote on these issues—bring it on and allow a free vote. The last time there was a plebiscite in

Australia, that I can determine, was in 1977; it was on what our national anthem would be. I can understand why there was a plebiscite on that. I understand why there might be a plebiscite on the flag, as was done in New Zealand. I cannot understand why on a matter like this the government would have a plebiscite. It does not fit within those views.

Mr C.J. Barnett: It was a survey; not a plebiscite in my memory. I say that because I actually worked on the project.

Mr M. McGOWAN: Okay; there we go. I am not sure —

Mr C.J. Barnett: It was a survey of about 30 000 people.

Mr M. McGOWAN: My recollection is going along as a 10-year-old in 1977 while my parents voted, and I think they voted for *Waltzing Matilda* from memory!

Mr R.H. Cook: Everyone did! Why did we not get that result?

Mr M. McGOWAN: In any event, it brings me to the next point: We have come a long way as a society. I know discrimination exists, and this issue is an example of discrimination. As the member for Maylands said, she cannot marry the person she loves, unlike the majority of us in this house. Discrimination exists, but I think we have come a long way. There have been a number of milestones along that road that got us to this point. I want to say this to the house: I look back now at some of the kids I went to school with when I was growing up in country towns, and clearly I think some of them were gay. I would not have known it at the time, and did not realise at the time, that some of the boys in my class would have been gay, yet words abounded. Derogatory, horrible phrases abounded when we were in the playground, playing at the river, on sporting fields—words like poof, faggot and homo. All that phraseology was out there, yet there were kids I grew up with, and indeed kids I went to university with—and they were kids—who would have been deeply hurt by those sorts of words that were thrown around as a negative, derogatory phrase to put someone down.

That was what society was like in the 1970s and 1980s. I do not know what it is like in schools and universities these days. I expect it is heaps better—I hope it is heaps better. However, that was my experience, having lived in small country towns and growing up with kids who, as I said, as I look back now, were clearly gay, and having gone to a university college with young men and young women who were clearly gay and lesbian, in hindsight, but who never admitted to it at that point in time. Does anyone seriously think those people chose to be gay? Does anyone seriously think they chose that as a lifestyle, as is said, considering the environment that existed in the 1970s and 1980s in Australia, and indeed before that, and that probably exists in some parts of this country today? Of course they did not choose that as a lifestyle, as some people try to portray. I have three children. Any one of my children could grow up and be gay or lesbian. When we consider the fact that it is not a choice and any one of us could have children who are gay or lesbian, is it not the case that we should look at it through the prism of how they look at this issue? As I have said, attitudes have much improved, and the derogatory terms are not as common. The laws were changed in 2001 to remove discrimination at a state level. However, marriage discrimination still exists. I think that discrimination should have been dealt with before now and should have been dealt with by the commonwealth Parliament.

In 2001—that is 14 years ago now—this Parliament dealt with a range of discrimination issues in state laws. That included adoption, in-vitro fertilisation, guardianship and administration, deceased persons' estates, superannuation, and transplant laws. This Parliament passed laws to remove discrimination in all those areas. From memory, the member for Girrawheen was intimately involved in that legislation, and about 40 areas of discrimination were removed by this Parliament. That was a big debate for those of us who were here at the time. I must admit I was pretty junior and pretty young at the time. It was a big debate. I remember that Jim McGinty, the then Attorney General, was subject to much vilification in relation to that bill. I remember bumper stickers that were distributed by some of our political opponents saying, "At times like this, you don't need a McGinty". Those were the bumper stickers that were distributed by some members of Parliament at that time as part of the attack on Jim undertaking these reforms. Honestly, in hindsight, who would go back now? That is now part of the social fabric of Western Australia. I think marriage equality could end up in exactly the same way. I reckon that if the commonwealth Parliament passed marriage equality legislation, within about a month it would be normal and everyone would have moved on and be wondering what that was all about.

A member interjected.

Mr M. McGOWAN: Absolutely. We would be able to go to some great weddings! There are people who have been hanging around waiting for this opportunity. They would be great weddings. They would be celebrations. It would actually be a great time to be alive.

Why do I think marriage equality should happen? Firstly, it is about removing discrimination and prejudice by allowing people to choose who they love and who they marry, in the same way as everyone else is able to make that choice. Secondly, it is about allowing for personal choice in these issues, rather than having the government make that decision for us. The government is currently deciding by law whether people can get married, rather

than allowing personal choice on this matter. It is about allowing one group in society to have the same rights as another group in society. At the base of it for me, if it will make people happy, and if it will not hurt anyone, why would we deny it? Will it hurt me? No. Will it hurt my family? No. It will not impact me at all. If one of my children was gay or lesbian, I would want them to have the right of marriage equality. However, at the core of it for me, above everything else—above prejudice and discrimination and all those other issues—if it will make a group of people happy, and if the commonwealth Parliament at our urging can change the law and make a group of people happy, let us do it and make them happy.

There are many arguments out there. I have heard the argument put, in a very forceful presentation, that marriage is about having children. Of course we all know that many married people do not have children, either by choice or otherwise. I have heard the argument put that the children of single parents do not achieve as highly and are handicapped in life. This is a side point, but I want to remind members of three people who have come from a single-parent family: Bill Clinton, Barack Obama and Malcolm Turnbull. Single parents are different from a gay or lesbian couple who marry. However, it is important to acknowledge the principle of not assuming that is somehow a lesser environment or lesser relationship.

I want to make a few other points. Australia has been at the forefront of many things. In 1902, the commonwealth Parliament allowed for all men and women, whether single or married, to vote, with the exception of Aboriginal and Torres Strait Islander people. In 1962, the Commonwealth Electoral Act was changed to allow for Aboriginal suffrage at the commonwealth level; and that occurred also in 1962 in Western Australia, and in Queensland in 1965. In Western Australia, the right to vote was granted in 1899, and the right for women to stand for Parliament was granted in 1920. In 1973, the voting age was lowered to 18 years to reflect the fact that 18-year-olds were allowed to fight for their country and they should be allowed to vote on whether the government might send them away to fight for their country. Western Australia has a long history of being at the forefront of social change in Australia. Australia beat a lot of countries in relation to suffrage, and we beat most other countries to allow for universal suffrage.

In relation to gay marriage, in 2001 the Netherlands granted the right to same-sex marriage. That was followed in 2003 by Belgium; in 2005 by Spain and Canada; in 2006 by South Africa; in 2009 by Norway and Sweden; in 2010 by Portugal, Iceland and Argentina; in 2012 by Denmark; in 2013 by Brazil, France, Uruguay and New Zealand; in 2014 by England and Wales, and then Scotland; and in 2015 by Luxembourg and the United States. The United States of America has allowed for same-sex marriage, for marriage equality. For goodness sake! The United States has allowed for it, and the President of the United States has campaigned for it, yet Australia does not have marriage equality and shows no sign of doing that unless the pressure amps so much that the commonwealth Parliament allows for it. This is our opportunity to send a message to the commonwealth Parliament that it is time for this important change and it is time for the commonwealth to resolve this issue. It is an issue of discrimination, of prejudice, but above all for me it is an issue of allowing people to live out their lives happily in a way that does not adversely affect others.

DR A.D. BUTI (Armadale) [4.39 pm]: Before I get to my contribution in regard to the exchange between the Leader of the Opposition and the Premier, there was a plebiscite on the national anthem in 1977. There were four choices: *God Save the Queen*, *Advance Australia Fair*, *Song of Australia* and *Waltzing Matilda*, and obviously *Advance Australia Fair* won, with about 48 per cent of people voting for it.

I stand to contribute to this debate on marriage equality, and I stand very proudly next to my friend the member for Maylands, Lisa Baker. Of course this is a very personal issue for the member for Maylands, but I think in many respects it is probably a personal issue for all of us, because I am sure all of us have friends and maybe family members who are gay. I do not know how I could stand before this Parliament and deny them the right that I have, and that all of us have, to make a choice about whether we want to marry or not. Mention has already been made of the 2013 High Court case *The Commonwealth of Australia v The Australian Capital Territory* when the High Court clearly gave the view that the Australian Constitution does not deny the possibility of the federal Parliament enacting legislation to respect same-sex marriage. The statement from the High Court is as follows —

Today the High Court decided unanimously that the *Marriage Equality (Same Sex) Act 2013*, enacted by the Legislative Assembly for the Australian Capital Territory, cannot operate concurrently with the federal *Marriage Act 1961*. The Court held that the federal Parliament has power under the Australian Constitution to legislate with respect to same sex marriage, and that under the Constitution and federal law as it now stands, whether same sex marriage should be provided for by law is a matter for the federal Parliament.

That is what I think the Leader of the Opposition was articulating. Therefore, this whole idea that has been thrown up by those whom I would consider opponents to the idea of same-sex marriage that there should be a referendum is absolutely silly, and even the number one lawmaker in the land, the federal Attorney-General, has stated in the Senate that there is no need for a referendum because the Constitution does not need to be

changed; the federal Parliament has the power today to enact legislation to legalise same-sex marriage. That decision of the High Court was very interesting because it basically stated that the definition or concept of marriage is a matter to be decided by legislation and we do not need to be tied to what the concept of marriage may have been in the nineteenth century or any other time. The Parliament has the right to legislate to recognise same-sex marriage and it is not prohibited in doing so by any concept of what was meant by marriage at the time the Constitution was drafted in 1901.

Although this may be a bit superficial and simplistic, it would generally be found that more conservatives are opposed to same-sex marriage than so-called liberal-progressive voters, not from a party political point of view but from a philosophical point of view. However, a number of conservatives argue that same-sex marriage should be recognised. In *Quadrant*—which I am sure everyone realises is not the progressive left-wing magazine of the Labor Party and is generally considered to be quite a conservative publication—an article written in March 2012 by John Zerilli entitled “Why Conservatives Should Support Same-Sex Marriage” goes through a number of facts. He writes that when new facts arise, conservatives should take them into consideration when making their decision. The article states —

For the traditional and consistent conservative, I would say that the matter very largely boils down to the facts: when they change, so should our opinions.

He writes something else that I think is important, and the member for Maylands and the Leader of the Opposition mentioned this. I quote —

The facts are that people do not choose their sexual orientation any more than people choose to be right-handed or left-handed. People simply have no choice in the matter of their sexual orientation.

There may be people in this Parliament or other Parliaments who believe that whether one is gay or not gay is a lifestyle choice—it is not. I am sure many of us have had conversations with people who are gay, and some of the torture they have been through, especially in their teenage years, has been unbelievably hard for them to bear and some of the consequences have been fatal. I do not know how people can say that it is a choice. It is no more a choice than, as John Zerilli states, whether somebody is right-handed or left-handed. He states further —

Facts never frighten real conservatives ...

They should agree to listen to the facts; and if those facts have changed over time, they should take them into consideration. He also states —

... while it is true that one of the traditional functions of marriage has been seen to be a vehicle for the rearing of children, people marry for many reasons. Reproduction cannot exhaust matrimonial possibilities, since many people marry freely without the slightest inclination, or capacity, for having children. Infertile couples get the same marriage certificate as fertile ones.

Third, the “children’s rights” argument fails. The marriage debate is entirely separate from the children’s rights debate: there are already gay men and women with fully acknowledged and legally protected parental roles in many ... societies ...

If we are saying that only people in heterosexual marriage relationships should have children, there are already gay people with children, so that marriage argument cannot be upheld. The article continues —

Fourth, it is said that marriage civilises lust the way capitalism civilises greed. If there is any truth to this, why would conservatives not welcome the opportunity of extending the civilising influence of marriage to behaviour which they deem is, in its present form, likely to lead to promiscuity? They might complain about the “homosexual lifestyle”, and yet the one essential which they concede makes the heterosexual lifestyle preferable from the point of view of monogamy—namely, legally institutionalised commitment—is the one thing now lacking and most resisted.

An article entitled “A Conservative Case for Gay Marriage” by A. Barton Hinkle mentions four reasons that conservatives should accept gay marriage. It states the following —

(1) *Gay marriage is good for “the institution of marriage.”*

...

(2) *Gay marriage fosters virtue.*

...

(3) *Gay marriage benefits children.*

I will talk about that a bit later. And —

(4) *Banning gay marriage injects government where it doesn’t belong.*

I would be interested in where libertarians in this place sit on this issue, because if one is a true libertarian, they would not agree that the government should prevent people from making choices about who they marry.

In regards to another conservative, Judge Richard Posner is a famous US judge and a conservative. He is a judge on the United States Court of Appeals for the Seventh Circuit. In a 2014 decision, *Baskin v Bogan*, he made a number of comments in regards to gay marriage. I will read some of them. In this case, one state—I cannot remember which—was trying to prevent marriage equality. Judge Posner states that an oral argument the state lawyer made was as follows —

Heterosexuals get drunk and pregnant, producing unwanted children; their reward is to be allowed to marry. Homosexual couples do not produce unwanted children; their reward is to be denied the right to marry. Go figure.

Another quote from the ruling is as follows —

The state should *want* homosexual couples who adopt children—as, to repeat, they are permitted to do—to be married, if it is serious in arguing that the only governmental interest in marriage derives from the problem of accidental births.

Another quote reads —

“If the state’s policy of trying to channel procreative sex into marriage were succeeding, we should expect a drop in the percentage of children born to unmarried women, or at least not an increase in that percentage.

He then refers to the argument about tradition, stating that there are good and bad traditions so we do not necessarily need to uphold tradition, particularly if it results in discrimination.

Justice Anthony Kennedy of the US Supreme Court, who is generally considered to be more on the conservative side, stated in the Supreme Court decision that upheld same-sex marriage in the US that to deny gay people the right to be married is to condemn them to a life of loneliness, “excluded from one of civilization’s oldest institutions”—that of marriage.

One of the most prominent US writers in regard to same-sex marriage is Professor Kenji Yoshino of New York University School of Law. He wrote a fantastic book based on his own experiences, titled *Covering: The Hidden Assault on Our Civil Rights*. He replied to an argument presented by a professor at Princeton, Robert George, against same-sex marriage. Yoshino states that the main argument by a lot of conservatives is this whole idea that the purpose of marriage is procreation. An article he wrote in 2010 states —

The flaw is that the principle of “common procreation,” as this idea is known, is overinclusive. It demeans the marriages of many opposite-sex couples who do not give birth to biological children, including infertile couples, couples who have chosen not to have children, couples who have adopted, and couples who have used reproductive technologies to create their families. My critique concluded that the capacity (or desire) to procreate is not a principled ground on which to define same-sex couples out of the institution of marriage while pretending to keep all opposite-sex couples inside it.

Arguments will be made that it is better for a child to be raised by a mother and father. Most of these people talk about the biological mother and biological father: what about people who have used technology to have a child? They are not necessarily a biological couple: should they be excluded? I do not think so. Yoshino refers to research on the conservatives’ idea that two biological parents are what is best for a child, and that that research does not often compare gay couples and heterosexual couples; it often compares biological heterosexual parents with a single parent or parent who has had difficulties or divorced couples et cetera. So it is not comparing like with like.

I know other people want to speak, so I will conclude my comments shortly. I refer to a famous speech made in the New Zealand Parliament by Maurice Williamson—a National Party member of Parliament. He stated —

However, a huge amount of the opposition was from moderates, from people who were concerned, who were seriously worried, what this might do to the fabric of our society. I respect their concern. I respect their worry. They were worried about what it might do to their families and so on.

Let me repeat to them now sir, all we are doing with this bill is allowing two people who love each other to have that love recognized by way of marriage. That is all we are doing.

We are not declaring nuclear war on a foreign State. We are not bringing a virus in that could wipe out our agricultural sector for ever. We are allowing two people who love each other to have that recognized, and I can’t see what’s wrong with that for love nor money ... But I give a promise to those people who are opposed to this bill right now. I give you a watertight guaranteed promise. The sun will still rise tomorrow.

Your teenage daughter will still argue back with you as if she knows everything. Your mortgage will not grow. You will not have skin diseases or rashes, or toads in your bed, sir. The world will just carry on.

And finally, can I say sir, one of the messages I had was that this bill was the cause of our drought. ... you will see that in the Pakuranga electorate this morning it was pouring with rain.

Members, there is nothing to be worried about. All we are doing is trying to allow people the right to marry. People in this house who call themselves libertarians cannot oppose that concept. It is usually the conservatives who say that we should keep government out of people's lives as much as possible. Why would people reject the ability of people who love each other to marry?

MR P. ABETZ (Southern River) [4.54 pm]: I rise to speak against this motion. I think same-sex marriage advocates have certainly mounted a very clever, but, I would say, deceptive campaign by claiming that same-sex marriage is actually about marriage equality.

Let us just look at the phrase “marriage equality”—firstly, the word “marriage”. In any society there are many different relationships. Whatever those relationships are—whether they are between, say, an aged mother living with her single son, or two sisters living together—they are very, very valuable and very beneficial relationships; there is no question about that. Loving, affectionate relationships between adults certainly should be respected, and they are very valuable in any society. But those relationships are not marriages. The word “marriage” has been reserved for the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. That has been pretty much the definition for thousands of years. In fact, it predates Christianity.

Mr J.R. Quigley: No —

The ACTING SPEAKER (Ms J.M. Freeman): Stop!

Mr P. ABETZ: It predates even Judaism in that the ancient Egyptians had that kind of arrangement. Aboriginal people do as well; in fact, mainstream media did not give it much coverage, but an Uluru bark petition was presented to federal Parliament a little while ago by a whole host of Aboriginal people—to save time, I will not read out all the different tribes—and I will just read points 5 and 6 of the petition presented to Parliament. They read —

5. It is therefore an affront to the Aboriginal People of Australia to suggest another definition of marriage.

6. The Aboriginal people of Australia strongly call upon you to reject any attempt to redefine the institution of marriage, and in doing so, honour the sanctity of both the tradition of marriage and the spiritual implication of this sacred union.

That was signed by a large number of Aboriginal people. It is only the second time in the history of our federal Parliament that a bark petition has been presented to the Parliament.

It is interesting that in ancient Greece and in the declining years of the Roman Empire, homosexual relationships were very common but they never went down the path of calling such relationships marriage. Cultures right across the globe since time immemorial have had the institution of marriage—the union of a man and a woman, sometimes a man and more than one woman, but always male and female. A letter sent to Tony Abbott on 11 June 2015 by a huge number of religious leaders in Australia, ranging from Muslim, Jewish, Christian, Catholic and the Orthodox faiths, states —

To uphold marriage as the mutual love of a man and a woman, open to the gift of children, is not bigotry or prejudice.

It is interesting that only a few years ago our federal Parliament very solidly reaffirmed what has always been understood as the meaning of marriage. Why? Because it recognised that whether someone is of Aboriginal, European, African, Asian or Polynesian descent or whatever, whether someone is Muslim, Jewish, Hindu, Buddhist, Christian, Shinto or whatever religion, or atheist, marriage has always been between a man and a woman. The notion of same-sex marriage is, in terms of human history, an exceedingly recent idea. In fact, if members go back in gay literature, they will find that in the 1980s and 1990s, and even today still, there are many gays who are vehemently opposed to marriage in any form. Brian Greig, who is probably known to many members, perhaps even personally, because he served as a senator for Western Australia, was quoted in an article in *The Australian* of 20 August 2013. He said —

“My experience is that the vast majority of gay and lesbian citizens do not support the notion of marriage as it currently stands,” Mr Greig, then a senator, said in December 1999. “They see it as a very heterosexual and outdated institution that should be modified and not copied.”

The article continues —

In the pages of *The Australian*, the phrase “gay marriage” cropped up once every two months on average between 1996 and 2002; in the past three years it has been appearing almost daily.

The article further down states —

Same-sex marriage is not easily embraced by Islamic and other non-Western cultures where loyalty to family and tradition trump Western notions of liberties and rights.

I find it interesting that various reports indicate that in the Netherlands, where same-sex marriage has been available for quite a number of years, only four per cent of gays and lesbians in long-term relationships have chosen to marry. When they were asked why not, their response was, “It’s not marriage.” The reason for them saying that, particularly among homosexual men, is that they generally want what they term an open relationship. I would like to quote from a transcript of a panel discussion of homosexual authors at the 2012 Sydney Writers’ Festival. Dennis Altman was one of the people on the panel, and he says —

The original concept of marriage in the western world of course was based heavily on the idea of monogamy ...

Further on he says —

Now I am going to speak now as a gay man: one of the things about gay male culture is that it is not a monogamous culture. All the evidence we have suggests that monogamy is a myth. There are many longstanding gay relationships. There are virtually no longstanding monogamous gay relationships.

He continues further on —

But I do get very anxious when I am told that people want to have a marriage that is exactly the same as the ones that their heterosexual sisters and brothers have. What their heterosexual sisters and brothers are signing up for—whatever they do in practice—is a belief in life-long monogamy.

There is a level of hypocrisy in that—that is built into the marriage ceremony. That, I do not want to see replicated.

He goes on after someone else has chipped in, and says —

I would love to have the people who are out there arguing for same sex marriage say “lets be clear: Marriage is about primary emotional commitment to another person and it doesn’t mean I won’t **** around.

Why have societies around the globe embraced marriage as a male–female relationship? The answer is quite simple: because it creates the stable context in which children may be born and nurtured, thus ensuring the future of society. The sad chapter of our history of the Stolen Generations surely points out to us that kids want to be brought up by their biological mum and dad, if that is at all possible. We know the massive problem that is emerging for children conceived by donor sperm or donor egg through IVF. They form their own organisations. I will not go into that now because I spoke about that when we debated the Surrogacy Bill. Many of the people who were conceived through donor egg or sperm are desperate to find their biological identity, and there are whole websites and movements that deal with that. But, as I said, I will not belabour that point because we covered that at the time of the Surrogacy Bill.

Last year, through the university internship program, I asked one of the students to do a literature review for me on the different parenting situations of children and the outcomes. It was rather interesting that in reviewing the literature, it did not matter which country they looked at, whether it was the United States or Australia—fairly limited research is done in Australia—the evidence is clear that children who are brought up by their married biological parents do far better in all sorts of parameters, including education outcomes, longevity, earning income et cetera and also the stability of their own relationships later on. The next best outcome was for children with biological parents in a de facto relationship, followed by step-families, single parent families and then came children brought up in a same-sex household. I take the point that the member for Armadale made that those kids generally have gone through the trauma of a family break-up and end up being with one of those parents. Nonetheless, Dawn Stefanowicz, who was brought up by her homosexual father and his string of partners, has written a book *Out from Under: The Impact of Homosexual Parenting*, telling her story and also citing the experiences of many others in a similar situation. I encourage members to read that book.

If we redefine marriage to include same-sex relationships, it will be inevitable that men in same-sex relationships will be accessing surrogacy, and lesbian couples will be accessing donor sperm to have their children. By doing that, we would be enshrining in law something that will result in such children missing either a mother or a father. The accounts of kids brought up by same-sex parents tell over and over again that as much as they appreciated the efforts of their two mums or two dads, mums and dads are different; they are complementary. Indeed, if they were not, why would we worry about wanting to address the so-called gender imbalance in Parliaments and company boards? If there is no difference between male and female, why do we worry whether there are blokes or women in Parliament or on boards? There is a very clear difference—a biological difference, a psychological difference between men and women—and that certainly plays out in the parenting of children.

No matter what arrangements people of the same sex might make with each other regarding their sexual lifestyle and commitment, it is not marriage. Even if we did call it marriage, I put it to the house that it is actually fudging the definition. Language normally has a term that has a certain meaning and then as language develops we develop more specific terms that make it more precise. But here, if we go for the term “same-sex marriage”, we

will be taking a term that has a specific meaning and widening its meaning, rather than going into more refined language. For the same-sex relationship, I am saying that we can come up with a different word; we should not call it marriage.

I was pleased to be at the Marriage Unity rally on Sunday at Langley Park; there were about 1 500 people there. One of the speakers at the rally said that marriage has the untold benefit of providing children with mothers and fathers. Sometimes this does not work, but, as Katy Faust, the daughter of lesbian parents, said, that does not mean we should normalise the family structure that requires children to lose either a biological mother or father and that where possible children do best in a healthy family with their own biological mothers and fathers. He also said that he thinks, intuitively, most of us know that to be true and we are now hearing that more and more from those who have been deliberately brought up without that privilege. He said that we should not need to defend the marriage; we should not be attacked for simply stating that which we believe to be true in all societies in all of human history.

Let us look at the term “equality”. We can pretend there are no differences but the reality is that there is a significant difference, as I think I have, hopefully, outlined. The criteria for marriage are quite simple. As a person authorised under the Marriage Act to solemnise marriages, I had to check that people met certain criteria. They had to be over the age of 18; if not, they had to get a magistrate’s approval and all that sort of thing. They could not be biologically closely related to one another, for example, a brother and sister could not get married and that kind of thing. Clear criteria had to be met. In that sense, all Australians have marriage equality. If they meet the criteria, they can marry. In the same way, if I say that I cannot be a lawyer, is that unfair or unequal? No, it is not. If I meet the criteria because I have done the study and all of that, I could be a lawyer. If I do not meet the criteria, I simply cannot.

As I think the member for Armadale mentioned before, so I will not go into it again, the Gallop government passed a range of bills that took away discrimination against same-sex couples. In fact, in a media statement dated 14 November 2001, the Attorney General, Hon Jim McGinty, announced that —

Historic legislation to give gay and lesbian people the same rights as all others in the community was today introduced to State Parliament.

That legislation was passed and is still in place. The commonwealth government modified, I think, 85 commonwealth laws to eliminate discrimination against same-sex couples and their children. So in that sense there is equality.

[Member’s time extended.]

Mr P. ABETZ: I turn now to what happens in places where same-sex marriage has been legalised. Where same-sex marriage has been implemented, a whole lot of things are taking place. I want to highlight some of them for members. People are losing significant freedoms. Let me mention Rodney Croome, the gay activist from Tasmania, who wanted the Catholic Archbishop of Hobart to be taken to the Tasmanian Anti-Discrimination Tribunal for providing children in Catholic schools with a document that explains Catholic teaching about marriage. The church holds that marital love can be expressed only through the natural biological sexual union of a man and a woman; the only relationship that can, naturally, of itself, produce children. Christians, Jews, Muslims and most others the world over share that view. Here we have a militant activist saying that the Catholic Church should not have the right to teach what it has taught for a couple of thousand years. He is saying that it can no longer teach this. This is part of the problem.

The other issue is the way same-sex marriage can impact on people by eroding their freedoms. In the United States, there have been a number of cases, and in Ireland, the Ashers Baking Company has been found guilty, under an anti-discrimination law, of declining to decorate a cake with a pro-same-sex marriage slogan because the owner said that to do so would violate his conscience. They were fined £500. Those people in Ireland have now lost a freedom that they had before. Aaron and Melissa Klein from Oregon in the United States were fined \$US135 000 under its anti-discrimination law because they declined to bake a cake for a same-sex wedding. Cake shop owner Jack Phillips of Lakewood, Colorado, was told by a judge to either bake a cake for a same-sex couple’s wedding or face fines under the anti-discrimination law. If I have a coffee shop and someone wants to buy a cup of coffee, whether they are gay, lesbian, transgender or whatever, I accept that I need to sell them that cup of coffee. There should be no discrimination there, but when we ask someone to actively participate in a wedding ceremony that violates their understanding and what they passionately believe and would violate their conscience to participate, I see the denial of that freedom to people as a very serious erosion of our rights. I hope that none of us wants to see those kinds of rights eroded. Elaine Huguenin declined to photograph a lesbian wedding. The New Mexico Supreme Court ruled that she had violated the state’s Human Rights Act and was given a \$6 000 fine. As far as I am concerned, if a wedding photographer says, “I do only Catholic weddings”, that should be their perfect right. Whether they do only Protestant weddings or Church of England weddings, why can that not be? We have had that right until now. Why elevate lesbian or gay couples to a status that exceeds that of others in the community?

I do not have the documentation here but in the wedding cake scenario of a gay couple asking the wedding cake people, who were happy to sell them a cake off the shelf, to write the slogan “We support same-sex marriage”, they said, “Sorry, we can’t do that.” I believe it is wrong to ask someone to do that when it violates their conscience. That is what tends to happen in every jurisdiction where same-sex marriage has been legalised. The ACT Attorney-General, Simon Corbell, admitted in a letter to the Australian Christian Lobby in November 2013 that had his same-sex marriage law not been overturned by the High Court, it would have made it unlawful for those who provide goods, services and facilities in the wedding industry to discriminate against another person on the basis of their sexuality or their relationship status. It is a fact that for so long in society, marriage has clearly been between a male and a female and, as I said before, that has been the position for thousands of years.

It is interesting that Chief Justice John Roberts of the United States Supreme Court said in his judgement, according to my notes —

Although the majority randomly inserts the adjective ‘two’ in various places, it offers no reason at all why the two-person element of the core definition of marriage may be preserved while the man-woman element may not. Indeed ... a leap from opposite-sex marriage to same-sex marriage is much greater than one from a two-person union to plural unions, which have deep roots in some cultures around the world.

Justice Samuel Alito notes, according to my notes —

The [majority] decision will also ... be used to vilify Americans who are unwilling to ascent to the new orthodoxy ... Those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers and schools.

That might sound far-fetched, but try living in Canada. Someone can stand in a public arena and say, “I believe that marriage should be between only a man and a woman” and those words can now be classified as a hate speech and people can be fined and can even go to jail simply for saying, without any malice in their voice, that is what they believe. It has happened; one person in Canada was fined \$7 000 for that. I urge the house to exercise great caution when considering this motion and the whole push for same-sex marriage. It is not just about two people loving each other; that has never been the definition of marriage. The issue of what this leads to also needs to be taken into account. That is absolutely critical. If we look around the world at the countries where same-sex marriage has been in place for any length of time, we see a massive erosion of religious freedom and freedom of speech and I believe, for that reason alone, if we value freedom, we should oppose this motion.

Furthermore, on the question of whether the Parliament should deal with this matter rather than having a plebiscite, if we are going to change something that is so fundamental to our society as the definition of marriage, every person in this country should be able to have their say on it—and if the majority decides in favour of it, that is the nature of democracy. But it is an issue that is foundational; in fact, I would see it as being even more foundational than changing our Constitution. To change our Constitution we need a majority of states to be in favour of it, but I would be happy to go with a plain plebiscite that would give the Parliament a clear indication of the wishes of the people.

MR C.J. BARNETT (Cottesloe — Premier) [5.21 pm]: I just want to make a few comments about this debate and, indeed, the motion that has been moved by the member for Maylands. I think it is quite appropriate that we have a debate or discussion in this Parliament about the issue of same-sex marriage; however, I think that the wording of the motion is not appropriate, and I will explain why.

First, this issue is for me and, I would think, most members of this house, a conscience issue. It is an issue on which members should be able to exercise a free vote. However, it is not an issue over which this Parliament has any jurisdiction at all. Clearly, and constitutionally, the commonwealth government has responsibility for the Marriage Act, and therefore for this issue, so I question what is trying to be achieved in this Parliament through this motion. To go back to the motion moved by the member for Maylands, that this house supports marriage equality, I find it interesting; I note that the language has changed from “same-sex marriage” to “marriage equality” in recent months; I guess that is another issue, but so be it.

Mrs M.H. Roberts: Do you understand why that is?

Mr C.J. BARNETT: Yes, I do, but I just make the point that the language has changed. I question why anyone in this Parliament, if they agree with me that this should be a free vote, would try to force members to declare a vote, either yes or no. That is contradictory to the very principle of a free vote because it means that the member is trying to pass a motion that this house supports the motion, and to extend that motion to, basically, a recommendation that the commonwealth government amend the Marriage Act to allow same-sex marriage, although the wording “marriage equality” is used.

I believe that most members—probably a strong majority of members—in this house would support a resolution, if we must have one, that this house call on the commonwealth government to have a free vote on the issue of

same-sex marriage, because that is the only practical way forward. I think the wording of the motion moved by the member for Maylands somewhat contradicts and defeats the purpose I think she had. I just wanted to make a few comments about that.

This issue has been very much a public issue, particularly over the last six months or so, and particularly following the Irish vote, following a referendum there, in support of same-sex marriage. There has been a lot of debate amongst members of Parliament, particularly in the federal Parliament here, and an enormous amount of media commentary about it. The debates are probably led by those who are directly involved—who are gay and lesbian—and they certainly should be entitled to do so. But the various arguments can be looked at in one context. Some, particularly those amongst the gay and lesbian community and those who support this cause, will talk about the right of same-sex marriage and, more recently, have talked about marriage equality; that is certainly an argument. For other people, it will be a moral issue; there is no doubt about that. For other people, it will be a religious issue, according to whatever faith they may have. But I suspect that the vast majority of Australians actually do not really care. If they are not directly affected or they do not have a friend or a family member who might be gay or lesbian, it really is not an issue for them. I think there is a certain danger in that, and I will come back to that.

As far as I am concerned, I have always said that I support some sort of civil union, and I know that is not adequate for advocates of same-sex marriage, but that is the position I have taken, at least up to this point. But I do not want to be forced to vote, one way or the other, in this Parliament. I will express my view, as I have, and I will probably express it again, and I might even change it—who knows? If there is a referendum or plebiscite, it is my right to choose, at that moment, how I will vote. I do not want to be pushed into a position one way or the other through the wording of a motion that I do not think is appropriate for the Parliament of Western Australia.

It is a conscience issue, and I do not think anyone would disagree with that. We have had conscience issues in this Parliament before, like euthanasia in the upper house. I may be the only member in this chamber who was here when the abortion debate went through, moved by Liz Davenport.

Ms M.M. Quirk: Cheryl Davenport.

Mr C.J. BARNETT: Cheryl Davenport, sorry; Liz Davenport is a designer!

For those of us who were here, it was obviously a terribly emotional issue, particularly for women, and many women stood up and gave accounts of their own lives or families, and it was very moving. The Parliament became completely divided. I voted in favour of choice, if there is any confusion about that, but many did not, for whatever reasons they held. I did not find it a very edifying experience. I think the result, from my perspective, was the right one, but to see that sort of emotion and division in the Parliament was not, in a sense, a good scene.

Ms R. Saffioti: It had to be done.

Mr C.J. BARNETT: Well, the member was not here, and if she had seen people crying in the chamber, arguing, and being bitter, she would know that that was what happened.

Mr P. Papalia interjected.

Mr C.J. BARNETT: No, everyone has been listened to with some courtesy, except for me.

The point I make is how divisive an issue can become. Abortion was a more emotive issue than this, and it became very divisive. It split people and split friends; people aligned as to whether they were Catholic or not Catholic, and all sorts of other things. If this issue were to go to a referendum or a plebiscite, I think it would be very destructive. I think we would see some of the worst sides of Australian society, and I do not believe that should happen. I think we would see people marching in the street on either side of the debate, and we would see acrimony, personal insults, abuse and the like. I do not want to see this issue go to a referendum or, indeed, a plebiscite; they are much the same, but with different consequences. I am not dodging the issue, but I am very much of the view that this is the jurisdiction of the commonwealth Parliament and that it is an issue on which members of the commonwealth Parliament should vote as, I would strongly recommend, a free vote. They should accept their responsibility and deal with the issue, as this Parliament accepted its responsibility and dealt with the probably more difficult issue of abortion and choice. In that sense, I do not think what has been recommended as a motion here is the appropriate one.

In my view, that is how it should be decided, and I would suggest that the resolution from this Parliament, if there is to be one, should not simply be to support or oppose gay marriage; I do not think that is our role. I would not like to see a division on that and I would not like to see people being forced into declaring a side on an issue over which they are not going to have any more or less say than any other Australian person. I do not think it is the position of this Parliament to pass a point of view to the commonwealth Parliament. I think our position, which I hope the opposition agrees with, should simply be to call on the commonwealth Parliament to bring to a vote the issue of same-sex marriage, and to do so on the basis of a free vote for every man and woman in that Parliament.

If members opposite were to accept that resolution, I believe that they would have the unanimous support of this chamber: that would be a significant achievement. I have not counselled or talked to other members but I think everyone would accept that as a proper responsibility of the commonwealth and an appropriate measure from this Parliament that we could all support. If we do not go down that path and we head into a division, which is likely to happen, it is unfair for individual members of Parliament to be placed into that position whatever their view, whether they want to vote for or against same-sex marriage. I do not think that that is a fair and reasonable thing to do when we certainly do not have the jurisdiction on this matter, and I do not think this Parliament should be expressing a view on an issue like that. Members opposite will probably not accept that but that is what we on this side of the house are saying.

DR G.G. JACOBS (Eyre) [5.30 pm]: I love marriage and I love family, so much so that I am prepared to celebrate it and promote it. I am also prepared to defend it. I am opposed to broadening the definition of marriage to include same-sex couples. I did not want to be negative and antagonistic. I did not want to appear to be conservative or overconservative. I did not want to be seen as middle class or even believing that this institution of marriage that we have today is indeed women being subjugated or in a misogynistic institution. As the Premier elucidated, I did not really want to have this debate. However, I have a personal view and I believe a lot of my colleagues do, and they can be found on not only our side of politics, but also the opposition side of politics, for different reasons. I support the definition of marriage as stated in the 2004 amendment and incorporated into the Marriage Act 1961. Prior to 2004, the Marriage Act did not define marriage because it was historically and unquestionably understood as a union between a man and a woman. The 2004 amendment made the point perfectly clear and reads —

“marriage” means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

I love marriage and I love family. I do not want the member for Maylands to get this wrong. I like her and I love the right for us to talk in this debate and have different views. I love that freedom but it is quite wrong, if the member will excuse me, if a person thinks that to have a view about marriage is a desire to attack; it is not. It is a desire to defend. I believe that the moves afoot are really an assault on the millennia-old institution of marriage and I feel compelled to respond. It would be easy for me to lead a happy and peaceful life. I did not want to make a fuss, but sadly I find myself unable to be silent because of the demands here on the terminology of marriage. I will just outline to the house that the campaign, if you like, or the move or the push for same-sex marriage is relatively recent. I suggest to members that those people advocating for same-sex marriage previously had a fairly low view of marriage. They rejected it themselves. They chose to cohabit with multiple partners or live in a de facto relationship. Some have openly rejected marriage claiming it conservative and middle class, that it subjugates women and is a misogynistic institution, but all of a sudden there has been an advocacy for homosexual marriage now treating it as a new gold standard that they had previously no regard for and are now, if you like, championing it. I make that point because the ground has changed in that area and still there is a need to defend the traditional understanding of a marriage between a man and a woman.

I will reflect on some of the concerns in and around what the Premier talked about. I would like to read to members how this matter can affect people with different backgrounds, religious origins, whether they are protestant or Catholic, and belief systems, and whether they belong to a union or a non-union or whether they are over this side of the house or that side of the house. Although we defend the right for members to have this debate and hold this view, it is really important that all those views are aired and not seen as negative or as attacking but just being made in defence. There was a rally on the weekend, as the member for South Perth described. One person could not be there so he wrote a letter to the organisers that stated “Dear Fred” —

I am sorry I cannot be with you at the Rally on 20th September 2015 as I am on my way to a World Meeting of Families in Philadelphia, USA.

This was a rally for families like the one at Langley Park where children gathered for a celebration of marriage. The letter goes on —

I wish to add my voice to the great number of people who object to same sex unions usurping the name “marriage”. Let us stand firm on the clear biblical teaching that marriage is only between a man and a woman, faithful to each other, based on love and given the noble vocation of bringing children into the world.

To use this concept of name to describe other unions that are not complementary [and] not able to procreate is misguided and wrong.

Please God this rally will send a strong message to our lawmakers and to the Australian people that marriage has a special and irreplaceable role in society and should remain so for the good of present and future generations.

There is message in that letter for people in this place about how this matter affects us depending on our religious upbringing and beliefs. That letter was signed —

Yours Sincerely in Jesus Christ

Most Rev BJ Hickey

To be forced to vote on this issue, for the Catholics from either side of this chamber, needs consideration by us all, but particularly those members it touches; whether a member belongs to a conservative group, a free enterprise, a union group or a union-based political party. I will read another letter. The text of this letter was sent from Joe de Bruyn, national president of the Shop, Distributive and Allied Employees' Association, representing over 215 000 members. The letter states —

“Although I cannot be with you today, I want to record my strong support for the Family based on marriage between a man and a woman as the fundamental building block of a healthy and stable society.

The breakdown of marriages has grown rapidly ...

...

Our federal and state budgets are laden with expensive measures that try to compensate for the consequences of broken homes.

Now a further burden is to be imposed on our children—“same-sex” marriage!

This contemplates deliberately raising children without a father in the home, or without a mother!

The rights of a child to be raised by a father and a mother, preferably their natural parents, is trampled on by the same sex couple.

It is time to take a stand!

The Shop, Distributive and Allied Employees' Association (the SDA), —

Just in case somebody was thinking that that was the Seventh-day Adventists —

the largest trade union in Australia with 215,000 members, supports the family based on marriage between a man and a woman because this is the best environment for children to be raised.

I wish your rally every success ...

As the Premier has mentioned in his very wise words, this covers an issue for us as individuals, and for that reason I think it should be an individual decision in making some recommendation to a body—not this Parliament—that has control over the commonwealth Marriage Act.

I just want to touch on the question of equality for children as we have talked about equality in marriage. As sure as night follows day, equality in marriage for same-sex couples will be followed by the equality and the right to have children. We know that at best the genetic pool will be only half in having a child. There is a need for a male and a female—a sperm and an egg—to make a child. To have a child from a same-sex relationship, we need either a donor or an egg from outside that relationship. Talking about equality, I will quote for members Heather Barwick, now married with a child, describing the heartache she endured being reared by two women of a same-sex couple. She states —

“I grew up surrounded by women who said they didn't need or want a man. Yet, as a little girl, I so desperately wanted a daddy,” she said. “I ached every day for a dad ... another mum could never have replaced the father I lost.” Describing her feelings of loss, she said, “My father's absence created a huge hole in me ... Same-sex marriage withholds either a mother or father from a child while telling him or her that it doesn't matter. That it's all the same. But it's not.”

...

Instead of expressing sympathy for Heather, homosexual sympathisers and activists attacked her, claiming on one website that she “spit on her gay parents” because she used her personal experience to defend traditional family values.

I think it was the member for Southern River who elucidated that reverse discrimination concept. The member for Southern River also mentioned Katy Faust, who was also raised by a lesbian couple. She said —

“Our cultural narrative becomes one that tells children they have no right to the natural family structure or their biological parents, but that children simply exist for the satisfaction of adult desires.”

It is really important to defend traditional marriage and what it means under the definition. It is important that we have the debate and it is important that I am not considered negative, attacking or antagonistic. This debate was brought up in this place for discussion. I do not hate the member for Maylands; I love the member for Maylands

and I love the right for her to bring this up and the right for us to express our opinions. I love marriage and I love family and I am not only prepared to celebrate it and promote it but also to defend it.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [5.46 pm]: Thank you, Mr Acting Speaker (Mr P. Abetz), for the opportunity to speak on this motion today. I understand there are a number of members who wish to speak, so I will be as brief as possible. The member for Bassendean wanted to speak on this but he has had to leave the chamber. He wanted to place on record his support for marriage equality and for the motion that has been brought to this place by the member for Maylands. I want to thank other members for their contributions today, and also to the Premier for what I thought was a proposal put in good faith to the mover of the motion. We will, however, resist the temptation to take on his suggestion in relation to the wording of the motion because we believe it is appropriate that this chamber takes a stand on particular issues and expresses a view, and today we wish to express a view on the issue of marriage equality. I want to add my voice in support of marriage equality. I do so on behalf of my electorate, on behalf of my many dear friends and their kids, and on behalf of my family. I do so as a true believer of the issue of the principle of equality. This motion is about a very simple principle of equality. It is about the unequivocal statement that we do not assign a lower value, or diminish the relationship between a loving couple simply because of their sexuality. It is a simple gesture by this place to put on record our view that we support marriage equality. We understand the jurisdictional issues and we understand that what we do here today, the eyes of the world are not upon us, but it is important that we all take the opportunity to express our view nevertheless.

Marriage has never been about a single thing. Throughout history, marriage has been a range of things depending upon the needs of the community at the time. I note the commentary from Stephanie Coontz, the author of *Marriage, A History: From Obedience to Intimacy, or How Love Conquered Marriage* in which she observes that marriage was initially about alliances between families. Marriage had nothing to do with the arrangements between a man and a woman; it was the decisions made by hierarchies of families about the relationships between those families. Obviously, marriage played a role in inheritance in relation to how a person's land was distributed, ultimately to "his"—particularly in those days—children and so on. Marriage was also about organising the workforce for farms. If extra workers could be brought onto a farm through marriage alliances, it would play a very important role, and obviously marriage played a role in making sure that the gene pool never got too shallow. The church came to the issue of marriage between the sixth and ninth centuries, when it took a view on the issue of monogamy. Of course, prior to that, marriage in a whole range of different cultures represented a whole different range of things. About 250 years ago, marriage took on the component of love; it was an issue between a man and woman who loved each other and it was appropriate that they marry. In the last 50 years, we have seen the emergence of the idea of equality in marriage—that is, the equality of obligation, responsibility and rights within that relationship. The Leader of the Opposition detailed the range of legislation that has been passed in this place to institutionalise that equality in the process of marriage. I remind members that it was not until the 1970s that the issue of marital rape came onto the statute book in the United States. The concept of equality becoming part of the bond of marriage is a fairly recent phenomenon, but now we accept it as a fundamental dimension of the institution of marriage. Marriage is now about equality between two partners who undertake the process of becoming married. Within that scope of logic, it is only reasonable in recognising that marriage is an equal relationship between two people; it is not necessarily a relationship between a man and a woman, but a process by which two people can enter into a loving bond that is acknowledged by the rest of the community.

I note that the commonwealth government has said it wants to bring about a plebiscite on the issue of marriage equality, and can I just say that that is an abrogation of our responsibility as policy leaders in this country. If the commonwealth Parliament cannot form a view about this, it is diminishing the institution of the commonwealth Parliament significantly, and I acknowledge the comments of the Premier in relation to that and agree with him wholeheartedly. We are not asking our commonwealth parliamentarians to take a position of extreme leadership or to create precedent. The world has already embraced the issue of marriage equality and, in fact, we will not be leading in this policy debate; we will be following many other countries that we have traditionally led in terms of social reforms of this kind. Twenty countries have already institutionalised same-sex marriage, including the United Kingdom, Canada, the USA, South Africa, New Zealand, Argentina and Brazil. It is not as though we are out of step with national or international thinking in relation to this issue. This is not a bold step, as the Premier acknowledged. It is not as though the community is sitting with bated breath waiting for us to make a decision. I think in large part the public debate has already moved on. The original position of my colleague the member for Brand, Hon Gary Gray, was that he did not support marriage equality. In his defence, he then went about his own plebiscite, I guess, and put the question out there to his community. Such was the overwhelming response to his office of people asking him to support marriage equality that he has now embraced that position. As the Premier acknowledges, the debate is over out there in the public domain. People want us to move forward and, as the member for Armadale observes, the sun will come up after marriage equality is brought into law.

Marriage equality is just that: it is about equality. It is not equality on other people's terms; it is equality upon the terms that people wish to assign to themselves. As someone who was committed to supporting issues and values

of equality when I came to this place, I stand quite proudly to support this motion. I asked a member of my family, “You’ve got a bit of a skin in the game on this particular issue; what would you want me to say if I was in this place?” He told me to get on with it and to stop using the institution of marriage to discriminate or oppress this young man about the life decisions he wants to make and the institution he wants his relationship to embrace. It is true, as the member for Eyre observed, that the institution of marriage was rejected by many same-sex couples for a very long time because in those days it was not an institution of equality. However, the institution of marriage has changed over the years. It has changed in our lifetime, it has changed over the last 250 years and it should change again to reflect the prevailing attitudes of people in our community.

I think people accept that there is no reason that people who wish to be bonded in marriage should not be so. For that reason I support this motion. I think the motion that the member for Maylands has moved is very important. It allows us in this place to take a stand and demonstrate to the public that we are in accord with public opinion on this issue, and that we, as part of Australian society, as members of Parliament assembled, wish the commonwealth Parliament to get on with this particular social reform. As I said, this is not frontier stuff; this is not difficult stuff; this is not controversial stuff. This is stuff that we simply have to get on with, because if we accept the principle of equality and that people should have equality before the law and we should not discriminate against people on the basis of their sexuality, this is a no-brainer. I very proudly stand here today to say I support this motion.

MS J.M. FREEMAN (Mirrabooka) [5.57 pm]: I support the motion —

That this house supports marriage equality and calls on the Parliament of the Commonwealth of Australia to amend the commonwealth Marriage Act 1961 to provide for marriage equality.

In the nineteenth century when a judge ruled that a husband could not imprison his wife, *The Times*, the newspaper of the time, bemoaned, “One fine morning last month marriage in England was suddenly abolished.” In 1849, Captain Irwin, a pioneering colonialist in Western Australia sent for 50 female servants to marry the men of the WA colony, but when that did not meet demand, the colonial government considered the following —

Shall we order another 50 girls or do you think we had better wait & see how these go off. I don’t think there would be much fear of glutting the market if we sent for 50 more.

In 1935, the “half-caste women of Broome” petitioned the WA Parliament declaring —

Sometimes we have the chance to marry a man of our own choice ... therefore we ask for our Freedom so that when the chance comes along we can rule our lives and make ourselves true and good citizens.

On 13 August 1959, in the course of debating Australia’s first Marriage Act, the Menzies government, noting Gladys Namagu was denied permission to marry her white fiancé by the Protector of Aborigines, promised discrimination would never be written into Australian marriage law. In 2004, the government under Prime Minister Howard amended the 1961 Marriage Act to make marriage a union between a man and woman to the exclusion of all others.

Change in what marriage entails is not new. Marriage is not a static thing; it has always shifted to reflect contemporary society and the status of individuals in the community. As the book *Love and Romance in Britain 1918–1970* edited by Alana Harris and Timothy Jones illustrates, expectations of marriages based on mutual affection and romance did not become commonplace until the middle of the twentieth century. In fact, prior to that, in the early seventeenth century, people had to get the permission of the lord of the manor to be able to marry. As Cicely Hamilton argued in 1909 in *Marriage as a Trade*, marriage was compulsory for women as no other decent jobs were on offer. Indeed, previous marriage laws ensured wives could be controlled by their husbands. Do members know that the saying “rule of thumb” comes from the English common law that established that a man could legally beat his wife with a switch no thicker than his thumb? Clearly, marriage does not now bestow the right of ownership of the sexual, physical, material or mental resources of a man’s wife or partner, as it previously did. Marriage was about property laws. Marriage is not about that any longer; it is now about a union. As Ajahn Brahm, spiritual director of the Buddhist Society of Western Australia and Abbot of the Bodhinyana Monastery, said so beautifully in a submission to the Standing Committee on Social Policy and Legal Affairs’ inquiry into the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012 —

Marriage is that ceremony that formally expresses, in front of family and friends, that unique leap into vulnerability and trust called adult love.

Ajahn Brahm also stated that “marriage was not always a religious ceremony.” Indeed, in an article on The Conversation website on 29 July 2015, Timothy Jones—I have quoted previously from his book; he is a research fellow at La Trobe University—stated —

Marriage's essence is the promise that two people make to each other in entering a relationship. This is the case even in "Christian marriage". As historian John Gillis demonstrated:

Church and state ceremonies are relatively recent additions, which have been grafted onto older popular rites whose legitimacy was dependent on no written law.

Over time, churches took on the administration of marriages. But this was for a relatively short period. In the UK, for example, the church had sole jurisdiction over marriage only between 1753 and 1837.

Philip Freier, Anglican Archbishop of Melbourne and Primate of Australia, wrote in *The Age* on 6 July 2015, when considering why the church and celebrants have become administrators of legal processes —

It might be time to make sanctioning legal marriage a matter purely for the state.

To be carried out by public servants. He continued that church weddings could be —

... separate celebrations from the state-sanctioned legal approval.

He concluded by stating that the separation of state function from the church —

... just might strengthen the intention of those who look to marriage as a further and more complete step in their relationship.

Hindu Council of Australia president, Nihal Agar, said —

... while his organisation had supported the traditional view, that marriage was between a man and a woman, "we also support freedom".

Two years ago, after extensive consultation, the organisation decided that "if it comes to voting, we would support same-sex marriage" because "there is nothing in our scripture, either positive or negative, about it, there is no mention of it".

I do acknowledge that there is uncertainty in parts of the community, and it is my belief that the mistrusts regarding marriage equality should not descend into a campaign of fear perpetuated by those who oppose marriage equality and fairness. In fact, just recently I received a letter from a constituent that asked whether, if we do not allow same-sex marriage and same sex-couples are not allowed the same rights as heterosexual couples, should same-sex couples should have to pay taxes if they cannot be completely included in the community? Recently, when talking to a Somalian friend and supporter about the question of marriage equality and same-sex marriage, I explained to her that it was my strong belief that it was about equality. She could embrace that response. For her, equality is the centre of why she chose to live in Australia—to be equal without fear of repression and discrimination because of her beliefs. The majority of Australians do not believe in inequality on the basis of race or gender, and should not do so on the basis of sexual preference.

Ed Husic, member for Chifley and Australia's first Muslim member of Parliament, supports marriage equality. In *The Sydney Morning Herald* of 5 May 2015 he stated —

"Ultimately, government should be about empowering people to pursue the things important to them in their lives.

Ultimately, that is what we, as MPs, are elected for—not for a plebiscite, but to make decisions.

In conclusion, I have heard this afternoon that a child raised in a traditional marriage is a child of great fortune and does so much better than a child raised in a home without marriage. I chose not to marry my partner. We have been together 24 years and raised an extraordinarily healthy and talented 19-year-old son who is studying at the Western Australian Academy of Performing Arts. We did that because, frankly, we bought a house together that needed a new roof, and it seemed far more logical to buy a new roof than to pay a lot of money for a marriage—and I do not look good in a white dress! I often say to my family that I am not the best person to give presents to, and they say that that is for sure, and so they were all pleased. I did not get married not because I have some confused view about marriage, but because I have a choice. I have a choice as a woman. That choice was not always there for women. My mother worked in the Postmaster-General's Department, and when she married she had to quit work. So, it is about choice and equality. I think marriage has ultimately changed; marriage was about taking the property rights of women. It was about a man having the capacity to force his wife into her sexual obligations. It was about being able to make sure that a wife, obviously, could not own property, and that the husband could compel her to act in a way that he saw fit. That is what marriage was when it was set in law.

I understand that Christianity says that marriage is this thing that is seen under God. I am not a person of faith and I do not understand faith, but I understand that. But that does not mean that Christianity gets to decide what marriage means, because the definition of marriage has changed over the years. Because we live in a democracy, we can have these debates during which Christians can say that marriages are under God and are only for certain people. It is not like having or not having a law degree and not having a law degree and not meaning to be

a lawyer. It is about an actual choice and equality, and a basic human right to live in a society in which everyone has the equal right to all legal provisions in our state, and one of those is marriage.

Let us celebrate people; let us not denigrate people. Let us make the choice as MPs that what we want is a society that embraces people. I can tell members that the people I represent in the seat of Mirrabooka come from a vast array of different backgrounds and have a vast array of different views, but when I say to them that this is about equality, they can understand that because they have come to Australia for that equality. Many of them have fled places where they have been persecuted and discriminated against because of their religious beliefs. All these things are absolutely at the core of who we are as Australians. It is core to when we stopped saying that the Protector of Aborigines could say which Aboriginal person could marry a white Australian. We need to move on and let marriage be what it is. As Ajahn Brahm wrote so well —

Marriage is that ceremony that formally expresses, in front of family and friends, that unique leap into vulnerability and trust called adult love.

DR K.D. HAMES (Dawesville — Minister for Health) [6.09 pm]: I am pleased to have the opportunity to be involved in this debate. I have been married for 37 years—I am just working it out to make sure I have got it right; we were married in 1977. I have a background of being brought up through various religious institutions—the Church of Christ and the Church of England, and my wife is Catholic, so I had to agree to have the children raised as Catholic. I also draw on my background of representing an electorate that has a component of people who would think along the lines of the member for Southern River, and I have followed that direction and belief for most of my life. The other day something came up. I have a 20-odd-year-old daughter who is studying science. I put that point of view to her when the debate came up, and she said, “Why? What do you care? What difference does it make to you whether gay people get married or not?” I thought about that. I do not know, really. I guess it does not make any difference to me. It is not something I felt strongly about. I just had that general feeling and I probably went along with it all my life because I was never challenged on it and never forced to form a point of view. As the Premier said when we had that debate on choice, we were certainly forced to form a point of view. I was part of that debate. In fact, Diana Warnock and I led the group from our side—Diana Warnock was pro-choice—and I think Michelle Roberts and Paul Omodei led the alternative view in this house. We had the numbers and won it. I still support pro-choice, but a vindictive campaign was run against me in my electorate with the Right to Life group putting out pamphlets around my electorate saying, “Kim Hames kills babies”. It was an extraordinarily vindictive campaign, but I still believe I made the right choice. Now we get to this debate, and I am glad I do not have to make the choice and go through that again.

I have been talking to people and thinking about what I would do if I had to make a choice. I was recently in Bali at a wedding for my godson and his now wife; we were overlooking the ocean in Bali. At that wedding was the bride’s brother, who was gay, and her brother’s boyfriend, who I know very well from Perth. They were partners. Would I be offended if it was their wedding I was attending? The answer is no. I would be equally happy for them to have that relationship. I probably have more issues with gay men, in particular, having children; that does not sit comfortably with me, but it does not have to. At the end of the day that is the choice of people other than me. I heard the argument from the member for Southern River about how the children feel. The issue was brought home to me again with two female patients who have children. Both women came from abusive relationships where their husbands were alcoholic and physically and verbally abusive of those women, but they parted and went their separate ways. They joined together in a lesbian relationship bringing up, I think, six children out in the Morley area. They were great parents, the two of them. They were far better off with each other than they were with the men that they had been with, and those children were better off being in a home where there was love rather than a home with alcoholism and violence.

I have to say that I have changed my view over time. Certainly, there will be people in my electorate who would not be happy with me having the view that if I had a free vote I would probably support the concept. I am glad I do not have to vote; this is an issue that the commonwealth has to sort out. Like the Premier, I am concerned about the decision to have a plebiscite across the state, because I have seen in the right to life debate, the pro-choice debate, the vindictive behaviour that people with extremely strong points of view can have on both sides of the argument—not just from one side. There would be acrimony, vindictiveness, intensive campaigns and pressure brought to bear on people making that choice. At the end of the day, all of us are elected to Parliament. We represent the views of our electorate, but as individuals we represent our own points of view. I hope that between us all there is a collective view that represents a similar view to that of the will of the state. It is too hard to go out to try to find out what your whole electorate thinks about an issue without those huge pressures being brought to bear. We saw that in the pro-choice debate—or abortion debate as some people would call it. It was a fair reflection of the community. It was not divided along Liberal or Labor lines; it was totally split across the system and, at the end of the day, it broadly reflected the views of the people of Western Australia at that time, and I think currently. I think those members of federal Parliament need to toughen up. They put off having a free vote, and the Parliament having a say. It is tough, it is hard and they will lose friends. They will lose supporters for whatever decision they make. In Parliament we cannot hide how we vote, unlike a lot of other votes where

members can hide by writing down their vote, as we have in our party room, so that our colleagues cannot see who we vote for. Members opposite have show-and-tell, but we do not.

Dr A.D. Buti: No.

Dr K.D. HAMES: The Labor Party does not have show-and-tell?

Dr A.D. Buti: I don't!

Dr K.D. HAMES: That is because the member for Armadale is non-factional. All the factions have to show their mates they are not shafting the point of view of the group they represent. Members can hide with a secret vote and nobody knows what or who they are voting for, but in the Parliament, the vote is out there and members' constituents know exactly how they vote. If they do not like it, they can change their member at the next election. It is tough; it is hard. Members have to make a choice that they think is right and that represents the views of constituents, but they will always have some people who will not like that point of view. I had that in my electorate. After that pro-choice vote, I lost the next election. I have no idea whether or not it related to that, but there were campaigns against me by Right to Life in that election. There were a lot of other issues that more determined the outcome. People in my electorate of Dawesville know how I voted, and those who disagreed have forgiven me for that point of view, and accepted that is my point of view because they see me helping and supporting them in so many other ways. I think members will find that is what will happen. They need to get in there and have a vote, put their colours on the table and be judged at the end of the day. The decision by the federal government to hold a plebiscite is not the correct direction. I am being somewhat hypocritical because members in this place are saying that it is not our decision, it is for our federal colleagues, but this is what we think they should do! I have just been given a proposed amendment and I will pause and read what it says. It says that the government's amendment seems to say pretty much the same thing as the opposition's amendment. I will get someone to check that.

Members on our side of the house have formed a point of view on this and, in effect, we will have a free vote because there has been no party room discussion, no one has lobbied anyone on our side and, quite clearly, members on our side have different points of view, so it will be up to every member on our side to make that decision on whether or not they support this motion. The motion is open enough to allow others who are opposed to gay marriage and those members in the chamber who are opposed to equality in marriage, as the opposition is labelling it, to still support the motion. Members will have to read this amendment and see what they think. I gathered before that we were not going to have a vote, but now we may well do and members can make their own decision on whether or not they support the motion.

Amendment to Motion

MRS M.H. ROBERTS (Midland) [6.19 pm]: I move —

To delete all words after "That this" and substitute —

Western Australian Legislative Assembly calls on the federal government to abandon the proposed plebiscite on marriage equality and urgently calls on all members of the federal Parliament to have a free vote on a bill to amend the Marriage Act 1961, to provide for marriage equality.

In moving this amendment, I thank members opposite, particularly the member for Dawesville, for the discussions we have had. I acknowledge also the Premier's comments earlier in this debate. In moving that amendment, I make the point that I am moving it on behalf of the member for Maylands. On an issue such as this, I think there is a lot of commonality of view and that it is better if we can broadly get agreement in the Legislative Assembly tonight and form a position. As the Premier explained, the Marriage Act is a federal act of Parliament. It is an issue appropriately dealt with by the federal Parliament. The Premier drew an analogy between this issue and abortion legislation in this state, which he said was properly dealt with in this house by way of free vote. He suggested that that should occur in the federal Parliament. Although it was obvious that there was some significant opposition to the more fulsome support of the marriage equality motion, which the member for Maylands moved, it seems that with this proposed amendment we should have something that I hope the vast majority of members of this house will support.

A plebiscite is certainly not the way to go. It would be a very costly and time-consuming exercise. I am of the very firm belief that members of the federal Parliament should step up to the plate and deal with this issue once and for all. Sometimes in politics we need to make hard decisions; sometimes in politics we need to take a stand. Members of the federal Parliament need to get on and do that. I am very pleased to have moved this amendment to the motion on behalf of the member for Maylands. I think her motion certainly progresses the issue. If passed, it would send a very strong message to the federal government that there is an expectation of very reasonable people here in the Western Australian Legislative Assembly that a vote should be taken, and a plebiscite is a clumsy and expensive way to go forward and the time has come for the federal Parliament to vote. It should be a free vote and members of the federal Parliament should not be restricted in how they exercise that free vote.

I thank the government members who have said they would like to support an amendment such as this. I look forward to the Premier and others supporting this amendment. It fits exactly in accord with what the Premier said he would be prepared to support. The Premier put on record tonight that he does not support the plebiscite and he believes that the federal government should progress the issue and hold a free vote. On behalf of the member for Maylands, I certainly have much pleasure in putting this amendment on record. I also pay tribute to the member for Maylands for bringing the issue forward. This is an important issue. Some people may find it difficult but, as members of Parliament, I do not think we can shy away from difficult issues, nor do I think members of the federal Parliament should shy away from these issues. The time has come. I look forward to as many members of the Legislative Assembly who feel able to, supporting this amendment tonight.

MR B.S. WYATT (Victoria Park) [6.24 pm]: I am aware that the hour is somewhat late so I will be brief in my comments to the amendment. I will make my comments to the motion as well because I will not get up twice to speak to this issue. I firstly thank the member for Maylands and, indeed, her partner, Kathleen, whom I have known since I was first elected to the Parliament. I support the motion as amended. The member for Midland outlined the amendment, and I understand from the Deputy Premier's comments, it has, hopefully, the government's agreement.

I will make a couple of comments in support of the motion. I note from pretty much everyone's comments that they basically reject the idea of a plebiscite. I think only a small group of people in elected office support a plebiscite. If every MP were honest and able to give their views, they would not want a plebiscite, certainly not at the federal level on both sides of the house. I think the Premier is right. We often have these discussions in Parliament but the population has moved well ahead and we find ourselves having discussions around issues that we think are controversial but on which, ultimately, the vast majority of the population has made a decision, whether, as the Premier suggested, it does not impact on them and they do not care or whether they oppose it. I understand why people oppose amending the definition of marriage. I have heard the arguments and I respect those arguments. Similarly, the words of the member for Maylands and the Leader of the Opposition are echoing in my ear for why we should indeed give a bit of help along to the federal Parliament to make a decision about this. I have a sneaking suspicion it will be something like the apology. The apology to the stolen generations was a great period of angst. The then federal government was reluctant to deal with it. By the time the apology was actually made, it was like, "Well, so what?" The population had moved on in that it had accepted that. As the member for Armadale pointed out, the sun still came up. It was not something that caused the controversy that some thought would occur.

I will quickly read in an email that I said I would read in the Parliament. It is an email I received from a constituent in the middle of August. I asked her if I could read in her email. She said yes but I am not entirely sure that I got permission to reveal her entire name, so I will refer to my constituent as Paula. I will quickly read it in because I think it makes the argument more than anything I can say. Her email states —

Dear Ben

...

I have recently retired as a specialist Clinical Psychologist in WA. I established and was the Director of the Centre for Clinical Interventions in Perth. It is a specialist mental health service for people with complex mental health problems.

I was humbled to have received the most prestigious national award for my lifetime career in psychology from the Australian Psychological Society ... The Ian Campbell Prize in Clinical Psychology in 2012. This Prize is awarded annually to an APS member who has made an outstanding contribution to the scientific or professional status of clinical psychology in Australia. I have received similar national recognition from the Australian Clinical Psychology Association "In recognition of her outstanding leadership in Clinical Psychology"... I say this only to indicate that my achievements in public service are nationally recognised but my own country treats me like a second class citizen and does not allow me the same recognition and rights which I would automatically be accorded if I was not gay.

I have a partner of over 32 years, Yvonne ... who has a long and distinguished career in WA government. We both have careers dedicated to public service and the community of Western Australia yet our own country, the country we have served, discriminates against us.

I have two boys now in their 40's who are both married with two children each. We have a loving relationship with our 4 grandchildren who believe we are married like their parents. They and the children of other friends sometimes have looked at pictures of us and ask ... 'is that your wedding picture?' How do we answer them. That our own country treats us as less than others? My children had the choice for marriage ... we do not. We recently celebrated friends marriage at the U.K consulate in Perth and travelled to NZ last year for the wedding of other gay friends. Their love and commitment to

each other was celebrated by family and friends. They stepped back onto Australian soil and now their marriage counts for nothing!

With my experience in mental health I know just how important respect and support and rejection of discrimination is for people struggling with their sexual identity. You know the suicide rate for gay young people is high. I shudder to think of the negative effects of this abrogation of responsibility from the PM last night will have on insecure gay people. We feel extreme anger. This federal government's decision says one thing and one thing only ... we don't count in this so called 'Team Australia'.

Marriage was not something we had much thought about in past years. Legal changes had improved our feelings of security. However when the marriage equality advocacy started and we experienced the rejection of this ... for various reasons of course ... but always with the same effect ... you don't matter, you are less than us ... we reject you. We now realise how much some groups in the community and the political community reject us and seek to marginalise us. It's been extremely confronting. So we stand firmly in support of marriage equality.

You and your colleagues must realise that this puts Australia in the dark ages. It's not just embarrassing but completely appalling. It's an abrogation of all human compassion and decency. The PM dangles a carrot of other processes that merely puts off the decision to end discrimination. This is not a new political ploy. We women experienced these same delaying tactics when we wanted the right to vote.

I do urge you to continue the fight for full citizenship for gay partners.

Thanks again for your question and response. I wish you well.

It is signed at the bottom by Paula. I think that says it all.

I want to make a couple of points. I note that there was some reference earlier to the Yirrkala bark petition and another petition that came before the federal Parliament recently. They were very different because the Yirrkala bark petition was accepted by the federal Parliament, and that was a significant part of the land rights struggle, whereas the most recent bark petition purported to represent—I noted the words—the Aboriginal people of Australia. It often frustrates me to see, in the media and elsewhere, that there is sometimes a general view that there is a generic Aboriginal position on something. There is no such thing as “the Aboriginal position” on anything; there is, as in any other community, a wide variety of opinions in the Aboriginal community. A number of Aboriginal leaders came out to reject that petition because, ultimately, some Aboriginal people oppose gay marriage and some support it. That is the reality of the community in which we live.

Similarly, there are lessons from history with the stolen generation. My father's lesson as a member of the stolen generation was, interestingly enough, that it perhaps had a libertarian impact on him. He held the very firm view that government has no business expressing moral decisions about people and the lives they lead; rather, it should stay out of the way as much as it can and not simply have a moral view about things. I think—I know—he would share my views on marriage equality.

As a final point, I was raised —

The ACTING SPEAKER (Mr N.W. Morton): Members, a number of conversations are happening around the chamber, which is making it difficult for me to hear the member and also for Hansard. If you want to have conversations, take them outside, please.

Mr B.S. WYATT: I was raised a Catholic and I still am a Catholic; I went through the Catholic education system, and I know the Catholic Church's position on this issue. It is not dissimilar, if you like, to the fact that the Catholic Church will not marry someone who has been married before and divorced, unless, I think, the marriage has been annulled.

Dr M.D. Nahan: That's changed.

Mr B.S. WYATT: It has changed, has it? I have known a number of people who have not been able to get married in the Catholic Church because they have been married previously, and as a Catholic I would like to think that that is something that the church could move on from, but ultimately I respect that position, and that is my point: I respect the position of those people who, for religious reasons, cannot support the amendment to change the definition of marriage. I certainly do not accuse them of bigotry and there is certainly no suggestion that ceremonies will be forced upon those religious institutions. Put quite simply, every human being, whether gay or straight, is a flawed individual. Straight people can bring up terrible kids, or bring up wonderful kids. We divorce, we separate, and it is the same with the gay and lesbian community. There is no suggestion that one element of the community is genetically predisposed to not settling in long-term relationships, and the email I read out a minute ago from Paula makes that point. We are all human beings with our own weaknesses and foibles and I think if we can ultimately amend the definition of marriage to include gay and lesbian people, it can only strengthen marriage, in my view, because ultimately we will be allowing the opportunity for people to take on a definition which has been on our statute books for only 54 or 55 years but which has been developed over millennia, as the member for Eyre pointed out, and I cannot see how that can be anything other than a good thing.

Amendment on the Amendment

DR K.D. HAMES (Dawesville — Deputy Premier) [6.33 pm]: I will be really quick as I will speak only to the amendment. I will move an amendment to the amendment, and it is somewhat pedantic, I must admit. I move —

To amend the amendment moved by the member for Midland to delete from the words to be inserted the words “to provide for” and substitute —

“regarding”.

The only reason I do that is when some members of the house read the bill, they may have the view that we are not only supporting a free vote on the bill, but also the provision of marriage equality.

Mrs M.H. Roberts: I understand your point and we accept that amendment.

Dr K.D. HAMES: Yes, I understand that. That is why I will sit down very quickly. I want to make it clear for those in the house that the choice now is clear. We are saying that this matter is a federal responsibility and we believe that there should be a free vote in the house. If members support a plebiscite, they will not support this motion. This does not mean that they will be voting for or against support for equality of marriage.

DR M.D. NAHAN (Riverton — Treasurer) [6.35 pm]: First, I would like to make some personal comments on the motion and then some comments about the amendments and the process we are going through. As with many people here, I grew up in a very conservative Catholic background and, I might be honest, a background in a farming community that was quite homophobic—I think that is the word—over the years, although I did not think too much about same-sex relationships through my early life. But as time goes by, the world becomes more complex and we see, I think, that the maker of life was a wild genius; he created huge diversity in people’s behaviour. My in-built inclination is to say that marriage is between a heterosexual man and woman, but as time goes by I have come to the view, very strongly I think, that we should, as in most aspects of life, show tolerance, respect people’s differences and respect the need and desire of people to form publicly a relationship—call it marriage—between someone of the same sex.

I know that the Catholic Church has a ruling, as the member for Victoria Park indicated, and I recognise those edicts, if you wish. I have a number of problems with some of the edicts of the Catholic Church but I think society should accept same-sex marriage. The only caveat—I do not want to steal my colleague’s thunder—is that the changes should not impose or force onto religions, whether it be Catholic, Muslim or whatever, the need to recognise same-sex marriage if they wish not to. I do not know why, but I do not believe this issue is popular in my electorate. It is amongst the young ones, but my guess is that the electorate would be 60–40 against. My guess is that it is not the highest priority of the electorate. I have thought about it and have talked with my colleagues about whether I should get up and say something. It is not the biggest issue but I think it is necessary to say that we as leaders of the community need to accept the diversity in life, the freedom of people to choose their associations and also the need to achieve the public acknowledgement of a relationship. I have therefore come to support same-sex marriage. As to the issue in front of us in the motion, I try to limit my preferences to dictate to the commonwealth because I do not like the commonwealth trying to impose them on me or on the state. Nonetheless, for going forward it would be better for all if the commonwealth changed its policy and indeed went to a decision in Parliament. It would be the sensible thing to do, particularly since there has been a change in leader. It would be the best way to go about it, so I support the amendment. I support the commonwealth making a decision, if it ever asks me, to legalise same-sex marriage.

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [6.39 pm]: Thank you, Madam Acting Speaker.

The ACTING SPEAKER (Mr N.W. Morton): It is Mr Acting Speaker.

Mr J.M. FRANCIS: Sorry, Mr Acting Speaker! That was actually a mistake, sorry—how uncomfortable! I want to make a few points. I will say from the outset that I have utmost respect for the member for Maylands. I have the utmost respect for a number of my very dear, personal, close friends who are gay. I have seen society change over the decades. I know that a few people here have seen the Australian Defence Force change significantly its attitude towards gay people in the Australian armed forces, and I think it has been a very healthy thing. I do not think we should exclude anyone from reaching their potential, whether it be in a uniform or any other endeavour in human life, because of their choices of sexuality, whether they made them at a very early stage or a very late stage. The Australian Defence Force is a much better place for it. I can go back to when I first went to sea in the early 1990s on destroyers—I will not tell any of these stories—but certainly with a 330 all-male crew on a Charles F. Adams-class destroyer, if a person had been identified by a crew member as being homosexual, I can tell members, that that person’s life would have been a living hell. The Navy went through the New Generation Navy program; it went through an entire process of reforming attitudes amongst the old school and the new school. I expect the member for Warnbro would know exactly what I am saying here. The Navy is now a much better organisation because of the change in its culture. It is not just the Defence Force; it is all out

there. I guess what I am saying is that society's view is changing and I accept that. As a Catholic, I went to a Jesuit school in Sydney. The Jesuits probably threw a bit of their doctrine down my throat and to a degree I probably rebelled against it at an early age, which is probably initially why I ended up on this side of politics, to be honest. Noting that, the Pope is our first Jesuit Pope. Pope Francis actually became the Pope the day I became a minister.

Dr A.D. Buti interjected.

Mr J.M. FRANCIS: A lot of people have a lot of things to say against Pope Francis at the moment, but he did come out and decree that dogs have souls and therefore go to heaven, so he gets a big tick from me on that one!

On a serious note, as much as I am not very good, I like to consider myself a decent kind of Catholic, as far as trying to let my God guide my decision-making process. I have always endeavoured not to let my religion sit on my sleeve when I walk into this house. Interestingly, we still say—I think it is a good thing—the Lord's Prayer when we start Parliament every day. It is an appropriate reminder every single day the Parliament sits as to how our moral compass should be guided regardless of the fact that a number of members of Parliament do not practice any religion or a Christian religion.

Mrs M.H. Roberts: We are trying to get this to a vote before seven o'clock. Despite the fact that the minister has made some good remarks, a couple of people want to have a say.

Mr J.M. FRANCIS: I thank the member, but I am getting somewhere with this. This comes down to, firstly, the issue of a plebiscite that the current federal government is looking at holding after the next election. John Howard used to make comments about whether governments are elected to make decisions or to just take what he referred to as the soft option of sending them off to plebiscites.

The ACTING SPEAKER: Order, members! I have warned you a few times now. Conversations are happening. If you want to have a conversation, the doors are on both sides of the chamber. I am trying to listen to the member for Jandakot.

Mr J.M. FRANCIS: We as a state Parliament have referred some issues off to a plebiscite that have been, to a large degree, of less significance but equally as divisive in the community, such as the issue of shopping hours back in 2005, I think it was. We put daylight saving to a plebiscite. I am an advocate for daylight saving, as everyone knows. Alannah MacTiernan and a few other people agreed with me on this issue. I also appreciate that daylight saving was an incredibly divisive issue out there in the community. I do not know how strong their marriage was, but I know a couple in my electorate who got divorced over the issue of daylight saving. I do not know whether they would still have been married if they had not disagreed on daylight saving.

Several members interjected.

Mr J.M. FRANCIS: It is a true story.

We make decisions to send these issues to a plebiscite. Anyone who is on social media would know that after the US Supreme Court changed its mind on gay marriage a few months ago, there was a trend in which everyone changed their profile picture on Facebook to be overlaid with a rainbow. To be honest, I was quite amazed how many of my friends changed their profile picture. I did not change mine; I did not think I had the need to, but certainly a number of people did. I was quite amazed to see it.

Having said that, and taking my religious beliefs out of it, I will quickly say what I think the future will hold and where the crystal ball will guide us. If we accept—I am not saying that we necessarily will—that this is something that will come about, as the Treasurer pointed out, we need to put checks and balances in place to protect people's personal beliefs. For example, if we are standing in this place today saying that it is not the role of the state to govern personal choices and embroil itself in the battle of choices concerning sexuality, surely if one is such a libertarian that they believe that, they should also accept that it is not the role of gay couples to then force their beliefs onto other institutions. A significant number of countries in the European Union have changed their position on this. The situation today is that Catholic priests have resigned their right to be marriage celebrants because they do not want to be taken to court for discrimination. I am not saying this because I am Catholic; I am saying this regardless of any religious institution. It has happened in a number of countries, including in the Czech Republic, I think, where my fiancée is from. We all know about the Irish bakery; I guess, to a degree, someone else's beliefs were forced upon it. It should also have had the right to refuse. I would suggest that if this goes ahead, the future should probably also include the protection of religious institutions over their right to say no. I would hate to see the courts open to all this discrimination litigation. If the Catholic Church wants to say, "Go and have whatever version of a civil union you want", it should have the right to say, "Not in our church", as should any other religious institution.

Ms L.L. Baker interjected.

Mr J.M. FRANCIS: The problem is that it has gone that far in Europe. Celebrants have resigned their right because they do not want to be forced to do something that is against their particular religious beliefs. I am just

throwing it out there that if it is okay for state Parliament to put to a plebiscite issues such as trading hours and daylight saving, hopefully such a divisive issue as this will end up uniting the community for good reasons, and I suspect the federal Parliament has made the right call.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [6.48 pm]: I will try to be brief. I acknowledge the member for Maylands as the mover of the motion. Despite being on the other side of this chamber, I have a very high regard for her and, as much as we can across this chamber, we have a very strong, positive relationship.

I often get asked—I imagine it is probably common for many other members in this chamber—whether I would ever consider running for federal Parliament. My personal answer is usually an emphatic no. That is because of the policy positions that most engage me personally and, indeed, the policy positions that I believe most directly affect the daily lives of my constituents in the way that we as a government can make a difference for them—largely, state policy powers. I am talking about the environment, planning, education, health, law and order and utility provisions. These are broadly all state responsibilities, albeit the federal government often strays into them. In fact, the Canning by-election, which we have just experienced, was a very good example of that. For nearly all the candidates, one candidate in particular, all the commitments were actually state based. I find it curious why someone would run for federal Parliament entirely on a state-based platform. Nothing frustrates me more as a state member of Parliament than to have that constant competition in the state space. This is why I do not particularly support this amendment. I believe that this is wholly and solely a matter for the federal Parliament. It is quite clearly articulated that that is the commonwealth's head of power, and this is a matter for it to decide and, as the Minister for Corrective Services just outlined as well, particularly advising the commonwealth on whether to run with a plebiscite.

In 2005, we ran a plebiscite on shopping hours. I did not agree with the decision at a state level to run a plebiscite on shopping hours, but the Western Australian Parliament at that time did, and it will be the Western Australian Parliament that carries this message forward. I do not personally agree that a decision on daylight saving was something that we should go to a plebiscite on. I think we should have made a decision on it, but that also went to a plebiscite. My personal view—I think the Deputy Premier articulated it quite well—is that we are elected to make decisions and stand by them one way or another. I hope, going forward, that as a state Parliament, for those decisions that we have to make, we will stand our ground and make decisions on those matters one way or another. A good example went through this house only a few weeks ago, in the form of constitutional recognition for traditional owners. However, this is, in my view, solely a matter for the federal Parliament. That, procedurally, if you like, is simply the reason why I do not support this amendment. I have a personal view on this issue, of course—every member in this chamber will—but it is not really a matter for state Parliament.

MS J. FARRER (Kimberley) [6.52 pm]: I support the member for Maylands in her quest on gay marriage. I come from the Kimberley, and I represent a big electorate that is very diverse. All sorts of things happen in the Kimberley. I have had people who work with me who have gay partners. I am not against it, despite my religion and my belief as an Aboriginal person, and I never experienced these sorts of things while I was growing up. Laws came in and did away with a lot of our rights. I come from a background in which my grandfather had three wives, and there is a reason for all that. It is a different sort of lifestyle. As an Aboriginal person, I have made friends with lots of gay couples, and with the changing times and the way we live, we find more and more of our young people who are adapting to the changes in their lives. I would just like to say that I fully support the member for Maylands.

Amendment to Motion

The ACTING SPEAKER (Mr N.W. Morton): There is a process to go through to get to the wording, if that is the will of the house, of the final amended amendment.

Question (deletion of words) put and passed.

Amendment on the Amendment

Question (insertion of words) put and passed.

Amendment as Amended

Question (insertion of words) put and passed.

Motion, as Amended

Question (motion, as amended) put and passed.

House adjourned at 6.55 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

RUPTURED WATER MAINS — METRO AREA**4290. Mr D.J. Kelly to the Minister for Water:**

- (1) How many ruptured water mains occurred in the metropolitan area during 2014 and to date for 2015?
- (2) What were the dates, locations and volume of water lost for each rupture?
- (3) What was the cause of each rupture?

Ms M.J. Davies replied:

- (1) 2014: 2051 leaks and breaks
2015 (to 31 July 2015): 1252 leaks and breaks
- (2) [See tabled paper no 3360.] The Water Corporation does not estimate water loss for each fault.
- (3) [See tabled paper no 3360.]

SEWAGE SPILLS — METRO AREA**4291. Mr D.J. Kelly to the Minister for Water:**

- (1) How many sewerage spillages occurred in the metropolitan area during 2014 and to date for 2015?
- (2) What were the dates, locations and volume of water lost for each spillage?

Ms M.J. Davies replied:

- (1) 2014: 22 Spillages
2015 (to 10 August 2015): 11 spillages
- (2) [See tabled paper no 3359.]

GOVERNMENT DEPARTMENTS AND AGENCIES — MEDIA PLACEMENT AND PURCHASE**4393. Mr M. McGowan to the Minister for Planning:**

For all departments, agencies and government-trading enterprises within the Minister's portfolio of responsibilities:

- (a) what was the total amount spent specifically on media placement/purchase of media for the financial year 2014–15?

Mr J.H.D. Day replied:The Department of Planning and the Western Australian Planning Commission

- (a) \$204 516.11 excluding GST

Department of Culture and Arts

- (a) \$21 391.99 excluding GST

State Library of Western Australia

- (a) \$231 010.27 excluding GST of which \$139 315.37 was for media placement to promote the Better Beginnings Program, funded by major partner Rio Tinto.

State Records Office

- (a) \$0.00

ScreenWest

- (a) \$2 025.59 excluding GST

Perth Theatre Trust

- (a) \$41 843.00 excluding GST

Art Gallery of Western Australia

- (a) \$177 585.79 excluding GST

Western Australian Museum

(a) \$351 368.77 excluding GST

Metropolitan Redevelopment Authority

(a) \$632 425.36 excluding GST of which \$392 587.42 was for the State Government's major projects campaign.
