

POLICE AMENDMENT BILL 2010

Second Reading

Resumed from 23 June.

MS M.M. QUIRK (Girrawheen) [7.02 pm]: The rationale for this bill is a recommendation of the 2004 Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers—volume 2, page 317. The report notes that there is a deficiency in the police commissioner’s ability to charge fees to cost recover or facilitate third-party funding for police services or special events. The recommendation suggests the inclusion of such a provision in legislation to remedy the situation. It is for this reason that the premise of this bill is to facilitate the method by which the police commissioner can seek recovery of the cost of policing for large-scale events of a commercial nature.

The government contends that this recognises the impact these events have on local police resources and will ensure that the community of Western Australia is not left footing the bill for such events while organisers reap considerable commercial and/or economic gain. The concept is one of user pays. It envisages that event organisers will pass on the cost of policing services to patrons via a rise in ticket prices. According to the government, the rise is not expected to be substantial.

In his second reading speech the minister cited the example of a typical Australian Football League match at Subiaco Oval. He said that the cost of policing services is expected to add about six per cent to the price of a ticket for each patron. The police have subsequently advised me that it may well be something less than 60c, as the initial calculation of how many police would be needed at AFL games had been overstated. It is proposed to charge \$90 per hour per officer. This will apply irrespective of rank. The provision of these services will be factored into rostering arrangements rather than by recalling officers. At this stage, I understand it is not contemplated that auxiliary officers will be used. It is intended that the charges be made for both attendance and pre-event planning. Security guard rates are about a third of this.

This bill introduces a charging regime for events only at which a charge is made for admission to the event or to participate in the event or events that are run for commercial gain or that are promoted, advertised or sponsored under a commercial arrangement. The event must also be major in nature—that is, defined as an event that is expected to attract 5 000 participants or an event for which the Commissioner of Police considers it necessary to assign at least 10 police officers to provide policing services.

The bill limits the type of services for which the commissioner can charge to keep order at an event and provide an immediate emergency capability and traffic management in the immediate vicinity of the event. The government further asserts that the bill will achieve a balance by providing several exemptions, including charitable events, events run for the benefit of local communities and public events such as the Australia Day Skyworks or the Anzac Day parade. The bill also has facility for further exclusions to be prescribed in regulations or for the minister to exempt a government-sponsored event. These exemptions will be made for events that the minister is satisfied will provide significant economic benefit, publicity or contribution to the state’s national or international profile.

It is further contended that the bill sets out to provide clarity of the method by which the commissioner may calculate the charge for the services to ensure there is flexibility to include all costs incurred by the commissioner in providing policing services for the event, while at the same time ensuring that the charging regime is a purely cost-recovery exercise and not a commercial venture. Similarly, it is asserted that the bill seeks to ensure that the charging policy is transparent while providing that the commissioner must make this policy publicly available.

Finally, a new provision will be inserted in section 138 of the Police Act to correct a disparity that exists between the constitution of the police force under the Police Act and the manner in which public funds are dealt with under the Financial Management Act and the Auditor General Act. An anomalous situation was discovered during drafting in that moneys received by the commissioner in his capacity as head of WA Police may technically not be included in the net appropriation arrangements that apply to the police department. It is intended that proposed section 138AA will resolve this anomaly for moneys collected by the commissioner under any legislation.

As will become apparent, some of these assertions are contested, and Labor will not support this bill for a number of reasons. First, this is yet another impost on ordinary Western Australians already reeling from exceptional increases in electricity charges, increases in water and council rates and large rises in the emergency services levy. Second, the rationale for these charges is not for any good public policy reasons but to plug a hole in the police budget following the three per cent budget cuts being implemented in 2009–10. Third, for public

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[ASSEMBLY - Tuesday, 14 September 2010]

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Ms Margaret Quirk; Mr David Templeman; Mr Roger Cook; Mr John Kobelke; Mr Rob Johnson; Acting Speaker; Mr Bill Johnston; Deputy Speaker; Ms Lisa Baker; Mr John McGrath; Mr Mick Murray

safety reasons, police have a role at large events; it is the order component of law and order. Since 11 September 2001, and our greater focus on counter-terrorism, no-one would argue there is not a role for a police presence at large public gatherings. Robert Peel, the founder of modern policing, said in his principles of policing —

The basic mission for which the police exist is to prevent crime and disorder.

The next objection we have to the legislation is that the imposition of an averaging out of the police force to \$90 an hour may in fact not be lawful. Under proposed section 39G(2), it is provided that the amount to be charged for police attendance will be by way of regulation. We know that all the imposition of charges in regulation permits is no more than cost recovery. Anything more than that is considered a tax and is ultra vires the regulation. The imposition of tax is permitted only in the substantive act itself. Next, although consultation occurred with venue managers and event organisers some years ago, there has been limited consultation with them of late. They are particularly concerned that it is intended that these laws commence operation over the summer period, and that will mean that they have to absorb considerable costs themselves, as they have already sold tickets that are not factored into those charges.

Finally, although some jurisdictions, notably New South Wales, Queensland and Victoria, do charge for police attendance, some of these regimes commenced before the events in 2001, which I think changed our perspective of safety at large community events. Moreover, I think the circumstances in Western Australia are different and special. Many of the events in Western Australia are financially marginal at best, and there is a very real prospect that the diversity of events coming to Western Australia will be diminished.

I want to expand on some of those issues. Firstly, I need to refer back to the 2009–10 budget. As part of the identified three per cent efficiency dividend, the measures of charging for public events were announced with the savings listed as cost recovery for the police presence at special events. The budget estimate for 2009–10 was \$625 000; for the forward estimate period 2010–11, it was \$644 000; for the forward estimate for 2011–12, it was \$662 000; and for the forward estimate period 2012–13, it was \$682 000. The alert amongst us will realise that it will not be possible for police obviously to have a budget saving of the \$625 000 for the 2009–10 period because we have gone past that financial year and the legislation has not yet been passed. I understand that WA Police was made to pay that amount back to Treasury, so already those identified savings will have to be found elsewhere for that \$625 000 that was not achieved under last year's budget.

As I noted earlier, there has been initial consultation with stakeholders, such as the West Australian Football Commission, major venue managers and promoters. This is unsatisfactory. The West Australian Football Commission, which is going to account for over \$400 000 of the predicted annual revenue, has been very much kept in the dark. Moreover, the role of police whilst at these venues is said to include patrolling, public order and liquor functions in addition to those of liquor licensing officers who normally attend such events. It is said that the police have powers that security guards do not possess, such as the power to request a name and address, and to arrest or frisk-search a patron. Their services are to be used, in the wording of the legislation, “in the immediate vicinity of the event”. This begs the question as to when duties, such as traffic duties close by an event and consequential to it, will attract charges. Advice has been received that it is intended to include clarification on the application of this term in the policy that the Commissioner of Police must publish under proposed section 39L. I have to say, frankly, that I would have thought that if there is some ambiguity in the term, it is better to resolve it in the terms of the act itself. I am, however, told by the police advisers that it is envisaged that in relation to traffic coming to the event, “immediate vicinity” entails traffic entering the event or event car parks; it will not involve traffic on arterial roads that are congested because of the increase in traffic for the event. But, as I say, it would be preferable if “immediate vicinity” was better defined in the bill itself.

In respect of traffic leaving the event, it will include management of traffic to the extent necessary to ensure pedestrian traffic is able to safely clear the immediate vicinity and to ensure that event traffic merges in an orderly fashion with general traffic. The concept of “immediate vicinity” is going to depend on the size of the event and the road systems around the event. I am told, for example, that at Subiaco Oval it will involve getting traffic out onto arterial roads such as Thomas Street and Roberts Road, but would not extend to controlling traffic entering the freeway, if that was necessary. However, on the other hand, for an event in a more remote area, such as traffic entering the Vines Resort and Country Club golf course, it may involve traffic entering and exiting West Swan Road, which is three or four kilometres from the event itself, but that is where the entrance to the event from arterial traffic routes is located. Traffic control of events tends to be done by contractors on behalf of local government, so it is contended on behalf of the police that this is not likely to be an issue that arises, because of those local government arrangements. I am told that police traffic involvement at events is generally limited to enforcement and ensuring orderly arrival and departure of vehicles.

There are also many events where police, for intelligence purposes, are deemed to require a large police presence; for example, I think of the Danny Green fight, where a number of so-called organised crime figures

and persons of interest were likely to be in attendance. It was in fact subject to a declaration under the Criminal Investigation Act. If police are there for intelligence purposes, I have to question whether event organisers should have to pay the costs associated with those additional police. I am assured that those kinds of costs would be borne by police and not the venues themselves, but I believe this is very much a grey area.

We have heard already that an event can be exempted by the minister, if it is one that is sponsored by government—federal, state or local. It seems to me that this may well be subject to abuse if a token contribution only is given by government at whatever level. I am advised that the minister has discretion to make the exemption under proposed section 39H, but only if he is satisfied that the event will provide significant economic benefits to the state, or will provide significant publicity for the state through media coverage or will contribute significantly to the state's national or international profile as a host of sporting, entertainment or other events. Further, if a venue organiser requests police presence, the Commissioner of Police decides what the appropriate number, not the venue organiser. It is the belief of a number of event organisers that police notoriously overestimate how many will be required. For example, at Members Equity Stadium, which is now called NIB Stadium, they say that for most concerts and for the Perth Glory Football Club games and the Emirates Western Force games three to five police officers are all they deem necessary, but invariably 10 are present.

The next issue we have is the definition of an event being commercial. I believe that is somewhat naive. A number of events that the Western Australian public value greatly, although an entry price is charged, are not commercially profitable. For example, Perth Glory loses \$4 million a year and Western Force also runs at a loss. Surprisingly, I am told, such concerts as those given by Elton John, Billy Joel and The Police, all lost money in Perth. If promoters consider that the extra costs imposed by this law make such events more marginal, then the decision may be taken not to bring them such events to Western Australia in the future. That would, of course, be very unfortunate. We have heard the minister say—I have certainly been briefed on this—that in other states—namely, Queensland, Victoria and New South Wales—police charge for event attendance. I understand that it is a happier arrangement in some states than in others. However, as I alluded to earlier, since the events of the World Trade Center in 2001, it could be argued that a police presence at large events has a counter-terrorism role and that, as a core police function, it should not necessarily be borne by event patrons. In this context we must be mindful that the Barnett government has increased family household expenses by more than \$1 000 a year, largely due to the fact that electricity bills have increased by 46 per cent and water bills by 30 per cent. These extra charges might not seem like much but, when taken in combination with other price hikes, may well mean that, for a family, attending the footy or a concert is a thing of the past. If this bill puts events out of the reach of ordinary Western Australians, it cannot be welcomed or supported. I also mentioned that there has been a lack of consultation with stakeholders, including event organisers. To be fair, I have been advised that there was significant consultation about two years ago; however, since that time, those organisers have very much been kept in the dark.

Mr R.F. Johnson: It was a lot less than two years ago.

Ms M.M. QUIRK: I was advised by the minister's office that it was about two years ago.

Secondly, there is a lack of clarity between the duties that are core police business and the duties associated with facilitating the smooth running of an event. I am also concerned about how the amount of \$90 an hour was calculated. I think that will need some further explanation as we proceed with this bill. I need to confirm, for the reasons I stated earlier, whether imposing that penalty through regulation is the best way to go. I need to confirm whether the regulation is the most appropriate place to impose these charges; and, if it is more than cost recovery, of course it will be ultra vires. In fact, I was advised by the minister's advisers that it is an averaging out. That seems to me to open up all sorts of permutations in assessing whether the charges are in fact a tax.

As I said earlier, if these charges deter the variety of acts and events that presently come to Perth, this will also be an issue. If it means that venue organisers have to assume some of the costs, potentially other things may need to go. In the case of footy or cricket, for example, it may mean a diminution of funds for junior development. As I said, there is also a grey area between the core functions of police such as intelligence gathering, counter-terrorism and maintaining public order and those associated with merely facilitating the smooth running of an event.

No doubt the minister will say that the opposition supported this legislation when we were in government. I must concede that we were lobbied consistently on this measure, but ultimately it was never introduced. This bill is not necessarily good public policy; it is more about meeting the three per cent budget cuts. I do not consider the arguments that the government has put up to be compelling, especially in the context of other charges being levied on the public. This is yet another impost.

Extract from Hansard

[ASSEMBLY - Tuesday, 14 September 2010]

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Ms Margaret Quirk; Mr David Templeman; Mr Roger Cook; Mr John Kobelke; Mr Rob Johnson; Acting Speaker; Mr Bill Johnston; Deputy Speaker; Ms Lisa Baker; Mr John McGrath; Mr Mick Murray

In talking to people about this bill, I did speak to the Events Industry Association, and in particular to Jenny Harrington from that association. She has presented a paper and I will just go through some of the issues that she raised. I think a couple of the issues have been addressed by the police, but I will note them as I go through them. Firstly, she says that police officers would be called back to duty on their rostered days off to work on such events as the police service feels fit the criteria. Is there a duty of care and an occupational safety and health issue with officers not having enough rest between shifts? I understand that it is not proposed to use off-duty officers, but they will be counted in on the roster. The minister might like to confirm that. That particular reservation, therefore, of the Events Industry Association may no longer have currency.

She goes on to say that the criteria have not been finalised but that the police have indicated that they will be based on age, demographics, the presence of alcohol, entertainment et cetera. She is therefore concerned that the association is unaware of what the criteria will be. She notes that the police service is a tax-funded public utility responsible for law and order without being paid extra to do what should be part of its usual duties. If we cannot guarantee that the police will attend due to their obligations to serve a particular community elsewhere, the state cannot implement any enforcement policy that demands an event organiser pay a certain number of police to attend, because if they cannot attend, the event organiser will be in breach of the policy. Further, she says that if an event organiser is forced to pay for a set number of police to achieve approval for an event, the police service must absolutely guarantee that the police will remain on site regardless of the issues that occur. Further, she claims that private enterprise would be disadvantaged by a government department hiring itself out technically as a commercial venture. She believes that there is the potential for an undesired perception that police can be bought for private security, which would undermine their authority in the public eye. She says that in some instances large music events can diminish overall crime in an area, as it gives people something stimulating to do. This means that law and order may actually improve on an event day in some cases. She makes a very cogent point when she says that ticketed cultural events attract people who willingly pay to attend, and that consequently these people protect that right by behaving in a way that permits them to see the event. She asks: on what factual basis should a properly organised ticketed music event with alcohol require a particularly large police presence compared with a free event? She also notes that the proposal will be a financial burden and will impact on key social outcomes. Paying for police, in addition to the already climbing costs of an event, will considerably affect the regularity of free community-based events due to the additional costs of police, and the community could be deprived of exposure to sports, culture and the arts. Football, for example, is a not-for-profit sports association that provides, as do all sports, a significant social benefit to the community. Sport is the best crime-prevention tool. She goes on to say that it is hard to differentiate between who would be charged for the police presence. The police say that whoever charges the entry fee would be charged, but she quite legitimately asks what the difference is between the football, the Perth Royal Show and Skyworks.

She believes that there needs to be accountability by the police, which clearly defines agreed upon performance outcomes and accountability of the event to the event manager and promoter. An implication of this proposal, she observes, would be that free events may need to become ticketed events for them to happen. In some instances, this may be a minimal increase, but in others it would place a significant strain on funding, leaving less money to pay for other aspects of the event, namely, entertainment—essentially the reason people attend events.

Her final point is that if police believe that security contractors are doing an inefficient job of managing behaviour at events, it would be sensible to encourage, firstly, training and, secondly, accreditation for security personnel. In pressing home her point, she raises a few questions: what roles and responsibilities do police intend to supply? What is their legal status in this role at events? There is widespread concern about the nature of the relationship between police and the event organiser. Where does liability rest? If the police are not under the control of the promoter, but the promoter is paying, who assumes liability if there is an incident?

She asks whether police are responsible to the event manager as they are employed by the event. If, for this reason, officers do not turn up or are unavailable for the event, or are moved to another job during the event, will the event then be operating illegally and event insurance deemed invalid? Will the event organiser be able to sue the police for not supplying the number of officers that they, themselves, have determined necessary for the event? Or if police do not attend, will the event have to be cancelled? Will payment be conditional on the police location, roster times, predetermined roles and responsibilities? If someone is dissatisfied with the police service, is he or she able to get a refund or a reduction in the amount payable? What will happen if the bill is not paid because someone is dissatisfied with the service given by the police? If people are dissatisfied with the service provided by police personnel, do they take their complaints to the Corruption and Crime Commission, or if police leave the event due to an emergency, will the event organiser be refunded the police hire fees?

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She asks what criteria will be used to determine the number of police required for each event—will it be age demographic, other demographic information, alcohol, attendance of outlaw motorcycle gangs, the nature of the concert, or whether it is a sporting event? She wants information on all of those things.

She asks whether the Police Amendment Bill 2010 relates strictly to commercial or profit-making events, such as sporting and charitable events. She also asks whether any commercial events will be exempt from this policy, and, if so, what reasoning is this based upon? She asks whether commercial clubs, nightclubs, pub shows with music, alcohol and more than 1 000 people present will be captured under the same act and criteria as one-off events. I think we know the answer to that, minister: as I understand it, 5 000 people need to be present.

Mr R.F. Johnson: I will respond to all those queries.

Ms M.M. QUIRK: She asks whether there will be direct access to specific police staff on duty prior to the event so that they can be given advance details of the event management systems. I also know the answer to that; that is also a yes, but of course it will be charged for.

If police are employed by the event, does the event organiser have authority not to grant police personnel access to certain areas of the site or have any jurisdiction over where police are placed at the event, such as front of house, fence duties, entrance et cetera? In the case of an event being held in a rural or remote location where there are no, or minimal, officers stationed in the area, are police intending to charge for travel, meals, accommodation and so on?

She asks whether, if the policy is put in place, it will guarantee event organisers access to police resources. For example, what happens if a local council wants to approve an event but the police say there are not enough resources, even if the event organiser is prepared to pay?

In conclusion, she states that the Events Industry Association does not object to user pays per se; however, answers to the abovementioned questions have still not been provided by police or government, and until the questions can be clearly answered, then the Events Industry Association will not be able to support WA Police's recommendation. She states that she welcomes continued dialogue with police and the Minister for Police on this project to arrive at a mutually agreeable outcome. I think they are all thoughtful concerns that need to be addressed during the passage of this bill.

I also contacted the West Australian Football Commission, which had similar concerns, and Wayne Bradshaw sent me some material on the footy commission's concerns. He notes that there has been no consultation with the WA Football Commission, and according to the forecast provided, over 60 per cent of the funds derived are from events at Subiaco Oval. The primary source of income from this legislation appears to be targeted at Australian Football League events, but the AFL is not the beneficiary of events at Subiaco Oval, and the community focus of the not-for-profit WAFC will be eroded. The WAFC's status as a not-for-profit sports association is clearly not understood. The financial impost will be borne by the WAFC and/or the AFL clubs that conduct events at Subiaco Oval. This will have a direct impact upon the funding of grassroots football and community programs. The WAFC is a community organisation and is not operated for commercial gain, with the WAFC budget being operated on a break-even basis. Additional costs applied to the clubs or direct to the WAFC will result in a lower return to the WAFC, and, therefore, due to the break-even nature of the budget, inevitably result in a decrease in services. The bill targets those who conduct events for commercial gain; the events at Subiaco Oval do not meet that criteria and should fall into the category of being a community event, due to the not-for-profit status of the WAFC. It is an oversimplification to simply charge the users; there is already a perception that AFL tickets are at a pricepoint out of the reach of many of the general public. The impost of additional charges due to public transport, police, and AFL equalisation will magnify the annual cost increase applied to memberships to keep up with inflation. This will reduce the financial viability of the clubs, and, therefore, reduce the return to the WAFC that is re-invested into grassroots football, community programs, and the maintenance and upkeep of the stadium. Goodness knows, maintaining that stadium is hard work.

The type of events to be charged lacks clarity, and the events listed in the schedule appear to be incomplete, which creates some uncertainty. The minister has the scope to make exemptions if he is satisfied that they are warranted—I read out those conditions before. The WAFC asks whether the Red Bull Air Race will be charged—no; it will not be, because it will not be run anymore. According to the WAFC, that event meets the stated criteria and is subsidised by the government through Eventscorp; international rugby has exactly the same status, but it has been listed for charging. The Perth Royal Show has not been listed. The WAFC is a not-for-profit sports association; the Royal Agricultural Society of WA is also not for profit, but there seems to be no suggestion that it will be charged.

Under the facility funding agreement between the WAFC and the state, the WAFC is required to host international events that comply with the criteria for exemption. As these events appear in the financial forecasts,

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it would appear that they will be charged. The WAFC wishes to know how the minister will determine what events are exempt. AFL games at Subiaco Oval also meet the criteria for exemption; the revenue forecasts are overstated, and Subiaco Oval uses approximately 10 police, not 44, for AFL games. The revenue derived from those games will be \$85 000 per annum, not \$376 000 per annum. If other venues experience similar discrepancies, there is likely to be significant shortfall in the projected revenue derived. The WAFC wishes to know whether the fee will be increased to meet the revenue forecast; what control will there be over the fees to be applied; and, have the fees applied been determined to meet an efficiency target or to represent the real costs.

According to the WAFC, there has been the odd occasion when there were up to 44 police in attendance at Subiaco Oval; however, that was because an arrangement was made with the police training academy for the cadets to attend. Is the WAFC still to be charged \$90 an hour for cadets who are in training? By the WAFC's forecast, 10 police at each AFL match will cost \$3 600 a game, and it also states that, in good faith, it has already been providing food for police at a cost of approximately \$1 200 a game. Would there be an expectation that if a charge for police services is applied, the complimentary food vouchers offered to police would still continue? The tasking of events occurs with a high level of consultation and cooperation between police and the WAFC. The WAFC accepts that the tasking is ultimately down to the judgement of police command; however, there is concern relating to an unknown outcome regarding cost implications for the police presence and departmental costs. If this legislation is to proceed, a fully costed and transparent hourly rate should be developed and disclosed. That rate should cover all direct and overhead costs associated with providing police staff to events. A lack of clarity around costs will make it difficult to budget for major events. The budgeting process may be difficult, particularly if there are no parameters about what departmental costs will be. Perhaps this will all be dealt with in the regulations. It is essential that there be some consultation during the preparation of regulations.

The act provides for a fee to apply at major events, the definition of which is 5 000 attendees, or when 10 police are required. Events at Subiaco Oval are certainly attended by over 5 000 people, but it can operate with fewer than 10 police. A potential risk to the general public could exist if event promoters or stadium managers no longer request the presence of police services at events. That could then lead to an escalation of major incidents, such as fights, riots, unruly behaviour and intoxicated behaviour, as security will have fewer powers to manage these situations. The ultimate result, if these situations did arise, is that the police would be called in to deal with a major incident. I preface these comments by saying that the WAFC has an excellent relationship with the police. However, in the event that police performance at an event was not to the standard required, the WAFC has a concern about whether there would be a process for accountability under a fee-for-service arrangement.

I have referred to the fact that a number of jurisdictions in Australia charge for police services. South Australia and Tasmania are the only jurisdictions that do not charge. New South Wales has had a user-pays policy for some time. Most police services in New South Wales are provided free of charge to the general community. However, clients are charged fees for obtaining the benefit of police services or goods that go beyond these responsibilities. Under the New South Wales Police Act 1990, the Commissioner of Police may make or enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise of the functions of the NSW Police Force.

Under the NSW Police Force "Cost Recovery and User Charges Policy" of May 2010, which runs to 18 pages, a 100 per cent exemption from user charges will be applicable if an event meets both the organisation criteria and the event criteria that are outlined in that policy. The organisation criteria are that the body organising the event is authorised to collect donations under the Charitable Collections Act 1991, or it is an incorporated non-profit community organisation and has insufficient reserves or resources to meet the cost. The event criteria are that the event is free of charge to spectators, and the event is conducted solely for the benefit of a charitable or community organisation and is not conducted in whole or in part for the commercial gain of the organisation or a commercial sponsor. The policy provides that a 50 per cent reduction from user charges will be applicable if: a client meets the organisation criteria but not the event criteria; or a client meets the event criteria but not the organisation criteria; or the event is sponsored by a government agency and the event may not be economically viable if full charges are levied. Those criteria are similar to the criteria provided for in this bill.

Under the New South Wales policy, local area commands make the determination about whether an event meets the criteria for exemption under the user-pays policy. The policy states that a general exemption applies for any event that that can be easily policed using personnel ordinarily on duty at or about the location of the event. This determination is usually made at a local level by the local area command. In order for an event to qualify for an exemption, the local area command will assess the policing resources available to the command and make a determination about whether the event can be policed within existing resources. In assessing the application for user pays, certain matters must be taken into consideration. Those matters are staffing availability, first-response agreements, sick leave, and other policing demands. The determination of whether user-pays fees will be

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charged for an event must be done at a local level, as additional police may be required, which may attract overtime rates.

The New South Wales Police Force has got charging down to a fine art. The policy states that the NSW Police Force may provide the following goods and services under user-pays arrangements: crowd and traffic control, and public order, at special events; criminal record checks; interviews with police, where police are requested to provide information to legal representatives; vehicle and pedestrian traffic management services, where police powers are exercised to promote public safety for the exclusive use and benefit of the owner or transport contractor, including film shoots, wide load and other vehicle escorts, crane operations, traffic signal maintenance, road closures, and building sites; supplementary policing services, where a client requests additional policing services in designated locations such as markets or commercial shopping centres; technical and forensic services, where the police provide photography and photogrammetry services through the forensic services group; information and reports for insurance and other commercial purposes; provision of police officers, and wardrobe and prop services to film, television, advertising and media industries, or where police resources are provided to this industry for traffic management duties, and also for major productions, including television shows and commercials; intellectual property, training and consultancy; attendance for false alarms; and for other services, including the hiring out of dog units, the police band, the water police and the mounted police, and firearms registration services and security industry licensing services.

I repeat the point that I have been labouring for some time. This bill is the thin end of the wedge. I believe that as the purse strings tighten around the police budget, the government will contemplate imposing even further charges through this legislation.

The community expects the government to provide police services. It does not expect the government to touch up ordinary Western Australians who wish to attend major events. Western Australians are already struggling with hikes in their household bills. The timing of these proposed charges is astonishing. We know from the 2009–10 budget papers that the government expects WA Police to net over \$600 000 annually to meet its budget bottom line. If WA Police fail to do so, no doubt front-line services will suffer. As members have heard from the information provided by Mr Bradshaw from the WAFC, that calculation may be seriously flawed, and the government will find when it has gone through this exercise that it will net significantly less than it budgeted for in its three per cent efficiency dividend.

The collateral impact of these charges has also not been fully considered. As Mr Bradshaw has said, and as I have said, things such as grassroots footy development and junior footy development may well suffer. There has been a lack of consultation with promoters and venue managers, and a lack of clarity about what will be covered and what will not be covered. The government is showing an increasing tendency to bring in legislation that is silent on a range of issues that are at the heart of the bill, and is asking us to just trust it, because those issues will be dealt with in the regulations. However, invariably those regulations have not been drafted. I think we would have been happier if the matters that I have referred to had been incorporated in the legislation. There is also a real question about whether the imposition of these charges, at the rate of \$90, will be ultra vires the regulations. We will canvass that issue in more detail during consideration in detail.

Finally, I believe that a greater number of events will become marginal. That will mean that fewer events will come to Western Australia. That will limit the diversity of events that will come to Western Australia and will, therefore, be in direct contradiction with the government's stated aim of making Western Australia a more vibrant and interesting community.

MR D.A. TEMPLEMAN (Mandurah) [7.48 pm]: I am very pleased to make a contribution tonight to the debate on the Police Amendment Bill 2010. I listened very carefully to the minister's second reading speech. I also noted the concerns that were raised by the opposition spokesperson, the member for Girrawheen. I come at this legislation from the simple angle that the taxpayers of Western Australia are already contributing to the coffers of this state. One of the expectations that they have is that a well-resourced police service will be available to the wider community. No matter whether people live in the regions or in the metropolitan area, they expect that they will have a well-resourced police service.

When proposals such as this come up, a range of issues and concerns are quite rightfully highlighted and raised. I agree with the member for Girrawheen that this is the thin end of the wedge. Although this bill proposes some restrictions on where this user-pays regime can apply, there is nothing to say that, once this system is in place, other measures cannot and will not be introduced.

Ms M.M. Quirk: They can be introduced by way of regulation.

Mr D.A. TEMPLEMAN: That is an excellent point. They can be introduced by regulation.

Extract from Hansard

[ASSEMBLY - Tuesday, 14 September 2010]

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There was some confusion about how this bill might affect my community and so I will highlight that to the Minister for Police. I also want to underpin what is ultimately a police resourcing issue. I believe that we need to look at the adequacy—I use that word very carefully because the member for Dawesville has accused me of being alarmist in my community —

Mr P. Papalia: Never!

Mr D.A. TEMPLEMAN: Oh, yes. The member for Dawesville accused me of being alarmist when I had the audacity to highlight to the local community that the police resourcing in Peel has suffered and is suffering, in my view, because of the changes the government has made to the policing regime in the Peel region. I will continue to do that because I believe it is my responsibility to stand up for the people of my community when I believe our police service is being diluted. Members may be aware that the Peel police district, which was a distinct entity that was serviced as a distinct district, is no longer a distinct police district; it has been absorbed into the south metropolitan district. On paper that may be seen as a positive. However, there are examples of police no longer being involved in very important programs. An example of that is the Street Net Youth Outreach Service. That is a very important youth program. When we were in government, we maintained the need for police officers to be assigned to that program despite attempts by the then Commissioners of Police to try to change that. Until the Peel police district was absorbed into the south metropolitan district, Street Net—to give just one example—had two police officers permanently assigned to it. Police officers are no longer assigned to that important youth initiative. Already I have heard comments from community members about that, including from Des McLean, who runs the very successful Mandurah Youth Maritime Project. Just last week he told me that when Street Net had two police officers attached to it and it was resourced, he would ring it whenever he had a problem with any of the young people involved in the youth maritime program. If one of the kids was not attending the maritime program, he would ring up Street Net and a police officer and the program staff would visit the home of the young person and the youth would go straight back into that program. That was great on-the-ground, localised policing. That does not happen now. Des McLean said that he can ring Street Net today but that it no longer has any teeth because the police have gone.

The member for Dawesville said that I was alarmist for highlighting that the community policing element of Peel police was gone and he also said that the policing in the Mandurah–Peel region was adequate. It is very interesting that the member for Dawesville, now that he is in government, says that the policing in Mandurah–Peel is adequate. The Peel police district lost its autonomy when it was absorbed in the south metropolitan district and now we have lost the crime prevention officers who worked directly on the important Street Net program. I also highlighted previously that Peel’s community policing officer’s desk is in Rockingham. Understandably, I have spoken to senior police in Peel. I admire them and the other officers. However, where is our community policing officer? There is now only one. His office is now in Rockingham but he is supposedly able to service the Mandurah and Peel regions of the south metropolitan district. I put it to the Minister for Police and the member for Dawesville that I am not being alarmist when I say that those resources have been lost. The fact is they have been. First it happened with the police service and now it is happening in education. The police resources have been sucked into the northern part of the south metropolitan district and now it is happening in education under the member for Dawesville’s watch. The Peel education district was a regional entity with a district director who had a general and strong knowledge of the schools in his area, but that has been sucked away into a new regime in the Fremantle–Peel District Education Office. Peel has become an outpost. The Peel education office is now an outpost. Where is the district director? He has gone.

Mr R.F. Johnson: That has nothing to do with the bill.

Mr D.A. TEMPLEMAN: It has everything to do with the Police Amendment Bill. It is about resourcing. That is what the Minister for Police fails to understand.

Mr R.F. Johnson: You are abusing your time.

Mr D.A. TEMPLEMAN: I am not abusing it. I am standing for up for my community and I will continue to stand up for my community. The Minister for Police must understand that policing is about local policing and local members of the police service making decisions about and working with the people they know and with excellent community organisations such as Street Net and the Mandurah Youth Maritime Project. It is about local people and organisations working with the men and women of the police force. Peel no longer has a community policing officer because that officer now has an office in Rockingham. That is the reality, yet I have been called an alarmist and the minister says that I am abusing the process. That is absolutely wrong. The minister is wrong.

The SPEAKER: Member, take a seat. I draw the member’s attention to the substance of the bill. I have given him some latitude. Members in this place know that I give them latitude to bring to the house a range of topics

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that are of relevance to a bill. I believe that the member is perhaps in an area that is not absolutely relevant to the Police Amendment Bill 2010 and I draw his attention to that. I give the member an opportunity to make further remarks.

Mr D.A. TEMPLEMAN: Thank you, Mr Speaker. I am talking about resourcing. This bill is a plan to introduce a user-pays system. Before the government considers implementing a user-pays system, it should properly resource the police service. I live in my community but the member for Dawesville does not live in the community he represents. I have lived in Mandurah for 22 years. When I see the Minister for Police taking away resources, in my view, and I see the Minister for Education taking away resources, again in my view, and reducing the identity of Peel and the servicing and resourcing of Mandurah, I will stand in this place and attack those ministers. This is the point of the bill. We will go to a user-pays system, but where do we have the resources on the ground that the taxpayers of Western Australia, Mandurah, Dawesville and the Peel region have paid for and expect to be delivered to them? We are now asking them to pay extra. That is what this bill does. That highlights very clearly that this legislation has not been thought out at all. It is very interesting when we talk about the consultation that either has or has not taken place regarding the preparation of this bill. Where is the local government response? I hope the minister will answer this question in his response. Local governments throughout Western Australia need input into a proposal like this, because a lot of those local governments are working hard to try to attract events to their communities. My fear is that we do not already have a properly police-resourced community. I do not believe it is adequate and I disagree absolutely 100 per cent with the Minister for Health that policing in the Peel region is adequate. That is what the minister is quoted as saying in the *Mandurah Mail* last week. I disagree with the minister 100 per cent. Maybe if the minister spent a bit more time down there, and if he lived in the community, he might realise that people have genuine concerns about policing in their community, rather than saying that the member for Mandurah is being alarmist. That is rubbish! Members have to make sure that when they see a threat to resourcing in their communities they stand up in this place and highlight it, as is our right! Members on this side will do that.

Whilst on paper this bill may not threaten some events because of the clauses that talk about community interest not-for-profit events, again, the thin edge of the wedge comes in here. The City of Mandurah organises some major events during the year's calendar—the crab fest in March and the Christmas party that is hosted in December. It is a very busy period in the lead-up to Christmas. I do not want to hear police saying that they would rather not hold those sorts of events because they are too busy at that time and there are too many threats.

Mr R.F. Johnson: Do they charge admission to those?

Mr D.A. TEMPLEMAN: No, they do not. But the Minister for Police needs to understand that in the past they did charge for some sections of the crab fest.

Mr R.F. Johnson: Is it sponsored by the City of Mandurah?

Mr D.A. TEMPLEMAN: Yes, but —

Mr R.F. Johnson: Then it is exempt!

Mr D.A. TEMPLEMAN: —there were commercial gains within elements of the crab fest, which were previously charged for.

Mr R.F. Johnson: I am pretty certain you would find they are exempt.

Mr D.A. TEMPLEMAN: I would hope so. I would also hope that these events were properly resourced anyway by the police service of the district of Peel. That is what I would hope.

Mr R.F. Johnson: Are you confident that the police will service those particular events in your electorate?

Mr D.A. TEMPLEMAN: Yes, but I do not believe that police numbers in my electorate are adequate, as has been claimed by the minister's colleague, the Deputy Premier. The fact is —

Dr K.D. Hames: You were the guys who shut down the new police station opposite my electorate.

Mr D.A. TEMPLEMAN: There was no police station there!

Dr K.D. Hames: The land was purchased.

Mr D.A. TEMPLEMAN: Why then is the Deputy Premier saying that the police services are adequate? The member for Dawesville knows they are not adequate! The member sits there and says this because he is now in government and he is trying to defend the indefensible! The member for Dawesville now decides he will arc up. Why does the member not arc up and talk to his colleague over there who has a place down there in the canals, like the member for Dawesville? Why not tell the Minister for Police that he needs to make sure that the Peel police district is resourced appropriately? The member for Dawesville claims it is adequately resourced; I claim

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it is not. I say that Russell Armstrong from the police union is right when he says it is about 20 officers short. I think he is right. I think his figure is around the ballpark. It is time that the member for Dawesville understood and started to stand up for the community, rather than coming out with excuses that the policing effort in Peel is adequate.

The member for Dawesville sat back and allowed us to be sucked up in the South Metro Region for education —

The SPEAKER: Member for Mandurah, I direct you to return to the substance of the bill.

Mr D.A. TEMPLEMAN: Mr Speaker, I am actually responding to an interjection.

The member for Dawesville sat there and allowed the education thing to occur. What is going to be next? What is the member for Dawesville going to do next? Is he going to allow us to be absorbed by the metropolitan region? That is probably the Liberal Party's ideal aim—the Minister for Planning is looking very interested here!—and the real Liberal Party policy is to absorb Mandurah and Peel into the metropolitan region scheme. I will tell the member for Dawesville that he will not be able to claim his \$255 a night to stay at home in Yokine when that happens, because he will not be a country member anymore!

Dr K.D. Hames: Tell us what you did as a minister?

Mr D.A. TEMPLEMAN: I would love to have this debate with the Minister for Health, because this is where the minister is so morally wrong. The minister will go home to Yokine tonight and he will claim \$255 tonight. He can claim up to \$30 000 —

The SPEAKER: The member may wish to use his time in this place not talking to the bill; that is his choice, but I think the purpose of this place is to debate the bill at this moment. I direct the member's attention to that. I realise you are passionate about it—very passionate—with a great deal of justification, from your perspective, but I ask you to return to the substance of the bill.

Mr D.A. TEMPLEMAN: Mr Speaker, if the member does not interject, I will not respond.

We need to be very, very careful in supporting a bill of this nature. This sort of bill should be supported only when we have absolutely appropriate resourcing of our police service in the regions and the metropolitan area of Western Australia. When we know that we are protected and the taxes paid by the taxpayers of Western Australia are delivering the services they expect with appropriate resourcing of the budgets for policing and they are confident that their communities in all of the areas—regional and metropolitan—are appropriately resourced, then we might start talking about this sort of initiative.

I want to continue with a couple of other threats that the member for Girrawheen has highlighted. I know that a few members on the other side also have some concerns about this bill. There needs to be a very clear understanding that many of the events and initiatives that are potentially targeted by this bill are very marginal. If they are of a tourism or sporting nature, whilst some of these may gather numbers of over 5 000 participants and they may collect money at the gate and so come under the criteria, that does not by any means mean that they are ultimately financially viable. Let us look at the question of the viability of an event in our state or in parts of our state. That is a very real threat, and those concerns were put very well by the member for Girrawheen.

Finally, in the three minutes that I have left—I will not ask for an extension—I would like to highlight the issues that have been raised by the member for Girrawheen about the potential to send this bill to an appropriate committee. Maybe that is the best way of doing it, because I think this is an undercooked proposition—it is half-baked. It has not included proper consultation of key stakeholders.

There is one event down in Mandurah, which is very interesting and which would come under this bill; it is an event that polarises the community in some respects—the rollercoaster concert. It will not be held this year, it will be held next year. It is held on the foreshore. It is a commercial venture. It targets young people. However, it is still a fairly marginal event if the organisers do not attract a certain number of patrons. They often do not know the number of participants right up until the day the event takes place. They have some pre-ticketed sales, but I know from previous concert events that pre-ticketed sales might have been a few thousand but they actually get a couple of thousand more through the gate. If an additional cost is imposed and the organisers are getting up to that final mark of whether they are going to make anything or break even, will the additional provision of paid police through this proposal put an event like that in jeopardy? I am not saying I am not a great fan of the event, and I have been to it once, but there have always been concerns about it by people who live nearby. The member for Dawesville will know about that. The people near the park were very concerned about that event. They do not like it and made that very clear to the council.

Mr R.F. Johnson: I can hear it from my place!

Mr D.A. TEMPLEMAN: There we are.

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The viability of events such as that could come into question if this bill is not very seriously and carefully thought through. I make no apologies for speaking passionately tonight about my district, particularly the policing, because it is absolutely critical, and the police resources there are not adequate.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [8.09 pm]: I am indebted to the member for Girrawheen for her comprehensive analysis of the Police Amendment Bill 2010 when presenting our perspective on it. The member for Mandurah is right: to a certain extent this comes down to a question of resources. It seems in part that competition for resources between police and other sectors of government is driving a lot of the policy. The question arises, for instance: do we spend a bit more on hospitals or on police? We have a difficult decision to make. Both those areas come under pressure in terms of whether extra resources can be brought to bear, rather than just government revenue. We on this side of the chamber have a philosophical objection to the bill. We believe that law and order—community safety—is a core aspect of the life of a government and the community, and that the life of the community includes people not only sitting at home in the evenings hoping their homes will be safe but also going about their lives pursuing cultural events, and pursuing the life of the city, for want of a better description.

Mr R.F. Johnson: Walking into Northbridge.

Mr R.H. COOK: Yes, as the minister appropriately observed. From that perspective, I guess the subtext of this bill is that policing, undertaking crowd control or providing community safety in the context of a concert or the footy on the weekend, is of itself not part of the core business of government. It is not the core business of government to ensure that people can attend these events in safety and that, in some senses, it is not part of the core business of police; therefore, WA Police have said, “Because this is in addition to our duties, we want extra resources to undertake it. We don’t want those activities detracting from other activities that we consider either more important or more core in their function.”

I guess this bill takes us some way down the road of an ongoing trend towards a user-pays approach. It takes us down the road of saying that if community member A is undertaking this activity, he will pay for the privilege of doing so. I do not think that, as a society, it is the sort of direction we want to go in because people are undertaking these activities as members of the community and should have a right to do so. If we are now saying they can do it only on the basis of an exchange of money, which is what we are essentially saying here, that is the wrong approach and it will lead us down a path to some very dangerous public policy territory. The member for Mandurah is trying to say that if charges are imposed on people who want to undertake certain activities, those activities should be the icing on the cake. They should not be part of the cake whereby we ask WA Police to go out and drum up a bit of business in the context of them going about their work.

Superficially, this bill has some attraction to it. By and large, it is a commonsense approach; that is, if people are going to participate in a particular activity that is part of a commercial venture, such as going to the football on the weekend, it is no problem taking a bit of skin off everyone as they come through the turnstiles and, from that perspective, offsetting some of the costs for having that function take place. In some respects, it is not dissimilar to paying for a higher cost of electricity. It is saying, “You’re undertaking this activity, therefore you must pay for it.” It is superficially appealing from that perspective, but I do not think as a community that we want to go in that direction. It is part of a right-wing agenda, not necessarily an agenda that this government subscribes to, but part of a general trend towards a user-pays approach, moving away from a broad-based tax approach whereby community services are provided on the basis of people’s capacity to pay, to an approach that people will be charged for undertaking activities that I think are genuinely an expression of our lives in the community.

This bill will allow the Commissioner of Police to charge for undertaking a range of activities at a community event, such as keeping order, providing immediate emergency management capability and providing traffic management in the immediate vicinity of the event. I am interested in getting a better understanding from the minister on what specifically is meant by those three types of service. Indeed, anyone organising an event at the moment is responsible for traffic management and I gather pays handsomely for the traffic management in its current form. I am not exactly sure what that means in relation to police activities. In which case, people who hold events or put on concerts and so forth are already responsible for paying for traffic to be managed.

In the lead-up to this bill I consulted a number of people, including people who are responsible for arranging commercial public events. It is not surprising that they have said that they do not have a huge problem with it: “We’ll charge a bit more on the ticket to offset that cost; hopefully that won’t have much of an impact on the number of people who we are likely to attract, but we don’t want to be simply paying for half a dozen coppers to stand next to the tuckshop, drinking coffee, watching events and waiting for trouble to occur.” It was put firmly to me that, if this is a proposal whereby the police work in partnership with the crowd control and management of a particular commercial operation, it is probably not a bad way to go; for instance at large festivals that we see occasionally on places such as The Esplanade or at other outdoor venues around Perth —

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Mr R.F. Johnson: The Big Day Out.

Mr R.H. COOK: Yes. The biggest problem for the Big Day Out organisers is people trying to jump the fence to avoid paying for a ticket. If this bill is about assisting the managers or the organisers of these events to manage crowds better so they can stop people jumping the fence, it is seen as probably a fairly constructive exercise. It is a call, I guess, for the police to work in partnership with the event organisers to make sure that, firstly, what is being provided is not surplus to requirements and, secondly, that the activities undertaken support the efforts of the organisers to maintain an orderly event, including preventing fence jumpers.

That takes us to another interesting territory; namely, the police could, essentially, therefore be considered responsible for revenue protection on behalf of the organisers. In other words, the police are recruited to protect the profits of the people who organise the events.

Mr R.F. Johnson: No, they aren't.

Mr R.H. COOK: It is not a sinister exercise, but it is stepping across the threshold from a position at which the core business of the police is ensuring community safety to the next step of protecting the revenue of people who are undertaking commercial activities and have paid for police to be there.

Mr R.F. Johnson: That is not quite factual and it is not very complimentary to the police.

Mr R.H. COOK: I understand that that is not the intention of the bill, and I understand that would not be the intention of the Commissioner of Police. I simply made the observation that this is a crack in the door through which we might be travelling. I hope that as the responsibility for police moves on to another minister, be it in the current government or a government made up of a different political complexion, or as the baton of commissioner is passed from the current commissioner to another commissioner, this legislation does not allow for us to move more quickly in that direction. As I said, this legislation actually creates the precedent that the police can be paid to protect the interests of a commercial venture, and can be paid to undertake policing on behalf of a commercial venture. I find that a bit disturbing. I find that proposed step to be a little bit disturbing. If we take that idea to its next corollary, people will ask why they should pay 90 bucks an hour for a police officer to be at their venue when the government should allow them to engage a private firm to do the same thing—that is, to have custodial rights to undertake a similar policing role—that is happy to do it for \$60 an hour.

Mr R.F. Johnson: Because they don't have the powers, that's why. Do you want to give a lot of bouncers and crowd controllers the same powers as police officers?

Mr R.H. COOK: No, but I am saying that that is the direction we are taking with this measure, because we are saying that it is okay for the police to do this for \$90 an hour. Perhaps there is another way of doing this. Perhaps the government service in this particular instance is not being provided at the most competitive rate. Perhaps we should look at some other way to drive the cost down further. I admit that that is taking the scenario to its most ridiculous conclusion. However, that is potentially the journey we are taking.

In one of my more indulgent moments, I am going to give the example of *Robocop* in which the police service is entirely provided by a corporation.

Mr W.J. Johnston: That is exactly what they are doing with the NGOs and the social services area.

Mr R.H. COOK: Indeed, the member for Cannington could perhaps make that parallel.

I accept the Minister for Police's pleading that it is an extreme scenario, but I also —

Mr R.F. Johnson: It will never happen the way you describe it, let me say that.

Mr R.H. COOK: People have always said that it would never happen. As the private sector inches ever further into the realms of the public sector or of government services, people have always said that the extreme cases that I have described would never happen. We have always said we would never have a situation in which private companies run prisons or in which a cost-cutting company provides prisoner transport and allows a prisoner to come to harm, because that is the extreme and ridiculous end of the scenario. But, as the minister knows, private companies do run prisons and private companies do run transport services, and sometimes they go wrong. I understand that the minister says that from the perspective of this point in time, the scenario I spoke of would never happen. For many years we have had this debate in which people have said we would never get to those scenarios, but, lo and behold, ultimately we do.

Mr R.F. Johnson: Not in relation to police; they are a completely different form of organisation. They swear allegiance to the Queen, not to the state government. They are completely different from every other government department and agency. You could never have a private company taking over the law and order role and the powers and duties of a police officer. It is absolutely impossible.

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Mr W.J. Johnston: What about the roadside radars? They have been outsourced.

Mr R.F. Johnson: Do they have the power to arrest somebody? No.

Mr R.H. COOK: The member for Cannington says that once upon a time road traffic control and law enforcement in relation to speeding were the core business of the police service, and we now see a situation in which that is being outsourced to the private sector. I still accept that what I am describing is an extreme scenario. Perhaps the member for Cannington —

Mr R.F. Johnson: I would expect that from the member for Cannington, but not from you. You are far too sensible.

Mr R.H. COOK: Perhaps the member for Cannington is providing us with a rare glimpse into the window of the future, and I hope that this bill is not —

Mr R.F. Johnson: It is a bill that you were going to bring in if you had got government. You were going to bring it in the last days of your government.

Mr R.H. COOK: I understand that is not the case. I know that this proposal has been around since the royal commission brought down its findings in 2004. I understand that this is a proposal that the police commissioner has shopped around to various ministers since 2004. I understand that the Minister for Police is the first minister to actually pick it up and say, “We’ll run with this.”

Mr R.F. Johnson: I will tell you why when I get up to respond.

Mr R.H. COOK: I appreciate that.

Ms M.M. Quirk: Treasury put the screws on you, minister. That was it, wasn’t it?

Mr R.F. Johnson: I will give the answer in my response.

Mr R.H. COOK: We back the Minister for Police! We want him to have the resources to provide the police that he wants.

Mr R.F. Johnson: I am very grateful to you!

Mr R.H. COOK: It is only this minister who has had to resort to these desperate attempts to have extra revenue so that he can have the resources provided for the police service that he needs!

Mr R.F. Johnson: It has never been so well resourced.

Mr R.H. COOK: We are on the minister’s side on this one!

In many respects this legislation—and I am sorry to keep you up, Mr Acting Speaker —

Mr R.F. Johnson: You always have that effect on people!

Mr R.H. COOK: I have always said that it is very dangerous speaking after the member for Mandurah because I can never perform and entertain quite like he does.

Mr R.F. Johnson: But you are speaking to the bill, I must say —

Mr R.H. COOK: In stark contrast!

Mr R.F. Johnson: — which is a novel change from some of your colleagues.

Mr R.H. COOK: This legislation is potentially disturbing in the directions that it might take us as a community and as crafters of law. From that perspective, I think the suggestion from the member for Girrawheen that we refer this on to a committee —

Ms M.M. Quirk: I didn’t suggest that.

Mr R.H. COOK: I apologise.

Mr R.F. Johnson: She’s far too sensible to do that!

Mr R.H. COOK: The member for Girrawheen, who has provided a very good analysis of this legislation, is inviting extreme caution as this legislation makes its way through the chambers. Even though on its face it is fairly straightforward, fairly simple legislation, its implications are wide in scope and potentially very dangerous.

Mr R.F. Johnson: I hope I can dispel your concerns.

Mr R.H. COOK: Once again, I say this legislation is not necessarily dangerous in the hands of this current Minister for Police, nor is it necessarily dangerous in the hands of the current Commissioner of Police. But, as I have said tonight, and on other legislation that the minister has brought forward, such as the Cannabis Law

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Reform Bill, the danger is not necessarily in how we, as current legislators, and our current police force, conduct ourselves, or the intentions that we might bring to the process; it is what others will do in the future based upon the laws that we pass tonight.

[Member's time extended.]

Mr J.E. McGrath: I thought you were winding down!

Mr R.H. COOK: I was, but I was just going to give myself a bit of insurance!

There is a danger that this moves the police towards a user-pays philosophy, and that this takes us further down the path of the police acting as revenue protectors for event organisers. There is also a danger that the police will be providing a service that does not necessarily coordinate clearly with organisers of these events, as it is important for them to do. This bill provides a window of what the world might look like if we took this sort of legislation to its logical and extreme conclusion. Therefore, from that perspective, I think we are right to avoid this legislation and we are right to oppose it, because the minister is actually seeking more resources for the police force. The minister's answer to the problem is to provide more resources to the Commissioner of Police to provide the service through the usual ways in which we raise revenue. It is not wise to seek to provide a user-pays system for policing. It is the core business of police to provide community protection and community safety in whatever form we wish to express our culture, whether it be at the football at the weekend, at an outdoor concert or something of that nature, or any other form of expression by our community. From that perspective, therefore, I join my colleagues on this side of the house in opposing the bill.

MR J.C. KOBELKE (Balcatta) [8.30 pm]: This Police Amendment Bill 2010 is a charade. The Minister for Police suggests that it is fulfilling requirements of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. However, anyone who has passing knowledge of this government knows that it is about taxing. It is about making extra money. It is about hitting mums and dads so that the government can fund its prolific spending program—a spending program that has seen the government's consolidated fund expenditure go up by 27 per cent in two years. We find that this is another device in an attempt to levy ordinary people with additional tax. That is what this bill is about. I would like to show members that what the minister said in the second reading speech on what this bill is about is devious and deceitful. The minister started his second reading speech as follows —

In 2004 the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers noted a deficiency in the commissioner's ability to charge fees, cost-recover or facilitate third-party funding for police services at special events.

I emphasise "special events". The minister goes on —

A recommendation was made to include a provision within the proposed police administration bill to remedy this situation.

The minister then goes on to explain why he has not proceeded with the police administration bill; that is another set of arguments that, again, I do not find hold much water. That royal commission report of 2004 referred to the police administration bill having started in 1999; therefore, some 11 years later we still do not have a police administration bill. When I was Minister for Police I was pushing to get it made a priority. However, there were issues with police. I had ticked off on all the major issues, and it was still with police to be drafted. Now two years later this minister has given it no further priority. He has bypassed it, as he indicated in his speech, to do other things instead of bringing in that police administration bill. Again a bit further on, the minister said —

Accordingly, the government is introducing this bill to ensure that the intent of the royal commission's recommendation is met without any further delay.

What a lot of absolute hogwash! There are three parts that I want to go to in that speech relating to the 2004 report of the royal commission. First, it referred to allowing the police to levy charges. I will come back and look at that to see whether what the minister said reflects honestly the content of the report, because I do not believe it does. Secondly, it is a nonsense for the minister to suggest that he had to get on to this matter without delay because it was a recommendation in the 2004 royal commission report. That report made clear in terms of culture change—most of which has taken place—that there were big issues with respect to covert operations and prostitution. What has this government done about that? Nothing! I will deal first with those two issues from the royal commission report before I return to how the minister's speech has twisted the commission's report on the need for the police to have the ability to charge fees. Taking a brief quote, the final report on page 314 under "Covert Operations by the Western Australia Police Service" states —

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Without legislative backing, officers of WAPS are unable to conduct lawful controlled deliveries and covert operations, and are therefore either denied a most effective tool for the investigation of organized crime, or act unlawfully.

Western Australia requires a legislative framework to authorize WAPS to use covert operations for the purpose of the investigation of corrupt conduct, criminal conduct, criminal involvement, or serious improper conduct and to provide protection for undercover officers.

This is where the rubbish has hit the road. This is serious and organised crime, and our police do not have the tools that the royal commission recommended in 2004. Where is the bill from the minister saying that without further delay we should implement the recommendations of the royal commission to make sure that our police have the tools they need to fight organised crime and serious corruption? That is not important to this minister. What is important is making money out of ordinary taxpayers and families. That is what this bill is about. It is not about fighting crime. It is not about fighting corruption. It is not about fighting organised crime. It is about the minister getting his hand in people's pockets for some money. That is what this bill is about. He has done nothing in two years on the bill dealing with the far more serious issue, which I was pushing hard for as a priority when I was minister in this place and which was drafted and ready to go when he took over as police minister, but he has brought forward this bill to increase costs for people and get some money out of them; and he said in his speech that he must do it without further delay to meet the intent of the royal commission recommendations. That is the priority of this minister and this government.

Let us then go to the other recommendation contained on page 317 onwards in that same report under "Prostitution". I quote —

From a corruption perspective, the lack of precise legislation creates a situation of high risk.

Further on, as I am taking only a brief quote, the same report on page 318 states —

The containment policy was reviewed many times over the years and has been the subject of adverse comment and criticism ...

Point of Order

Mr R.F. JOHNSON: The member for Balcatta has been a member of this place for a very long time and he has occupied my position. He knows absolutely that he is not talking to the bill before the house. He is going on a journey that is nowhere near this bill. I ask you, Mr Acting Speaker, to bring the member's attention back to the bill.

Mr J.C. KOBELKE: The minister in the very first sentence of his speech for this bill talked about the 2004 Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers, and used that as a reason for giving this bill priority. I am going to that report to point out why his statement on giving it priority is absolute nonsense, and I cannot do that without referring to the report, which he himself has referenced.

The ACTING SPEAKER (Mr J.M. Francis): Thank you member for Balcatta and the Leader of the House. I will accept the point of order. Member for Balcatta, you are drawing a long bow and I ask you to come back to the bill.

Debate Resumed

Mr J.C. KOBELKE: The issue is that this bill enables the police to charge for their services in a way that was not, I put to the house, envisaged by the report of the royal commission. Further, the minister has said that it should have a priority because of the royal commission report. I am pointing out that in two key areas where there are real issues of criminality and corruption, as reflected in that royal commission report—covert operations and prostitution—there is no such urgency by this minister. He does not want to deal with those very important and serious recommendations. Instead, he wants to deal with the issue of police levying a fee or charging people for various services.

If members look at the section the minister has referenced, which starts on page 315 of that royal commission report under "Police Act 1892" and goes over the following two or three pages, they will see that the commission was talking about a range of services already in place for which the police would have difficulty recovering costs under the current act. I will quote from page 317 of that report —

Presently there is no legislative power in the *Police Act* to enable WAPS to raise fees and charges. WAPS charges fees for various services, for example, the provision of National Police Clearance Certificates, which are available to members of the public who require evidence of convictions recorded

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against their name, or lack thereof. WAPS charges \$41 for each certificate, which is appropriate given the amount of time occupied at police stations in providing the documents. This lacuna has obvious implications in relation to WAPS' ability to charge fees for service, cost recovery and third party funding for police services. WAPS is obliged to perform a range of functions or processes that impact on its ability to provide "core policing services".

Accordingly, it is necessary for legislation, empowering WAPS to charge fees for certain services, cost recovery and third party funding.

So, yes, there was a reference in the royal commission report that indicated that the Police Act, as it was then currently constituted and still is, largely, created some problems for police in being able to collect that money. But the minister—this is where I think his second reading speech was quite devious—said in the very first sentence —

In 2004 the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers noted a deficiency in the commissioner's ability to charge fees, cost-recover or facilitate third-party funding for police services at special events.

All of that was reflected in what I have read of the report of the royal commission, but I did not find the reference to "at special events"; that was a concoction of the minister. He has taken the authority of the royal commission report and twisted it for his own purpose, which is to put an extra cost on people in Western Australia to get extra money for the government. That is what it is all about—he cannot even be forthright and honest about what he is trying to do. We know this government has a track record of hitting people left, right and centre with extra charges, whether it be the huge increase in the emergency services levy, the threefold increase in the landfill waste levy, the extra costs on central city parking or the extra costs on a range of household charges that went up by over nine per cent, on average, in this calendar year, and went up nine per cent the year before. At every turn we see this government trying to increase its revenue base by hitting ordinary people.

The minister will say that it is only the organisers who will pay, but in another part of his second reading speech he indicated that the football organisers will be charged, but that the football organisers will have to put the tickets up by only 60c to cover the cost—that was their estimate.

Mr R.F. Johnson: If they choose to do that.

Mr J.C. KOBELKE: If they choose to do that. Instead of doing that and hitting the patrons of the football, they are going to take the 60c off the junior football that currently gets the profits, and junior sport will suffer.

It is transparent that this government is simply about slugging ordinary people extra costs, extra charges, extra fees, extra taxes, and that this bill is about that and nothing else. It is not about having a fairer and more equitable system of sharing the costs; it is about increasing revenue in the consolidated fund. The fact that this money goes to the police is simply because the government has reduced the money that will go from the consolidated fund into the police budget. The police have already had a three per cent efficiency dividend imposed on them, and we have seen the government reduce the car fleet, along with a range of other cuts. Whatever the minister might say about his support for the police, we see that the government is not supporting police in an effective and efficient way. It is reducing the police's budget with the efficiency cut and it is failing to give police the weapons they need. As I indicated, some of the weapons they need for covert operations are very clearly set out in that report. A prostitution control bill was clearly recommended in the royal commission, but the government is dragging its feet; it is too hard and it cannot do it.

It is not too hard to slug people and it is not too hard to increase the charges and taxes on ordinary people because this government is very good at that. Its bread and butter is increasing the costs on ordinary people, but when it comes to giving our police the real support they need, it is found severely wanting. It cannot deal with prostitution, and, after two years, it cannot ensure that our police have the legal basis for covert operations so that they can really get stuck into serious or organised crime. That is too hard for this government.

Mr R.F. Johnson: No, it's not; it was too hard for you! In four years you did nothing—I'll do it within two years!

Mr J.C. KOBELKE: This minister is so full of hot air, it is a wonder he does not float up through the ceiling! He is just hot air, hot air, hot air! Operation Jupiter was started when I was the minister; that is what the current police minister is heralding as his attack on organised crime! All of his raids and successes were started when I was the minister because I spoke to the commissioner and asked him what he was doing about organised crime. I said to him that it was a serious issue and I wanted him to report to me; he came back and Operation Jupiter was up and underway.

Mr R.F. Johnson: What did you do about the covert operations that they wanted?

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Mr J.C. KOBELKE: I went to the police and said I wanted it drafted; I signed off on the drafting instructions about three years ago. The current Minister for Police actually had the basis for bringing that legislation forward, but he has hid it in the drawer because it is too tough for this minister; he cannot deal with real issues.

Mr R.F. Johnson: I don't think your comments are very honest!

Mr J.C. KOBELKE: He just wants to deal with hot air and hot air, and if he can get some money out of people as part of this government's initiative, he will try to tax them and he will up the fees. That is what this government is about.

Mr R.F. Johnson: I don't think your comments are very honest.

Mr J.C. KOBELKE: We need a minister who will look to the serious and important things for police and to make sure that they have the weapons they need.

Mr R.F. Johnson: You vote against them every time!

Mr J.C. KOBELKE: They need the proper legislation to be able to run covert operations, and they need special legislation to go further with integrity testing, even though a fair bit of that is happening. There is no legislation for that coming through in the police administration bill. We need the legislation to improve on drug testing, although the former government took that forward by a huge amount when it was in government, but there has been no progress with this government. It cannot afford the money for the drug buses because it is spending it on other priorities. Even though it has had a huge increase in expenditure, it does not see that as a priority for this government.

Mr R.F. Johnson: Because you left them short of money!

Mr J.C. KOBELKE: When it comes to prostitution law, we know, minister, that prostitution is rampant when Liberal governments are in power in this state. We can go back as far as O'Connor, and under every Liberal government prostitution and the sex industry have thrived.

Mr R.F. Johnson: You were going to put them in every street in every suburb!

Mr J.C. KOBELKE: The former Minister for Police, Kevin Prince, actually tabled in this house the figures on sex workers that proved that under the Court government the sex industry got out of control and flourished in this state; now, after two years of this government, again the sex industry is flourishing because this government simply wants to sit on its hands. I do not know whether it has a cosy deal with it or whether it is too frightened, but it will not tackle the sex industry; it is too tough for the government. When we were in government we had the sex industry attacking us because we were putting legislation through that would have brought in some controls; the sex industry is not attacking this government because the sex industry sees a friend in this government! This government is a friend of the sex industry because it is going to sit on its hands. The royal commission report made it absolutely clear that it should be a priority; we brought legislation in and put it through the Parliament, but the then opposition rejected it. But this government cannot legislate because it simply does not have the ability.

Mr R.F. Johnson: Why didn't you proclaim it?

Mr J.C. KOBELKE: All this government can do is increase the charges on people, and that is what it is about. It is certainly a sad day when a government simply wants to use police to charge people a fee to get money out of them, rather than actually deal with the serious issues of fighting crime and corruption in this state. I totally reject the move in this bill to increase the costs on ordinary people.

MR W.J. JOHNSTON (Cannington) [8.48 pm]: I join my Labor Party colleagues in opposing the Police Amendment Bill 2010.

I will start by asking a simple question: what is the purpose of policing? Is it simply about user-pays and cost-reflective pricing, as the current Liberal government is so determined to impose on other issues? I do not think that is the right approach. The WA Police website states that its mission is to enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our state a safe and secure place. It goes on to state that WA Police's intended outcomes are lawful behaviour and community safety, offenders apprehended and dealt with in accordance with the law and lawful road user behaviour.

The policing of events in this state is part of that activity. It is not a separate activity from that described by the police service as being its mission. It is part of the functioning of government.

The minister, in an interchange with the member for Kwinana, said that the government has no further plans to take, and cannot envisage taking, user-pays policing any further. However, when we look at this government's lack of commitment to the public sector, and its lack of interest in the delivery of services to the people of this

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state, we can say only that this government has got the runs on the board. This government supports the introduction of toll roads, because it believes that individual drivers should be paying per kilometre for their use of roads. This government does not have any commitment to the taxpayers subsidising public transport. We know that because of what this government says constantly about the public transport system. The government is outsourcing a range of services in our hospitals, in our social services and in our police services—in fact, across every aspect of government—that should be the responsibility of government. This government does not have any commitment to the delivery of core services and functions by the public sector. Therefore, we cannot have any faith in the minister when he says, “Don’t you worry about that”. We cannot trust the minister when he says that, because he has form on these issues.

I will start with a simple question. Like the member for Balcatta, I was interested in the minister’s second reading speech on this bill. I draw the attention of the chamber to an issue that I ask the minister to address in his reply. The minister states in the opening line of his speech —

In 2004 the Royal Commission Into Whether There Has Been Corrupt or Criminal Conduct by Any Western Australian Police Officer noted a deficiency in the commissioner’s ability to charge fees, cost-recover or facilitate third-party funding for police services at special events.

I have in my hand page 317 of the final report of that royal commission. It states in part —

Accordingly, it is necessary for legislation, empowering WAPS to charge fees for certain services, cost recovery and third party funding.

However, that is not the quote that appears in the minister’s second reading speech. I ask the minister to explain the difference between the words that appear in the report of the royal commission, and the words in the opening sentence of his second reading speech. Maybe that quote is not on page 317 but is on another page. If the minister can point that out to us, that will greatly assist me in examining the real motivation behind the minister’s position on this matter. I note that the minister is not currently in the chamber. I hope that he is listening to this carefully, because this goes to the very heart of the minister’s credibility. The minister’s ability to stand in this place and be honest with this chamber and with the people of this state is being tested in the opening sentence of his own speech. Where is the minister’s faith? Where is his good activity here? Is the minister prepared to point out to us where those words have come from, or has he simply made them up and dressed them up as something that they are not?

This bill will be a further impost for families in this state. We have got form from this minister. This minister has delivered the exact same thing with the emergency services levy. It is very amusing, when the minister says, “Trust us for the future”, to look at the minister’s contribution to the debate about the introduction of the emergency services levy. The minister warned the chamber at that time that a minister at a future date would use the ESL, not to fund the services that are provided by the Fire and Emergency Services Authority in this state, but to reduce government expenditure on FESA. This is the minister who has done that. This is the minister who has used the ELS to pass on to households costs that had previously been met by the taxpayers of this state. This is the minister who has put up the charges that are imposed on families. We have seen what this minister has done. This minister needs to demonstrate where he got these words from, or whether he has just concocted them. He also needs to demonstrate why we should trust him today, when he has demonstrated no trustworthiness in the past on the ESL.

It is interesting to look at the levies that will be charged for sporting events and concerts based on the 2009–10 salary range that was provided by the police to the opposition during the briefings on this bill. It is particularly interesting when we consider the billions of dollars, the rivers of gold, that are coming to this government. This impost on families in this state will save the government an estimated \$625 000 in 2009–10, \$644 000 in 2010–11, \$662 000 in 2011–12, and \$682 000 in 2012–13. This is just another example of a government that is penny pinching and is not prepared to fund the police at the proper level. This will be yet another slug; more taxes and charges on families in this state. The Labor Party stands with families against this constant ratcheting up of costs by this government. The Labor Party is always going to stand with families. We understand that the Liberal Party does not want to stand with the families of this state. But we, in the richest state in this country, should expect better than this. This is just another attack on working families in this state.

I want to ask some other questions of the minister. I draw the minister’s attention to the Targa West event. That is a tarmac rally event for cars in this state. Spectators can watch that event for free. However, entrants are charged to participate in the event. The definition of “event” in the bill covers three categories of event; namely, where —

- (i) a charge is made for admission to the event or to participate in the event; or

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So if a spectator attends an event but does not pay, that would not apply. It goes on to say —

- (ii) the event is run for commercial gain; or

Certainly events such as Targa West can be run for commercial gain. It goes on to say, even more importantly —

- (iii) the event is promoted, advertised or sponsored under a commercial arrangement;

Clearly, Targa West would fall under that category. It would even fall under the first category, because even though a charge is not made for admission to the event, a charge is made to participate in the event, because the entrants are charged. I am interested to know what the police would charge to attend an event such as that. The WA Police in their briefing said that for a rock concert at Joondalup, for example, there would be an extra charge of \$1.47 per person. I would like to know what will be the additional charge to participate in Targa West. I would like to know what discussions have been had by the minister or his office, or by WA Police, with the organisers of events such as Targa West.

The bill provides a definition of “event”. The bill states that “event” —

means an event of a sporting or entertainment nature (whether it takes place wholly or partly in a public place or on private property), ...

Does that mean that it may include the Burswood entertainment complex? I am interested to know what discussions have been had by the minister or WA Police with the management of Burswood entertainment complex, and whether that venue may also be required to pay for its own policing. Will other major sporting venues, such as Wanneroo Raceway or Perth Motorplex, also be required to pay these costs? Many people in our community enjoy participating in these types of events. However, people will now be required to pay more to attend these events, not to improve police services and enable the police to do more, but to enable the police to perform their core functions. During consideration in detail I will be asking the minister to give us the answers to those questions, because they are all directly related to the bill that the minister has presented to us. I would also like to hear from the minister about proposed section 39K and its interaction with proposed section 39L. Proposed section 39L is headed “Commissioner of Police to publish charging policy” and it sets out the way the policy is to apply. Proposed section 39L(3) states —

The policy —

- (a) must set out the following —
 - ...
 - (ii) the circumstances in which the Commissioner may consider reducing, refunding or waiving amounts in accordance with section 39K;

Proposed section 39K is headed “Power to waive or refund amounts payable” and states —

The Commissioner of Police may reduce, waive or refund the whole or any part of any amount payable under this Part where the Commissioner considers it appropriate to do so.

Given that proposed section 39K has no limit on the commissioner’s discretion—I am not suggesting that it should—I would like to know what effect the policy that is described in proposed section 39L(3)(a)(ii) will have. How often can the commissioner change his mind? What are the circumstances in which the commissioner might change his mind? In other words, what can people take from that when they see the commissioner’s policy set out in that way? Is that somehow restricting the commissioner’s future discretion? What arrangements are intended for the commissioner to make sure that people understand what is being asked of them? If they comply with the policy, how can that be changed later and under what circumstances can it be changed? Is there any obligation on the commissioner to discuss that? How will those discussions take place? What opportunity will organisers have to further discuss the commissioner’s policy? They are all quite important questions and it would be good for the minister to tell us the answers. It would be good for us to also have an understanding of the ratios of police that have been used to calculate the costs and whether the costs that are intended are a flat hourly rate. What advice has the minister had about the enforceability of that, given the Auditor General’s reports on other fees and charges? How confident is the minister that he can comply with the demands of the Auditor General when making those fees and charges? As the minister knows, he is unable to charge a fee that exceeds the cost of the service. How have these fees and charges been calculated? Is there a chance that the costs upon the ordinary citizens of the state will be higher than the costs that the minister has indicated?

The minister also asks us to take his word that this is not the thin end of the wedge, to quote *Yes, Minister*. What is the minister’s approach to venues that seek to use rent-a-cops? That occurs in other jurisdictions. I do not believe that is an appropriate way for the police service to act because we could end up having better policing in

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one area than the community expects to be provided overall. Will the minister reject the rent-a-cop approach to policing? The minister is charging people who do not want to pay. Will the government move down the path of providing police to people who ask to pay for them? That would not be appropriate. The great thing about the way the police service is funded is it is funded equitably out of the taxes and income of the state. Therefore, people are not being policed in accordance with their ability to pay but in accordance with the needs of the community.

Another matter that has been raised in this debate is prostitution. I draw the minister's attention to Secrets Therapeutic Massage Studio at 1389 Albany Highway, Cannington.

Mr R.F. Johnson: That has nothing to do with the bill.

Mr W.J. JOHNSTON: It does. It is about the minister's commitment to policing this state. That premises is directly opposite the Carousel Shopping Centre. I would be interested to know what actions the police are taking about those premises. What activities have been done? Has the minister asked the police to take action on that issue?

Mr R.F. Johnson: This has nothing to do with this bill.

Mr W.J. JOHNSTON: If the minister says that prostitution has nothing to do with policing, that is up to him.

Mr R.F. Johnson: It has nothing to do with this bill, and you know it.

Mr W.J. JOHNSTON: This bill is about the minister's commitment to withdraw funding from police. The minister is cutting the police budget of this state. That is what the minister is doing.

[Member's time extended.]

Mr W.J. JOHNSTON: The minister has form on this topic. We have seen the emergency services levy rip \$250 million out of the Fire and Emergency Services Authority and now we have this \$2.5 million budget cut to the police service. The minister has broken his election commitment about hiring additional police officers. As the Deputy Speaker understands, the Liberal Party promised 500 additional police officers over five years during the election, but the government is delivering only 350 police officers over five years. There are 150 auxiliary police officers, but we know that —

The DEPUTY SPEAKER: Member for Cannington, this bill is to do with the police charging for services at major events. The member is going off on a tangent. Will you please come back to the bill?

Mr W.J. JOHNSTON: I am drawing your attention, Mr Deputy Speaker, to the government's commitment, which is demonstrated in this bill, to cut services to the people of the state, to increase the costs on families and charge for things that were not previously charged for. The government is determined to increase the costs on the people of this state. That is what this bill represents. The Deputy Speaker understands that and the community does not accept this government renegeing on its election commitments by abandoning its commitment to police this state adequately. We have seen that in this bill in the same way the government has introduced auxiliary police officers. As I was saying, we know what an auxiliary police officer is not, and that is a police officer. Otherwise the government would not have had to amend the Police Act to introduce an auxiliary police officer. The one thing that we do know is that providing auxiliary police officers does not meet the Liberal Party's election commitment during the 2008 election. The government has been in office for two years and there are more broken promises. It is interesting that the Liberal Party did not tell us at the time of the election that it would introduce charges for police and that it would cut the budget of the police service in the way this bill provides. It has reduced the amount of resources that are available to the police. That is exactly what this bill is about. It is about cutting the police services that are available to the state.

I ask the minister to comment on the draft information provided to the opposition through the briefing given by the police service about how the police calculate the number of police assigned to an event. I want to get a picture of how this table was developed. There is a weighting for age, for example. An event that is expected to attract 14 to 20-year-olds is allocated a value of five, whereas an event of 14 to 60-year-olds is allocated a value of three. That may well be a reasonable system to provide the calculation, but I am interested to know how those assessments are made. I am also interested to know how the police service knows what the age profile of the event will be. When beer and spirits are available at an event, the police allocate the event a value of five; if only light beer is available, it is allocated a value of three; and if alcohol is not permitted, it is allocated a value of one. I would be interested to know whether there has been any assessment of bring-your-own events, such as large outdoor events where alcohol is permitted to be brought into the venue by the spectators, as opposed to where the beer is being sold on site. From my experience and involvement with a very large funding body, the Australian Bicentennial Authority, whilst alcohol was available, it was available only in limited locations and only in open containers. We were able to make the consumption of alcohol more difficult. Is that something that

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will be brought into this matrix that the police have advised us is in draft form at the moment, and how will that be done? It will also be interesting to know the process of negotiation, because I imagine that, given the charges are discretionary, many event organisers will turn up at the commissioner's office saying they reckon they have these security arrangements and therefore the number of police required is not as many as one might expect. At the moment, the police allocate resources in accordance with the commissioner's discretion. The commissioner makes the decision about what is needed for policing. Once they start charging for the service, the first thing that will happen—we know this because it is in the economic interest of the organisers—is that the organiser will say that it is over-policing. The organiser will go to the police commissioner and negotiate, as proposed new section 39K specifically provides, to get an agreed figure for the charge. What is the procedure that we are going to see? How are those negotiations going to be conducted? What records are going to be required to be kept by the commissioner? Will the commissioner need to report that process to Parliament, the minister or in the annual report in any way? What is expected of the commissioner in those negotiations that are specifically provided for by this legislation? It is not hard to see that an organiser, for example, Perth Soccer, will turn up and say, "You are intending to charge me \$22 000"—for the Perth Glory at what was called Members Equity Stadium but now is called NIB stadium—"but we do not think that is necessary, we think WA Police could get away with two hours instead of three hours" Instead of \$22 000 a year, they could get away with \$14 000 a year. What are the procedures for feedback from the police service about those negotiations? Or, is the minister saying that there will be no feedback and those negotiations will happen behind closed door with no accountability to the Parliament? How would we get a picture of the success of those negotiations? Further, what happens if the targeted revenue is not produced? Let us say that the \$89 is, in fact, the figure that is charged by the police, but there is a change in the profile of the event. We are not talking about additional police officers; we are talking about payment for the activities that the police currently conduct as part of their ordinary operations. Does that mean there will be a shortfall in the budget? How will the police make up that budget shortfall?

We have seen the minister replace proper police cars with cut-down versions that are not capable of being involved in police pursuits as a way of saving money. Are there other ways the minister will be saving money at the expense of ordinary policing in this state? These are important issues and we would like to know whether the minister has looked at them. These questions go directly to individual clauses in this bill. If the minister is not capable of answering any of the questions I have put to him, I will tell him what he needs to do—I will not take offence. The minister should stand at the start of his reply to the second reading debate, and say, "I don't know." That is usually the minister's response. The minister does not know what is happening; he does not know how things will occur or what the effects will be. If that is the minister's position, that is cool! He should stand and do that because that is what we expect from him. We do not expect the minister to be able to answer individual questions that we pose on serious issues in this place. I have drawn to the minister's attention some issues that have been raised with the opposition in the briefings by the police service. I have referred to individual words in the clauses of the bill, and I have taken the minister to his own second reading speech and the royal commission report and asked the minister specific questions on each of those items. I will be interested to know whether the minister will be able to answer those questions, because that will say more about the minister than it will ever say about me.

I will conclude my remarks by saying that the Labor Party is proud to stand with ordinary people in this state against the constant increases in expenses by this government—\$1 000 a household so far, and more coming in the budgets for next year and the year after, and more coming in this bill. Members on this side of the house are proud to stand with ordinary people in this state and to continue the work that the Labor Party has done since 1891, and we are proud to be working for ordinary folk in this state.

MS L.L. BAKER (Maylands) [9.15 pm]: I have two issues I would like to pursue with the Minister for Police on the Police Amendment Bill. The first is something that is near and dear to my heart, which is the mounted police section in Maylands. I am sure that the minister is very much aware that this section of the police service is integral to crowd control and that it is deployed to many events around the country —

Mr R.F. Johnson: Around the state!

Ms L.L. BAKER: Around and into the country—it does not stay in the metropolitan area. They range from Broome—I think they were at Port Hedland this year as well and the Kimberley attending events like the festival in Broome—down to Albany, Kalgoorlie and Geraldton. I know they have also been in Margaret River and Bunbury, and have covered events like the Avon Descent, the blues festival, masters surf classics and all sorts of different events around the state. It would be of great concern to me if the mounted section was going to be called on to do more work without having sufficient resources put in to back up the costs that will be incurred. I know that the number of horses that the mounted section has in operation at the moment is quite small—from memory, it is only about 16 full time. The minister may know more than I can remember about this at the

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moment—I blame the Codril tablets I am taking for the flu. I think there are about 16 horses working full time in the unit at the moment.

Mr R.F. Johnson: I think that is about right, in total.

Ms L.L. BAKER: The minister has heard me say before that the demand on those horses is very high, and that since the re-engineering, if you like, of the work of that unit several years ago they have sharpened their focus and they provide an invaluable service to strengthen the work of police in crowd control and in event management around the state. I would think that not only the mounted section but probably also the police dogs would have some role in this. There will be increased demand on their time. I do not see anything in the bill that ties any of the income that is generated from this—I know it is cost recovery—into building or strengthening these key services in the police. The minister has heard me say before that we need to spend more on bolstering the work of both those units, and particularly the mounted section because it is near and dear to my heart; it is in my electorate.

Mr R.F. Johnson: Mine too! I am a horseman of many years.

Mr D.A. Templeman: You were in the 40 000, weren't you?

Mr R.F. Johnson: I rode a horse for many, many years.

Ms L.L. BAKER: Perhaps now is not the time for me to have that visual image, because I am not feeling as well as I could be !

Mr R.F. Johnson: That's unkind.

Ms L.L. BAKER: Perhaps it would be better to wait until I am feeling better. I must express concern that there is no other way of tying money back into police resources. This looks just like a straight income grab to try to bolster the dwindling resources available to the police as the three per cent efficiency dividend and other cuts hit WA Police. We know how they have already impacted upon the police budget. I am sure the minister would not like to see either of those services suffer from further cuts, I think it is a given that they will be central to deployment in this kind of activity. We are talking about 5 000 or more people at events, are we not? We are talking about big events anywhere in the state. It seems to me very evident that the services of the police mounted section will be needed.

Mr R.F. Johnson: I think the number of events at which the mounted section would be needed will be very limited.

Ms L.L. BAKER: Why would that be the case, minister?

Mr R.F. Johnson: Criteria is the issue—that is, the demographics, the age groups, whether alcohol is being sold and so on. It will depend on how big the event is.

Ms L.L. BAKER: I am not sure I agree with the minister because I think the police mounted section attends a few large events, not necessarily on the basis of how much alcohol will be consumed. They attend quite a range of events in country areas. Sometimes they are there to be a calming influence. I will be interested to see how that plays out when the bill comes into effect.

On the point the member for Cannington made about the rates and that a number one rating will be given to an event where alcohol is not served, I am a little concerned about the assumption that no alcohol means there will not be problems. I am sure many members are very aware that alcohol is not the only drug that causes problems among groups or at events. It is a little naive to think that because a poster says that an event will be alcohol free, people will not have consumed illicit drugs such as cannabis or the more serious drug, ice. These drugs could be combined with alcohol before the consumers even step outside their front door to go to an event. Participants could have been at home binge drinking and/or taking other drugs. While they might not be carrying alcohol when they go into an event, that does not mean there will not be problems. My caution is that a no-alcohol event does not equate to a no-problem event, particularly when we are talking about as many as 5 000 people. I am interested in how that call was made. Do the police assume that because no alcohol will be served at an event there will not be any problems and that is the reason for the number one rating? I will be interested in hearing the minister's thoughts on that later.

A final point I want to make is in echoing some of the concerns I have heard. I will not dwell on this because I think the minister has heard them loudly and clearly, but I will add the Maylands perspective on the charging of fees and what that means to households. The principle that I object to most is the user-pays principle. It should not apply to everything. This government's policy is that users must pay the real cost of electricity, water, gas and other utilities and services. That is a philosophy that is deeply concerning to me. Governments, particularly state governments, have a community service obligation to provide a certain level of services. Fundamental to

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being able to go out as a family and enjoy ourselves is feeling safe in public places. Passing the cost of security directly into a ticket price is a concern because I fundamentally do not believe in that principle. I think we have a responsibility as a government to support these kinds of events and to provide some sort of level of security. We should not be asking the user to pay the full cost of everything. I understand why this is being worked up but I fundamentally oppose that ideology. Added to increasing household costs, including the landfill waste levy, emergency service levy and all those other user-pay levies, or the shifting of costs, it will further increase cost pressures on households.

The Premier has acknowledged a number of times publicly and in the house that prices have gone up and that families are suffering. It therefore does not seem to me to be a good way to go to further victimise families by saying, "If you want to go to the footy, a festival or some other sporting event, the ticket price will go up because we have decided, as a government, that you will pay for the security involved." I do not agree with that user-pays philosophy.

I reiterate two points: first, we need to put money into strengthening the key agents that will be involved in this. I argue that the police mounted section and the dogs—two divisions of WA Police—will need to be resourced better in future. The second point is the cost-of-living issue and the fact that, in my electorate anyway, families are reporting that they are hurting more and more. A family of four will certainly not welcome paying an extra \$2.50 to go to the footy on the weekend. Nor will they welcome an extra cost being passed on by a commercial enterprise if they want to take the kids out to a big public event. They are my concerns about this bill. I look forward to hearing the minister's response.

MR J.E. McGRATH (South Perth) [9.27 pm]: Thank you, Mr Deputy Speaker. I feel that I must rise to make a few comments on this bill. I support the bill and I can see the thrust of where the minister is coming from. I think that a user-pays system for big events will enable the police to eventually build up resources and perhaps have police available to do other front-line duties. I take the member for Maylands' point that, if it is found necessary, this may lead to a bigger contingent of police horses. I am a bit of a fan of the police horses. I can imagine them going through the mosh pit at a Robbie Williams or AC/DC concert!

Mr R.F. Johnson: I hope not.

Ms L.L. Baker: You have?

Mr J.E. McGRATH: No; I was talking tongue-in-cheek about the police horses.

The minister knows my thoughts on this because I raised it in the party room, and I would be derelict in my duty if I did not mention the impact this could have on some sports in Western Australia, particularly football. The point has been made by other members. In his second reading speech the minister said, in part —

... the commissioner can seek cost recovery for large-scale events of a commercial nature. This recognises the impact that these events have on local police resources and ensures that the community of Western Australia is not left footing the bill for such events while the organisers reap considerable commercial and/or economic gain.

I think this is the crux of what I will ask the minister to consider. From my knowledge of football in Western Australia, it is basically controlled by the West Australian Football Commission. While the AFL is seen as a very powerful organisation with highly paid players, in Western Australia the WA Football Commission is responsible for funding football at all levels throughout Western Australia. The only way in which it can raise that funding is from gate receipts at matches played at Subiaco Oval, which obviously go to the West Coast Eagles Football Club and the Fremantle Football Club. At the end of the year, the profits from those clubs go to the West Australian Football Commission, which is the owner of both clubs, and those profits then go to the amateur codes—the West Australian Football League, the other metropolitan amateur leagues, all the country leagues and all the junior football clubs from Wyndham to Esperance. Apart from the huge army of volunteers, those costs are met by the WA Football Commission. That is why I said to the minister in our party room that I would like him to consider making football exempt from this charge. I understand that there are some exemptions, and I understand some of the conditions that have been set—for example, there must be crowds of 5 000, and, also, the organisers must charge for this cost to apply. However, I believe that we have to look at football historically. It is the people's game. I have a problem with putting an impost on the people's game. I know that players are paid a lot of money, but this is the game that Western Australians have grown up with. If the funds received from matches played at Subiaco Oval are eroded in any way, it will have a drip-down effect on other grades in the code, particular in the amateur leagues. I do not know how the funding in cricket works. I am not sure whether the Western Australian Cricket Association provides all the funding for junior cricket and for other grades of cricket; I suspect it does. However, it is an issue that we need to look at.

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I mentioned those big concerts. I have no problem with major concerts and major events from which, in the minister's words, "the organisers reap considerable commercial and/or economic gain". I believe it should be user pays. I am not sure what happens in other jurisdictions; I will be guided by what the ministers says. I suspect that in other jurisdictions the organisers have to pay. Therefore, if they come to Perth and are told that they have to pay for a police presence at the Robbie Williams concert, the U2 concert or the AC/DC concert, I am sure they will pay, and the people who go along will appreciate having the police there. I believe it is important that we have police at these events. In a lot of instances we see security guards tangling with spectators or customers who have got a bit out of control. I do not think it is the same as having police there. As the minister said earlier, security guards do not have the powers of arrest that police have, and I do not think they have the same presence.

I have been to the XXXX Bunbury Cup quite a few times. This amendment could impact on some country race clubs. The one thing I remember at the Bunbury Cup a couple of years ago—I think the member for Collie—Preston was there—was that a lot of police were just walking around on the lawn in front of the grandstand. Those police would have been there as part of their duties. I am sure the club did not pay for them to be there. However, the fact that they were there—some were chatting with young people in the crowd—gave a feeling of security that we had police there. I do not think people get that same feeling of security if big, burly security guards are trying to do the same job.

Mr M.P. Murray: Some of those security guards are about as fit as I am—pretty average.

Mr J.E. McGRATH: That is the only point I make. I would like the minister to look at this issue. I have not discussed it with the WA Football Commission, but, obviously, the shadow Minister for Police has had talks with Wayne Bradshaw. Clearly, the commission will be concerned. My short-term memory is not too bad, because I seem to recall that we discussed this in our party room when we were in opposition. Therefore, I think that the previous government might have been looking at this issue. Although the member for Girrawheen said that it did not go to cabinet, if it had gone far enough down the track —

Ms M.M. Quirk: We might have been looking at it, but we saw the —

Mr J.E. McGRATH: It was raised in our party room that the government was looking at this issue, and I recall discussing it at the time with the late member for Murdoch.

Ms M.M. Quirk: We concede that, member for South Perth. We were just not swayed by the kind of arguments that you are making today about the wisdom of proceeding with it.

Mr J.E. McGRATH: I understand that. In our party room we had some concerns, mainly on the sporting side of it. I will be supporting the amendment, of course. If someone is going to undertake a very big commercial operation such as Skyworks or something similar for which people are not charged, as the minister said, there will be no charge for policing; but if someone comes along, runs a big event and makes millions of dollars, I believe the people of Western Australia would expect that there would be some charge for our police officers to work at that event. My feeling is that the situation is a bit different with our sport, because we all follow our various clubs and we regard going to the football as great entertainment. It is something that most of us have grown up with. Sport is a way of life. I think horseracing is the same. Some of the country cups attract more than 5 000 people. The clubs already have the impost of being required to bring in security guards to control crowds. That is a big issue in the racing industry, and other members might speak about that. However, I would like the minister to consider the point I raised. I do not know what will be said during consideration in detail. However, if there were some way in which the minister could look at some sort of exemption for our great game of football, and possibly even our great game of cricket, I think the people of Western Australia would really appreciate it.

MR M.P. MURRAY (Collie—Preston) [9.36 pm]: I never thought that in my time in Parliament I would be standing in this chamber talking about police for hire—never ever. I believe that one of the basic principles of our society is that the police are paid for out of general revenue, because then there can be no problems about who gets what. In the future, as we see this government privatising many areas, will it be the case that if enough money is coming out of a shire, it will be able to have 20 police at an event, but, if there is not enough money coming out of that shire, it may have 10 police, because, with the way things are going, all the police will have to be hired? Again, it just amazes me—cops for sale; I just cannot believe it. Anyway, one can only wonder. In the future, maybe there will be a call-out fee, similar to that for a plumber. Someone may dial a number, and that person can have a policeman for \$90, and then so much per hour. I think that is where the minister is headed on this issue.

When I read the explanatory memorandum, it certainly does not give me any comfort to see how the fees for the police will be worked out. The planning is going to be included. Sometimes the planning for a major event will go on for weeks, and possibly months. It is going to be extremely expensive if the police have to be paid for their

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involvement in the planning process. I am not just talking about it being on a cost-recovery basis; I am talking about the number of police who would have to be involved, and the replacement of a police officer who was off duty. This will result in additional costs for any event.

The member for South Perth certainly got it right when he talked about some of the country issues. That is the main reason that I am standing today to talk about the Police Amendment Bill 2010. What happens at a major country event? The police are generally taken from here, there and everywhere. They will be booked for the event and the organiser will be charged for the police presence at a certain rate. There may be an incident in one of the country towns while the police officers are at that major event. However, none of the police officers will be able to go back to that town because they are booked for that event and getting paid to be there. How will that situation be managed? Will someone ring Perth and wait for two and a half hours for the police to get to the country town and deal with the problem? The police may be at one of the big shows that are run by promoters for the kids in, say, Busselton—not the Big Day Out, but something similar to that. How will the police be called back to a problem area in a country zone? It cannot be said that a bundle of police officers who are available for hire will be sitting around. They are not going to just sit around. I am sure that if someone wants 10 police, four will come out of Collie, one out of Bridgetown and five out of Bunbury. However, then Bunbury would have a problem. If a nightclub flares up and there is a fight, or a problem like that, where will the police come from to control it? There will not be enough police to go around. They are the problems that I foresee in having police for hire, and those problems are not addressed in this bill. I smiled when I read the bill and noted that police would be at boxing matches, and, as has been said, heavy metal concerts. What about an ABBA concert; would police need to attend that because of the number of patrons?

Ms J.M. Freeman: There hasn't been an ABBA concert recently.

Mr M.P. MURRAY: Perhaps an ABBA look-alike concert. The point being made is: how do we justify one and not the other? That is the point I am trying to bring out. We see probably 30-odd police—I could be corrected on the number—following bikie groups around. Perhaps the minister could say to those people, bikies, “We had to follow you as a bikie group all the way around Western Australia”, and send them an invoice. Then when they do not pay, the minister can put them all in jail for free! The way in which this bill has been set up is ridiculous. It is absolutely unbelievable in our Western society. I know that mining inspectors are paid for by companies. This bill is a similar deal. Some fishery inspectors are paid by the same people who are supposed to be protecting and looking after the fishery. There is a conflict of interest there as well. What about overtime? When a concert runs to the end at midnight, do all the police knock off? How does the minister work that out? There are many gaps in this bill. Are the police paid a flat rate? I would like to think that if a police officer has to work on, he will get paid a nightshift rate or an overtime rate for doing that work. How is that worked out? It would have to be built into the cost, which means the price would go up. There are many gaps in this bill. It is unbelievable to think that it has been drafted in such a way. It looks to me to have been drafted in a very rushed way and not thought through. I do not want this legislation in our society; I believe it is a step in the wrong direction.

Going back to planning, the minister has not explained where the planning starts and where it finishes. If we think about the services for a major rugby match—for example, one involving the Wallabies—would that come under this bill? I am not sure. That sort of match is not a week in, week out issue for promoters, like Australian rules football is for bodies such as the Australian Football League. A major rugby match is a one-off match and takes a lot of planning. The V8 Supercars Australia event is another one; how do we work that out? Do we charge for 10 hours for a 29-second fight like the recent Danny Green fight? How do we work that out? I am not sure. The bill does not explain that situation. How do we work through all these facts and figures? How do we look at what we will do and who we will select? The minister's second reading speech states that the bill provides for the minister to exempt from the charging regime events that the minister considers will provide significant economic benefits. I regard every AFL game, every rugby game and every V8 car event as providing significant economic benefits for this state; that is why we have them. If we follow that rule, therefore, we cannot use the rule that a major event has to have 5 000 or more participants. I am not sure how we work that out. To me this bill is the biggest jumble I have seen come through this house since I was elected a member of Parliament. I implore the minister to go back, to think through the bill and to take it back to his party room. I am sure that after having listened to many other speakers before me in this place today, he will go back to the drawing board and reconsider this bill. I think, firstly, the bill is un-Australian and, secondly, it is unworkable.

MR R.F. JOHNSON (Hillarys — Minister for Police) [9.44 pm] — in reply: I will make a couple of quick comments. Many members have made a big contribution to the second reading debate on the Police Amendment Bill, and to do them justice I will in a moment seek leave to continue my remarks to a later stage. Initially, I thank all members for their contributions. There were some good contributions and there were some very poor contributions that did not address the bill but went off on a tangent. However, we get used to that. I want to address the sensible contributions by members that actually related to the bill. I know my advisers have been

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making notes—I have a pile of notes with me—and I could go on and use the whole of my 45 minutes, but I do not want to keep the house here until midnight if I do not have to. I have an arrangement with the acting manager of opposition business, in the absence of the member for Rockingham, that if I move for what I intend to move right now, it will not be opposed. I therefore seek leave to continue my remarks at a later stage of this day's sitting.

[Leave granted for the minister's speech to be continued at a later stage of the sitting.]

Debate thus adjourned.