

**APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2013–14 BILL 2013**

*Third Reading*

**MR T.R. BUSWELL (Vasse — Treasurer)** [3.59 pm]: I move —

That the bill be now read a third time.

**MR B.S. WYATT (Victoria Park)** [3.59 pm]: During the 2013 election we heard the Premier say to the people of WA, “You can have it all. There are no fiscal consequences. After the election, it will still be fine. You will have your stadium, Elizabeth Quay, and education and health is going ahead. You can have it all. Don’t listen to the Labor opposition.” When we announced our savings during the election campaign, the Premier said, “Don’t be ridiculous; that’s just crazy. You’ve just got to keep going.” Then he had the audacity to say, “Not only can you have it all, but it’s all fully costed and it’s all fully funded”! We then found out, two days before election day, that the fully funded component was rubbish, although it has only emerged over time how dramatically that was utter rubbish. The great lie of the 2013 campaign is the “fully funded, fully costed” rhetoric that the Premier went on about. We now find after the election that there will be tax rises. Bill after bill after bill that will increase taxes has been brought to this house. Now, under the guise of education reform, we see that a suite of cuts will also take place. I do not recall any of that being mentioned during the election campaign when all these issues were raised.

Since the federal election last weekend, the Premier has come across a new word that he quite likes—mandate. He has now decided that there must be a mandate; Abbott has a mandate, therefore the opposition must comply, but I do not recall many of the significant things the Premier is doing being mentioned during the election campaign. Does the Premier have a mandate for his forced amalgamations? No. Does he have a mandate for his public sector sackings? No. Does he have a mandate for his education cuts? No. Does he have a mandate for his tax increases? No. The reality is—I made the point yesterday—that in the year leading up to an election, we had the Premier say, “You can have it all.” He was being a little mischievous along the way, hitting the Insurance Commission of WA up for a dividend but not telling anybody about it. That was hidden away; and then we had the Premier and the Treasurer, during debate on that bill, telling us complete mistruths. The Premier said the decision had been made after the election—not true. Cabinet made that decision in October last year. We had the Treasurer also saying, “Well, it’s not in the budget and it won’t come into the budget until this legislation passes the house.” Not true! It was already in the state’s finances. There was a complete cover-up before the election, and complete deceit post-election. It has been an abysmal performance by the state government. That deception is contrary to the Government Financial Responsibility Act, exactly as the member for West Swan pointed out. In the past when specific changes have been made to dividend policy—for example, increasing dividend payout ratios—it has been specifically mentioned in the financial documents. There it was—in the budget. When the amount to be paid is changed, it is specifically mentioned, yet when the government makes a completely new policy concerning who pays that dividend, there is nothing! Then when specific questions are put to the Premier and Treasurer, we get nothing but misleading statements in the house. That is the reality about what happened with the Insurance Commission.

In the lead-up to the election campaign, when debt was just starting to emerge in the public’s mind, *The West Australian* article of 19 January quoted the Treasurer as follows —

He said the Government would aim to stabilise debt in its second term, if re-elected, and stated that it would have a fully costed plan before March 9.

I cannot help but snicker at that. The Treasurer also stated that any increase in royalty revenue would mainly be used to pay off net debt. Then we saw the budget, in which that idea of stabilising debt had been abandoned. Former Treasurer Porter stood in this chamber just over a year ago and delivered his budget speech and said net debt would be peaking and then declining in the out years. In one year that has been abandoned. What has happened since the Premier said that in reality the debt does not have to be paid back, and as a guide he was planning to keep net debt under \$20 billion? The state has received \$6 billion extra revenue. There has been a fundamental change in the way the government seeks to manage debt. Interestingly, the Treasurer set this out in vague terms at the *WA Business News* budget breakfast on the day after he delivered his budget. In defence of the debt levels, he said, as reported in *The West Australian* of 10 August, that the reason was because “the community wants us to”! That was the reason! I am sure if the government went out and promised members of the community \$1 million each, they would probably want the government to give them that as well! That is the reality.

I referred earlier to the nurse enterprise bargaining agreement, which showed the utter inability of the government to meet its own wages policy. The Premier critiqued the Australia Nursing Federation and condemned its behaviour, then threw money at it. A lack of rigour and spine in the way the finances are managed

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by this government is getting us into this trouble! Now the government is looking to the education sector to find some room to help fund the “fully funded” election promises. For heaven’s sake; that is just simply lack of mandate—the word the Premier is enjoying. That is why I made the point earlier that everything with the fiscal action plan is dependent upon the government meeting, in particular, its new wages policy. There is significant doubt about that. It was unable to meet it in its first term, and I have previously pointed out that the wages policy in the first term should have delivered an increase in salaries of between 13.25 per cent and 21.2 per cent; that was the range of consumer price index to wage price index between 2008-09 and 2012-13. Instead, we saw a 37 per cent increase in salaries, at a cost of more than \$3 billion. Therefore, the government failed in its first-term wages policy; it failed with the full-time equivalent cap; it failed to deliver the savings that former Treasurer Porter embedded into his budget last year—the one when he said net debt will be peaking and then declining; and now the government expects us to believe that the fiscal action plan will deliver \$6 billion more in savings across the forward estimates when the government has already walked away from two components of the plan. It is just simply not believable. I do not think we have seen a government before, within hours of handing down its budget, walk away from some measures within it.

After the budget was delivered, this government, after booking \$120 million in revenue in respect of the children of parents on 457 visas, said, “We have yet to determine the criteria.” Who is running this show? There is financial chaos within the centre of this government. I do not know who is in charge of running the finances of the state.

**Mr W.J. Johnston:** Neither do they.

**Mr B.S. WYATT:** Therein lies the problem, member for Cannington—neither does the government.

When the government came under huge pressure over the policy to breach contracts over the solar feed-in tariff, the Treasurer walked into a meeting with the Premier and energy minister and said that there was no way they were walking away from that policy as it was a key component of their fiscal action plan. An hour later a statement was released, “Oh, actually we are.” The Treasurer explained it away over the dynamic decision-making processes of government. For heaven’s sake; this is why we already pay a premium on our interest on our 10-year bonds that will only increase, as I outlined earlier today. As we move more of our debt into long-term bonds, we will pay higher rates of interest on that debt. That is the reality of the financial chaos at the heart of this government. This budget proves the point—let alone the deception over the Insurance Commission dividend payment.

I now make some comments about the decision by Chief Justice Wayne Martin to overrule the Environmental Protection Authority on James Price Point. It is an interesting decision by the Chief Justice. I recommend that members read it, which I did in some detail. I draw members’ attention to a couple of pages. At page 54 of the decision, the Chief Justice refers to section 12 of the Environmental Protection Act, which is the key section that he considered. It is titled “Disclosure of interests by Authority members”. Section 12 is fairly clear; it is not a complicated section. It sets out when disclosure must take place and the consequences of that disclosure for members of the Environmental Protection Authority. The Chief Justice states —

Once a member has made disclosure of a pecuniary interest, the section provides the consequences which follow from disclosure. There is no role for the chairman to determine what should be the consequences of disclosure.

That is fairly clear in section 12. The Chief Justice went on to find —

It is appropriate also to observe that the policies adopted by the EPA from time to time with respect to conflict of interest did not accord with the structure and operation of s 12 of the Act. For example, the document prepared by the Chairman on 25 October 2011 purported to distinguish between interests which would preclude any participation in a matter before the meeting, and interests which would entitle a member to participate fully in discussion, but not to vote. Section 12 does not countenance any distinction of this kind. Under the section, a member ... is disqualified from all participation in relation to the relevant matter.

That is correct, and section 12 is crystal clear on that point. But there is a disturbing point, and the Chief Justice noted that the document of 25 October 2011 was annotated with the following —

Advice on the above strategy was sought from the Public Sector Commissioner. His office believed it to be reasonable given the circumstances but suggested some minor changes to EPA’s Code of Conduct to ensure consistency with the strategy, which has been done.

That is a significant annotation, because it indicates that the Public Sector Commissioner ticked off on the EPA’s processes—as is the jurisdiction of the Public Sector Commissioner—in clear breach of section 12 of the act. I

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dare say that the Public Sector Commissioner now needs to go through the processes that his office has approved for other government agencies, because the result was that for over two years the EPA did not hold one valid meeting in its deliberations on Browse. That is the reality of the chairman getting it wrong and of that decision being endorsed by the Public Sector Commissioner. That is a significant failure. The Public Sector Commissioner now needs to revisit the advice he has given to all other government agencies on the issue of conflicts of interest, because the dramatic result from that failure of both the chairman and the Public Sector Commissioner was that, for a period of over two years, the EPA did not hold a valid meeting in its consideration of Browse. That is not a small issue. I encourage all members to read the decision of Chief Justice Wayne Martin.

To conclude with the budget, as I have said, the Premier said to Western Australians throughout the election campaign, “You can have it all. There is no limit to what we can provide you. You can relax; there are no consequences for what we are promising, because it is all fully funded and fully costed.” That was the great 2013 election line. We now know that, because although the government brings into this place bill after bill to raise taxes, education funding is being cut as a consequence of the fact that the government did not tell the truth when it said that its commitments were fully funded. Instead of making the tough decisions, the Treasurer says, “This is what the community wants; we are going to continue to proceed.” Ultimately, future governments, and my children and the children of other members, will have to pay this price. This is because we have a Premier who, as John Langouant identified all those years ago, has no interest in financial management.

**MS J. FARRER (Kimberley)** [4.13 pm]: I rise to talk on the third reading of the budget debate. Today I make a plea on behalf of the tourism industry in the Kimberley, and in particular Broome, for a better deal from the state government. After only a two-and-a-half-hour flight from Perth, people can arrive in tropical Broome, a place of great importance in Australian history where people marvel at the unique country and are amazed by the remarkable contrasts in colour and culture. The Kimberley is a magnificent place. It has been my home for my whole life. It is a place that is held dear by all locals, many people in this chamber and people from around Australia who come to see it. Its natural beauty, magnificent wildlife, stunning climate and special people combine to make it one of the nation’s tourism gems.

Over the past 40 years it has become world renowned as one of the world’s last great environmental jewels and a wonderful place to visit. The community of Broome relies heavily on the tourism industry. It has a diverse range of hotels, motels, apartments, backpacker accommodation, restaurants, cafes, bars, shops and other tourism businesses that rely heavily on the tourism trade. Many people have invested their life savings in creating viable tourism businesses that employ many locals and help generate vital jobs in the Broome community. Chinatown is unique to Broome and can be compared with any other regional community across Western Australia and perhaps even the nation.

Hotels and tour operators are doing it tough. The effect has brought hardship to many local and small business owners in the area who rely on visiting tourists to maintain their livelihoods. We have heard that Broome’s small businesses, hoteliers and tour operators have been making cuts to their staff numbers due to the downturn in profit. We are only 2 000 kilometres away from our state’s capital city, but freight is expensive and it adds a large cost for these small businesses struggling to stay afloat. That is why I am so concerned by the drop in tourist numbers that has hit Broome in the last few years. In the Kimberley alone, the number of domestic visitors has dropped from 523 000 in 2008 to 426 000. The number of international visitors, who are crucial to the economy as they stay longer and spend more, has dropped from 48 649 in 2008 to only 34 147. This has meant that a total of 111 502 visitors to the Kimberley in 2008 were lost by 2013. This has hurt local businesses, jobs and industries. Some of the blame can be attributed to a relatively high Australian dollar making overseas travel more affordable, but that is only part of the reason.

Broome still has a wonderful appeal and attractions that overseas destinations cannot match. Some of the blame for the decline in tourism may be as a result of the mishandling of the James Price Point project. The land acquisition and environmental approvals were hugely bungled by the Barnett government. The anguish and unhappiness with the management of the process was beamed to television sets around Australia and internationally, and featured in newspapers everywhere. I think those issues have really impacted on the Broome tourism industry. The Barnett government needs to fix the problem it has created. People in Broome deserve no less. There needs to be an emphasis on promoting and advertising Broome and the Kimberley by Tourism WA. This needs to include television and print advertising around Australia and even internationally. I understand that the Minister for Tourism is scheduled to travel to Broome soon and intends to discuss what can be done to revive the industry. The advertising needs to highlight the wonderfully diverse multicultural Broome community and the natural wonders of the Kimberley. It needs to highlight our ancient Aboriginal culture and history, which interests many tourists from overseas and interstate. It needs to show that our community is harmonious and

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hospitable, not divided and angry. Only by doing this can the Barnett government make up for the damage it has done.

Tourism WA figures show that for every dollar of tourism advertising, between \$15 and \$19 of tourism-related revenue is generated. The tourism industry was promised an additional \$24 million for marketing before the state election, but only \$9 million has been delivered. If the government is looking for a funding source, it should use royalties for regions to fund a specific \$5 million advertising campaign, as an initial contribution, to boost Broome's tourism industry. A \$5 million boost in advertising around Australia and overseas would be a great start to help overcome the problems caused by recent events. As we all know, people love to go to Broome; they love the climate and they love holidaying there. We need to make sure that the tourism industry supports Broome businesses. As well as television and print advertising, such a campaign could focus on bringing tourism industry representatives to Broome to show them how understanding the community is. It could also involve working with airlines on joint marketing campaigns specifically related to Broome. When the Barnett government spends billions on projects in the Perth city centre, the least it could do is to help the struggling Kimberley tourism industry. I strongly urge the government to take up my suggestions. There is a lot of potential in Broome. People come to Broome and the Kimberley to see what we have. It is probably one of the last frontiers of this country that has a lot of pristine areas. The Kimberley is so beautiful. We need to encourage more tourists to come to that part of the world.

**MS R. SAFFIOTI (West Swan)** [4.21 pm]: I rise to make my contribution to the third reading debate of the Appropriation (Consolidated Account) Recurrent 2013–14 Bill 2013. As has been outlined by the shadow Treasurer, this is probably the first time that a budget has been out of date by the time the budget bills have reached the third reading stage. So much has changed since this budget was brought down. We have seen the unwinding of the solar feed-in tariff, I think we will see an unwinding of the 457 cash grab, and of course \$1 billion has been wiped out of the budget through the election of the federal Abbott government.

I want to talk today about expenditure on public transport and in particular about the bus rapid transit system that was designed for Ellenbrook. I do not want to go through the history of this too much because I have only 15 minutes in which to speak, but I think we all recall the history of public transport initiatives for the people of Ellenbrook. During the 2008 election campaign the Premier announced that a Liberal government would build a rail line to Ellenbrook. Despite making this very clear and strong commitment, the Barnett government walked away from that during the last term. In walking away from that commitment the government said that it would not build a train line but would build a new, fancy bus rapid transit system, which would have a dedicated lane from Bassendean station to Ellenbrook and would provide rapid and direct services. That is what the government promised. Everyone in Ellenbrook, and in particular the City of Swan, was expecting that promise to be fulfilled. As late as 9 January, the Minister for Transport was quoted as saying that a bus rapid transit system was a priority of the government. It undertook planning. I recall that the government spent \$630 000 on a study that it commissioned from consultants AECOM. The City of Swan was briefed on 23 January. The government sat there with a very impressive overhead presentation and said, "Look at our bus rapid transit system!" During the election campaign the Labor Party announced its very impressive public transport options. About five weeks before the election, a few of us noticed that the government had not announced anything for Ellenbrook in terms of public transport. In particular, there were no details about the bus rapid transit system. I remember some media inquiries about it; they rang me and asked whether I had heard anything about the bus rapid transit system and I said that I had not. The Premier was asked about it on the Tuesday before the election and he said that the government was not going to do it anymore. The transport minister was asked and he said that the government might be doing it.

**Mr B.S. Wyatt:** The Premier called a radio station, didn't he?

**Ms R. SAFFIOTI:** I cannot recall. The election came and went and there was no commitment to a bus rapid transit system. Many of us were left scratching our heads, because yet again the story of public transport for Ellenbrook left more questions than answers. I decided to make a freedom of information application to find out exactly what happened in government on this proposal, to which the government had committed and which it had promised the people of Ellenbrook after it broke the election promise to build a rail line. I made an FOI request to the minister's office. What I received makes very interesting reading. It starts in mid-December when the so-called independent Department of Transport sent emails to the minister's office about all the information it would need for the upcoming months. There was email after email. This email from the minister's office to the department on 18 December states —

Could your team please get started on a few media statements for the Minister that we'll roll out?

...

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- 3) Bus rapid transit system to Ellenbrook. How does this work, what's the plan, any images we can use? Update on where the project is at.

**Mr P. Papalia:** When was this?

**Ms R. SAFFIOTI:** This was back in December. There were more and more emails.

**Mr T.R. Buswell** interjected.

**Ms R. SAFFIOTI:** What was that?

**Mr T.R. Buswell:** I said that a picture is worth a thousand words. You said "illustrations", that's all.

**Ms R. SAFFIOTI:** Illustrations. An email from 9 January states —

The Government will make an announcement about the route for the Bus Rapid Transit system between Ellenbrook and Bassendean shortly.

The email said that \$630 000 had been spent on the study. It keeps going. As we entered January, some key emails and information came through. The government and the minister's office asked the agency to prepare animations for the project.

**Mr B.S. Wyatt:** Animations—like *Peppa Pig*?

**Mr T.R. Buswell:** Fly throughs.

**Ms R. SAFFIOTI:** Animations, posters—the whole lot. We have since found out that the department spent over \$5 000 on animations and publicity for this project through the month of January. An email from the department to the minister's office on 10 January states —

Hi Kate,

FYI I sent Rachael the attached email earlier, which relates to this. I'm pulling together the animations for the four NB2 project announcements (including Ellenbrook).

Another email states —

We are working on providing the following detail for the Minister's announcement:

Here we were in January, a few weeks before the government went into caretaker mode, and the department was being commissioned to undertake significant publicity work for a project that the government was meant to announce. This email states —

Kate

We are working on providing the following detail for the Minister's announcement:

1. Animation of the full route—15 sec and 30 sec overview of the route and key features (eg stations, park and ride)—for the evening news
2. A1 picture of the route and key features, based on the animated picture.
3. Artist impression of Ellenbrook station
4. Concept design of the Ellenbrook station
5. Artist impression of the transitway, showing a bus on the transitway adjacent to traffic on Lord Street.
6. Concept design for Gngangara Road station and park and ride facility

Another email states —

I wanted to advise that the animations, poster, media statement and factsheets for the Ellenbrook BRT and ...

The next section was blacked out; I think it would have said "MAX". The email continues —

announcements will be sent to your office tomorrow.

This email was sent on 21 January by the Department of Transport. It continues —

If any of the materials are behind schedule, will Wed morning still be ok?

There they are doing the animations and posters on the BRT project. There are more emails. I will not go through all of them because I just do not have the time. On 23 January all of this publicity arrives in the minister's office. An email from the receptionist states —

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Hello Kate

Two packages have just arrived, one of them is a huge picture (frame).

On 23 January the minister's office was receiving animation and posters of the BRT. The receptionist is sitting there and in comes the animation of the BRT ready for the election campaign which, we now know, the Premier is not going to commit to. The government commissioned and paid for animations, posters and other publicity for the BRT project with taxpayers' money. On 23 January they are very happy. The minister's office has all of these great animations and the posters. Then, correspondence from the minister's office states —

Will get back to you on the bus stop signs.

Of course, it will, because they also wanted to put signs into the ground where the mythical BRT would stop. The government commissioned signs for where the bus stops were going to be, but then said it would get back to them on the bus stop signs.

**Mr T.R. Buswell** interjected.

**Ms R. SAFFIOTI:** The minister's office.

Several members interjected.

**Ms R. SAFFIOTI:** The minister still wanted the Department of Transport and the PTA to create a mock design of a special BRT bus, similar to the hybrid bus image—the same bus model as the standard, just with a different wrapper or sticker—and asked whether it would be difficult to create and how long it would take.

**Mr T.R. Buswell:** I love my buses.

**Ms R. SAFFIOTI:** On 23 January, the minister's office was asking the Department of Transport for a special big wraparound sticker for a bus to make it look like the hybrid bus.

**Mr T.R. Buswell:** No, to make it look like a BRT.

**Ms R. SAFFIOTI:** Yes, similar in style to the BRT.

On 31 January, the Department of Transport, with the minister still in caretaker mode, asks —

Are you able to provide an update on any of the announcements below? I've only just have received the final art work for the Ellenbrook announcements., sp could could you advise what time the event will be tomorrow (if going ahead)?

That was 31 January. Another email of 23 January states —

I've been advised that the signs take approx. 2 weeks following artwork approval. When were you planning the announcement?

These were the bus signs they would get ready, as the minister did on other signs for projects that were nowhere near being finished

**Mr C.J. Barnett:** The one for the stadium too, that is huge.

**Ms R. SAFFIOTI:** It is good to see that the Premier has woken up. An email on 4 February stated —

I have received BRT graphic work this morning.

The last email I have is dated 5 February —

I also believe you plan to release the Ellenbrook BRT ... statements (both with your office) after caretaker?

Here we have it. This was the minister and the Department of Transport, working together, using taxpayers' money to prepare animations and posters that were going to be used during caretaker stage, and then the minister never did it.

**Mr T.R. Buswell** interjected.

**Ms R. SAFFIOTI:** Why did the minister not do it?

**Mr D.J. Kelly:** Panic.

**The ACTING SPEAKER (Mr I.M. Britza):** Excuse me, member for Bassendean!

**Mr D.J. Kelly:** One word, "panic".

**The ACTING SPEAKER:** Okay.

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**Ms R. SAFFIOTI:** Now there is no rail line to Ellenbrook, and the government has walked away from the bus rapid transport system, and it is proud of it.

**Mr C.J. Barnett:** Your record of success as a member of Parliament has been appalling. You have not got anything for the people of Ellenbrook.

**Ms R. SAFFIOTI:** Look at the Premier. Look at him.

**Mr C.J. Barnett:** They should have voted for Natasha Cheung. They could have been on a winner.

**The ACTING SPEAKER:** Okay, members. Member for West Swan.

**Ms R. SAFFIOTI:** There the Premier was, going around in my electorate, with Channel Ten cameras behind him, with Natasha Cheung at Ballajura Community College on election day, ready for the filming.

The government has walked away from the train line and it has now walked away from the BRT and has no other offer on public transport for the people of Forrestfield.

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

**Ms R. SAFFIOTI:** I meant Ellenbrook. I am obsessed.

The government has absolutely ignored the people of my area. Honestly, this is an example of a government that has deceived and used taxpayers' money to develop party political propaganda in its office, which it then never released.

**Mr T.R. Buswell:** Public information material.

**Ms R. SAFFIOTI:** I asked the minister to bring it in. Let us see it. Let us see the BRT signs and the animation. Where are they? In whose backyard shed are they?

**MR J.R. QUIGLEY (Butler)** [4.36 pm]: I would like to speak on the budget's inadequacies in the law and order area. I have already said during the estimates committee and my second reading contribution that the government had gone to the people with a fully costed promise to deliver night courts to Western Australia and to have a night court in Roe Street to deliver swift justice for overnight arrests. Yet we find in the budget that it was not fully costed and fully funded as the Premier had told the people of Western Australia; it was just an ambition. It had spent hundreds of thousands of dollars on building a court facility at the new police complex, but had not provided funding for staff, legal aid or a judge at the court. That is absolutely ridiculous.

As we go on further we find in the Attorney General's portfolio area matters that, although they do not stand out to the people of Western Australia like the education cuts or the Muja power station debacle, are debacles of the first order. The government's decision not to replace retired Justice Narelle Johnson in the Supreme Court and throwing extra workload on the Supreme Court was met with contradictory statements by the government. First of all, it was that, whilst there was a bit of a hiccup in homicide cases, that was not expected to continue and there were fewer civil filings. That is not true. The Chief Justice protested in writing to the Attorney General about that. Then, when Justice Lindy Jenkins criticised the government in open court for failing to replace a justice who had retired at the Supreme Court, the government responded by saying it would rejig the jurisdictions, and would send some of the life cases to the District Court in recognition that the Supreme Court could not cope under the present system.

Where the government has really failed the people of Western Australia, and where it and the Premier has remained tight-lipped during the election campaign, is in what he called the anti-bikie laws. The government introduced into this Parliament last year and sought the opposition's support for the Criminal Organisations Control Act, otherwise known as the bikie laws or the anti-association laws. Those proposed laws provided for a process to be held at the Supreme Court, by a judge sitting *persona designata*; that is, not sitting in a judicial capacity, but a Supreme Court justice who agrees to come out of the list and sit in his personal capacity to adjudicate upon police applications for declarations that organisations are serious criminal organisations. I have said before, and I repeat it now, the Supreme Court does not have the capacity to do that. The Premier should have come out and said that the government has the headline it wanted on the anti-bikie laws and now it is going easier.

It does not get any better than the headline in *The West Australian*, "Bikie anti-association laws passed", followed up with the government's press release stating that WA now has some of the toughest organised crime laws in the country after passing a bill that can ban bikie gang members from associating. What the Premier did not say and what the public has not been told is that when one goes to the State Law Publisher site and the compilation of the legislation, they can see that parts 2 to parts 10 of the act—the guts of the act and the real purposeful parts of the act—have never been proclaimed and brought into operation. The Supreme Court does not have the capacity to deal with one of these applications. We have seen from the judgement of Mr Justice

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Johnson from New South Wales, who was deciding the application brought against the Hells Angels Motorcycle Club in Sydney in the case of Wainohu that he had to consider 83 lever arch folders of secret evidence on the application to have them declared. As we all know, the judgement failed on constitutional grounds, but nonetheless, he said it was months of work to go through 83 folders. Imagine what would happen in Western Australia. Even if this law were proclaimed, and there has been no sign from the government that it will be proclaimed any time soon, the prosecutors will have to go down to the Supreme Court, to an overworked bench, and ask one of the justices to take themselves off the bench—they have to agree under the legislation—and leave the court further depleted to consider one of the anti-association applications.

It is timely that I address the government's failure to proclaim the provisions of the Criminal Organisations Control Act because in November 2012 the papers were full of the government's trumpeting of the toughest laws in the country, which are not operative and have never been brought into operation. Today the papers are full of the news that 1 000 bikies are coming to town and being managed around the state by a police contingent, the likes of which, the police say, has not been put together since the visit to this jurisdiction of Her Majesty the Queen. We know what security arrangements were required then. The taxpayers and the people of Western Australia have a right to be critical of this government and say that it is full of wind and bluster. It trumpets these laws yet 1 000 bikies come to town. We now know that the laws have never been brought into operation by this government. The Liberal Party should have gone to the people before the election and said that as part of its election promises it would immediately proclaim the laws if elected. That would not have affected the bottom line of the budget, but that has not happened. The government has been asleep at the wheel on this one.

I saw the head of the police gang crime squad, acting detective inspector Jeffrey Christmass, on television warning the public of Western Australia that the Rebels bikie gang is a very serious criminal organisation involved in serious crime. That is what the acting inspector in charge of the gang crime squad said. It was to meet this very challenge that the Liberal–National government asked members on this side of the house last year to support the Criminal Organisations Control Bill 2011. Every person on this side of the chamber supported that legislation. I did raise a query about one part concerning mandatory sentences because I thought it might be unconstitutional and another part about the way that a criminal organisation was proved to be such during a criminal trial that may be unconstitutional. Putting those two caveats aside, the rest of the bill that dealt with the declaration of criminal organisations —

*Point of Order*

**Mr C.J. BARNETT:** In budget debates, certainly in the second reading, it is a general debate and members can talk on whatever topic they wish; but in the third reading it is generally confined to the budget itself. The member opposite is an experienced solicitor and barrister who would very easily be able to tie his speech into the budget if he wished to do so; but he is not even making an effort.

**Mrs M.H. ROBERTS:** Further to the point of order, Mr Acting Speaker, at the start of his speech the member for Mindarie—maybe the Premier was not in the chamber—quite clearly outlined that there was not an appropriate budget allocation for the proclamation of this legislation. That is the basis for his argument. Premier, what he has said is perfectly in order.

**Mr C.J. Barnett:** He can talk about Supreme Court resources if he wants to.

**The ACTING SPEAKER (Mr I.M. Britza):** I instruct the member to keep to the budget account.

*Debate Resumed*

**Mr J.R. QUIGLEY:** Certainly. When we look at the budget, we know that to bring one of these criminal organisation applications the police have to have both the information technology and manpower resources to take people out of the organised crime squad and put them into a dedicated role for months at a time to prepare one of these complex applications.

**The ACTING SPEAKER:** Member, make sure you bring it back; I'm watching.

**Mr J.R. QUIGLEY:** Yes I am going to the resources of the police department.

**Mr C.J. Barnett:** I'm trying to help you.

**Mr J.R. QUIGLEY:** The Premier is not helping anyone; he could get out there and proclaim the act and then some action could be taken against the 1 000 bikies, described by acting inspector Christmass as a serious criminal organisation, who have roared into Perth today. The police need resources to deal with them and we know that at the moment police resources are depleted. That is obvious from the budget. There is no allocation in the budget for a squad or for extra resources to prepare one of these applications to have a group declared a serious criminal organisation. No wonder the government cannot proclaim the legislation and deal with the 1 000 bikies who have ridden into Perth today because it has not given the police resources and it has taken resources



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from the Supreme Court—the very body that will have to sit down for some months to decide whether or not a group is a serious criminal organisation. Without these resources it cannot be done. The bikies make a mockery of the government's press releases stating that Western Australia has the toughest laws. The government has not proclaimed them and it cannot proclaim because it has not provided the police or the courts with the necessary funding or infrastructure to deal with criminal organisations. It is just not there, so the act lays in abeyance waiting for some time in the future when budgetary resources will be made available.

Looking at the out years of the budget and what is ahead for Western Australia is blue sky mining. We know from the resources required in other jurisdictions to deal with criminal organisations that, firstly, the police have to be given the proper resources and, secondly, the Supreme Court cannot be denied a justice, as it is currently being denied. Those opposite hold the thought in their heads that they can just waltz down to the Supreme Court Gardens and ask another justice to stand aside from the bench and sit *persona designata* to hear one of these applications for an indeterminate period of time—it is just not going to happen. The Corruption and Crime Commission has come in within budget and that is why we noted in the debate on that bill that the place that had sufficient resources to deal with these applications was the CCC itself. The police could go to the CCC and seek one of these declarations that would not involve the judiciary and people could have a right of appeal to the commission. I stress that by the government not supplying these resources, the bikies are making a mockery of the government's stand on anti-association. They are just giving the government the bird. They have ridden into town with 1 000 members. Are police resources going into preparing an application to have them declared a serious criminal organisation and be shut down? No. The police resources are going into chaperoning them around Western Australia. It is a disgrace.

**MR P.C. TINLEY (Willagee)** [4.50 pm]: I need to gather my thoughts for a second and digest the enormity of what the member for Butler has said in relation to how the police department is nothing more than a tour guide organisation for a bunch of outlaw bikies. I learnt something from that, and I hope members opposite—in fact, everybody in the chamber—learnt something from that.

It has been a very good process to go through the estimates committees for this budget and to now be able to finally settle this book of accounts. The member for West Swan made the very good point that never in anybody's living memory of this place have we seen a budget that has been so quickly outdated by the backflips, the prevarications and the outright fabrications of this government. There are many things that we could talk about, and there are many things that members on this side have talked about, in relation to the fiscal outlook of this state, the rising debt levels of this state, and the time it will take for the generations after us to pay off this debt. However, as far as I am concerned, there is no more important point to dwell on in this budget than the education section. The education section of this budget, and the education attitude of this government, despite what it would have us believe, is nothing more than shambolic. In this budget, the government has identified cuts as reform. We cannot ignore the fact that that is a complete fabrication of what the ambitions of this government should be. The government has confused the documents, and it has used the report of the eminent Professor Teese to shore up what it has done in the budget, in an attempt to paper over a black hole of its own doing.

The Premier has said in this place that there will be a rebalancing of the teaching population, but there will be no net reduction in the number of teachers; it will all be okay. The Premier often gets confused between what he would have as an ambition in 2015 and what he needs to do in 2014. That is why the education budget has an amount of \$285 million in the forward estimates for the provision of public sector reform. That is over three times that amount allocated anywhere else in the budget for public sector reform. That will constitute the single biggest cut to the education budget. We never got to the bottom of that in estimates, and we never got to the bottom of that in question time, from what I can determine, to see what will be the effect of those cuts to teaching staff. We asked a question today about teachers on contracts. I have a teacher in my patch who has been employed for eight years on a 12-month fixed-term contract. She has been working hard, from year to year, with no job security, but she is not deterred, in the hope that she will get to a level 3 position. However, we have now discovered that should she survive the end of her contract and achieve a level 3 position, the incentive for a school to take on a level 3 teacher, or 0.01 of an FTE, has now gone.

These little insertions and little cuts are causing great concern. As we discovered during the estimates, bulk mail-outs for schools used to be done through central office. The government has now decided to decentralise that. Great! The government has allocated \$4 per child per school per year for mail-outs. I have asked schools what the impact of that will be, and they have said that even with the iPhone and smart phone apps that they run, and even with their email and their website, they still need to mail out at least eight to 10 pieces of information per child per year. This might sound trivial, but it has an impact. Some of the families in my electorate do not have a lot of technology; and, even if they do, they are not predisposed to using it at a great rate. Therefore, to ensure that messages get out to the parental community of the school, they need to use physical mail.

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That is notwithstanding the mandated requirements that come from central office. Central office might send 600 flyers to Hamilton Senior High School and say this must be sent out to parents; this is important. Hamilton Senior High School, which has an app and a website and actively pursues SMS messaging in relation to absentee and those sorts of immediate notices, does everything it can to communicate with parents. I know that is the case, because I am on the council of that school. But that school will not be able to meet all the requirements with regard to giving reports to parents and communicating with parents, simply because of the large number of mandated messages that need to be sent to the child's home. So the council of that school has resolved to bundle up those messages and return them to head office with a note saying, "We cannot send out these notices, because we do not have provision for postage, so would you please send them out and make provision for the postage." It is as simple as that. The government is now down to cutting postage costs. We know that things are crook when we are reaching for those sorts of cost-saving measures.

As I have said, there is \$285 million in the forward estimates for public sector reform. We do not know whether people on fixed-term contracts are included in the total number of job losses. We do not know what the end state of this will be. What we do know is that it will not be uniform. Melville Senior High School will lose 13 FTE. Hamilton Senior High School will lose six or eight FTE. Melville Senior High School has 1 015 kids, so we wonder how can it afford to lose 13 teachers. One would think that school would need every one of those teachers.

**Mr M.H. Taylor:** Does Melville Senior High School have one T3 teacher for three English lit students?

**Mr P.C. TINLEY:** I have no idea. What I do know, member, and what the member would know, is that Melville Senior High School has engaged in innovation in this area. It has partnered with Hamilton Senior High School, North Lake Senior High School and South Fremantle Senior High School to cobble together to provide what ought to be the absolutely inalienable right of every citizen of Western Australia—namely, a full education from one single institution. There are kids in my patch who get on a bus on one day to go to South Fremantle to learn one thing, get on the bus on another day to go to Melville to learn physics, and get on a bus on another day to go to North Lake to get the English lit that they need. The simple fact is that the system down my way is stretched to the point at which these schools have had to come together in a way that is not the optimal arrangement for our kids. I would want my kid to go to one school in the morning and come home in the evening from that same school.

**The ACTING SPEAKER (Mr I.C. Blayney):** Members, I would just ask that the conversations be kept as quiet as possible, please, for Hansard.

**Mr P.C. TINLEY:** What I find really unconscionable is that this government has decided to have a one-size-fits-all, blanket cut, and say it is all okay.

It runs right down the chain; the little primary schools in my patch are not unaffected. Hilton Primary School has only about 160 kids. It is the absolute centre of one of the older suburbs and supports a full K–7 program and Kulunga Aboriginal Kindergarten. Kulunga Aboriginal Kindergarten is particularly important to the community and me because the kids from my area who are most likely to be represented in the crime statistics are Aboriginal kids. It is an inalienable fact. One of the most important things we can do is engage them early. We have parents who are willing to get their kids to Kulunga. It is only a small kindergarten and it needs to fill a quota of 20 enrolments to be funded. Kulunga got a letter from the Department of Education not a few weeks ago stating that if it did not make quota by a certain date, its funding would be cut. Members might think that in the normal course of things that is a fairly reasonable request, but the fact is that this 50-year-old facility has always made quota. The statistics that I am happy to rely on are that over the last eight years, it has always made quota. However, it has never made quota on time. Let us face it: if we are servicing some of the most disadvantaged people in the community, it will take a bit of latitude and a little flexibility to accept that culturally some of these families are unable to meet the organisational requirements of a bureaucratic system such as the education department. It is absolutely essential that we understand this point over and above any other: we cannot just have an economic rationalist argument for rebalancing in the system without investigating the impacts. It is not one size fits all; it has an impact right here, right now. A 50-year-old kindergarten that has been working with generation after generation of the same families to ensure that those kids have a better opportunity is about to close. I am grateful that at this stage the Minister for Education has agreed to discuss the issue with me so he can understand it in detail. I hope that he will be able to intercede to protect something that is a very important part of the Hilton community.

Hilton primary is not the only school affected; Coolbellup Community School is affected too. The school is a lovely new facility and is itself an amalgamation of three primary schools. It had a long hard road to build up its numbers and to build confidence in the community for parents to send their children there. But what we see now are the little indicators that give us a message that something is not quite right in the community, something is

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not quite working well, and there is no better place to look than in the breakfast club. I am advised that the breakfast club at Coolbellup Community School has 64 kids. This is a school with fewer than 200 kids. I grant that not all those kids are in genuine need. I have been down there and I have worked there. I know what it is. But one of the most important things with those sorts of things is to understand why kids who do not necessarily need the breakfast club are welcome at the breakfast club; if they go, it becomes a social event and there is less stigma around the breakfast club for those kids who turn up without tucker—without lunch. These kids can get a feed and have a good start to the day instead of getting to 10 o'clock or 11 o'clock in the morning and losing concentration and starting to muck around, which is when the spiral starts and away they fall out of the system.

These cuts will only put more pressure on families in my patch, and I am seeing it now. The chaplain at Coolbellup Community School spends hour after hour running around the neighbourhood reassuring families that it is really important that they get their kids to school. She picks them up and does all sorts of things. We are trying to work to get her a small bus to see whether that can help. But the chaplain at Coolbellup Community School is also spending more time with staff who are stressed. If we go to a one-size-fits-all teacher ratio model, there could be, say, 22 kids in a class. If there are 22 really tough kids, life is hell. It does not matter whether there are 32 or 22, it is tough as hell. If there are 32 bright kids who are functioning well, it will not be an issue.

This budget strikes right at the heart of not only our current communities but also our future economic viability because if those kids do not get the start—we all know it; all parents know it—that they deserve, that they should have in a state as rich as Western Australia, what hope do they have beyond that?

**MR D.J. KELLY (Bassendean)** [5.05 pm]: Much has been said to date about the many inadequacies in this budget and I want to draw the chamber's attention to a few of them. In my previous position, I represented in the education system cleaners, gardeners, education assistants and a few others. I want to first deal with some of the impacts of this budget on those people.

In 1996 when the Howard government introduced the Workplace Relations Act, there was what I thought was a pretty spot-on Alston cartoon in *The West Australian* that had an employer listening to a series of workers come through his office pleading their case for a better individual workplace agreement. They all pleaded their case and the punchline at the end was that the boss sat back and said, "I'll just sack the lot of you. I'll sack the apprentice and give myself a pay rise." I am not saying that all employers are like that, but it is quite often the case that the people at the bottom of the employment hierarchy—in the case of that cartoon, the apprentice—get the least consideration. I stuck that cartoon on my office wall and it stayed with me basically from 1996 until the day I left the union.

When I look at the education changes that this government has made, I think this government shows that same disregard for people who in their eyes sit at the bottom of the employment hierarchy. In the case of schools, cleaners and gardeners sit at the bottom of that hierarchy. One of the changes that has been made in this budget is the one-line budget, which allows money that would previously be allocated to things such as cleaning and gardening to be spent elsewhere in the school. That to me shows a complete disregard and lack of respect for the work that these people do in schools. We can ask, "Who cares what the gardening is like?", but when we go to a school, one of the first things we notice is what the grounds look like. That is why under the current arrangements, gardening resources in schools are assessed according to the nature of the buildings, the nature of the grounds and the age of the school. All those things are taken into account to come up with the gardening allocation because there is a recognition that not only the first thing people notice when they come to the school is what the grounds look like, but also it is a positive addition to the learning environment if schools have good grounds. Some people opposite are teachers—the member for Forrestfield just looked up—so they know that the gardening in a school is extremely important; likewise the cleaning. The current cleaning formulas are worked out on square metreage; 300 square metres of classroom is what one cleaner is expected to clean in one hour. Schools are allocated cleaning and gardening resources based on the job that needs to be done.

We all expect schools to be clean and the gardens to be presentable so that public schools can present their best face and kids have a good environment in which to learn, yet under this model, schools having been allocated cleaning and gardening time will be able to spend it on something else. We could say that the principal is in the best position to make those judgements. It is completely unfair for the people at the bottom of the employment hierarchy to have their workloads and allocations determined at the whim of the principal. No-one is going to put up with classrooms being dirty. As occurs now, cleaners will be pressured to get the job done, regardless of the allocation. To just say that it can be left up to the principal puts the cleaners and the gardeners under immense pressure. The appearance of our public schools, the learning environment that our kids operate in and the cleanliness standards will take a hammering, especially if it is done in an environment where other aspects of the

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school budget are cut. Once again, this shows that this government does not respect the work that people such as cleaners and gardeners do in our schools.

In question time today the Premier justified his cuts to teaching staff by saying “Oh, well, I think it was 0.3 of an FTE change, on average, across the state.” He did not mention that some teachers, assuming those averages are right—I think there is some conjecture about that—will not only have more students to teach, but also they will not have an education assistant to assist in their classroom. The fact that the Premier, in justifying what he had done, did not even see fit to address the question of the reduction of EAs in his answer yet again shows that not only does he not respect the work of the cleaners and gardeners, but also he really does not respect the work of the EAs. In the Premier’s mind and in this government’s view, they are just the mums who come in and cut up the fruit. That is such an archaic and patronising view of the work that these people do in our schools. They are professional people who play a vital role in assisting students make the most of their opportunities at school. If kids have learning difficulties or physical disabilities, an EA can be the difference between whether a kid makes it or whether a kid falls through the cracks. If the EA is not there, that child or group of children that EA works with suffers, but then everybody else suffers as well because the classroom teacher then has to spend time with those students and the whole atmosphere in the class can change. Again, this government does not value the work of the people that it perceives to be at the bottom of the employment hierarchy. We can judge people by how we treat kings and queens. I think we judge people by how they treat the people whom they perceive to be at the bottom of the employment hierarchy. This government shows absolutely no respect for those people who perform those important functions in our schools.

As for the reductions in teacher time, again, I do not think the Premier really understands what he is doing. The level 3 teachers who currently have an allocation of 0.1 of an FTE in addition to their normal allocation use that additional time in a variety of ways in schools. I was talking to a P&C just last night in Anzac Terrace Primary School in my electorate. The extra 0.1 of an FTE that that level 3 teacher attracts has been used to run a literacy program in that school. With that extra 0.1 FTE, that level 3 teacher coordinates a band of volunteers who come into the school and work with kids in small groups to improve their literacy. It is structured such that the same volunteer works with the same group of children for a number of years, so they follow them. I forget whether it is from kindy to year 2 or from year 1 to year 3, but it is for a couple of years. That is incredibly important to the school. I should not have to lecture people on how important it is that children are able to read and write. That program ensures that kids are not falling behind in their literacy during the earliest years of school. With these cuts, that 0.1 of an FTE goes. Volunteers do not coordinate themselves. They do not train themselves. That program will go. The Premier might say that, on average, it is only point something of an FTE, but when we look at how it impacts upon individual schools, we can see that these are very significant changes.

One of the high schools in my electorate believes that it will lose \$450 000 out of its next budget. Again, the Premier may not think that this person’s role is important, but it managed to recruit an EA who speaks Farsi. It did that because of a particular cultural group in the school that is struggling. It recruited an EA with that language skill with its school support programs resource allocation money to help that group of students gain the best possible start in life. The loss of the SSPRA money means that that EA will go. The member for Forrestfield knows exactly what I am talking about. Does he want me to call him Premier because he is sitting in his seat? He knows exactly what I am talking about. To have that EA leave the school is just an appalling outcome for that school community.

I urge the government to rethink what it is doing in the area of education. I have not found any winners in my electorate. I suspect that if government backbench members look in their electorates, they will not find too many winners, if any at all, in their electorates.

I wish to make a few comments about a couple of other issues. One of my favourite parts of the budget—it is under “Health Spending” on page 68 of budget paper No 3—is the admission by the government that it really has no idea how much the commissioning of Fiona Stanley Hospital will cost. Because it has delayed the opening of Fiona Stanley Hospital, it is in negotiations with Serco Australia to figure out how much additional money it will have to pay. The budget papers basically say that the government does not know how much it will cost, “either precisely or a general order of magnitude”. It could be a little or it could be a hell of a lot. Fiona Stanley Hospital is not a nursing post somewhere that does not matter with a small budget; it is a major teaching hospital that will take us into the twenty-first century. The Labor government planned it. We put aside additional money for it. The only thing that the government has done is to decide to privatise the services at that hospital and have Serco in there. The government is now in a position of not knowing what that is going to cost it. We could say, “I told you so”; it is exactly what we said would happen with a contract like this. If the government ran that hospital and had delayed the opening, it could have made other arrangements. Because it has contracted a huge multinational that is running up costs employing staff, the government now has to pay it some sort of compensation.

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**Mr T.R. Buswell:** We are making other arrangements.

**Mr D.J. KELLY:** Yes, it is. It has an obligation to mitigate under the contract, but it does not mean it is going to come down to zero.

**Mr T.R. Buswell:** It's all in hand.

**Mr D.J. KELLY:** Oh, yes! That is why the government's budget papers state that it does not know either precisely or in any order of magnitude.

**Mr T.R. Buswell:** We're going to let them do the cleaning in the schools next!

**Mr D.J. KELLY:** The fact that the Treasurer has interjected —

**Mr T.R. Buswell:** Point of order!

**The DEPUTY SPEAKER:** Order, member! Your time is up.

**Mr D.J. KELLY:** I thank members for their time.

**MR W.J. JOHNSTON (Cannington) [5.20 pm]:** I just rise to make some comments on this year's budget. I want to start with some questions I asked the Treasurer in Estimates Committee B on Wednesday, 21 August about the costings for MAX light rail. I said —

The Treasurer said that the costings estimate was provided to him prior to the caretaker period. Was the information provided to him as part of a cabinet process?

There were a couple of false starts, and then the answer was yes.

Of course *The West Australian* has made freedom of information requests on the MAX light rail project for all documents from and within the offices of the Premier and the Minister for Transport. *The West Australian*, of course, has been denied those FOI documents on the basis that those materials belong to Liberal Party. That is interesting; it just seems a matter of law that if the Liberal Party sent documents to the Premier's office, they would become the property of the Premier. They cannot have been the property of the Liberal Party, because otherwise how come they are in the possession of the office of the Premier and the office of the Minister for Transport? So that is the first non sequitur regarding the reply to the FOI. I make the point that when I was secretary of the Labor Party, every time anybody applied to the Labor Party for a document, whatever it happened to be, and we were asked for third party approvals, we always gave third party approvals. We never, ever resisted any FOI request made of a government minister's office when I was secretary.

But there is another issue here in that the government has, on a number of occasions, said we could trust the MAX light rail costings because they were done by the public service. So the question is: how did those MAX light rail costings, which were produced, as the minister said, as part of the cabinet process, get to the Liberal Party? Cabinet documents are special in the Western Australian public service because they are not subject to FOI. It would be very interesting to know how documents produced as part of the cabinet process got to the Liberal Party.

If the Minister for Transport interjects and says, "Oh well, that's not the costing document the Liberal Party used", then what was the basis of the Liberal Party's costings of MAX for the election campaign? It was either material prepared by the Department of Transport that the minister told me was prepared as part of the cabinet process or it was prepared somewhere else and therefore cannot be refused access under the FOI system. As I say, any document in the possession of a minister's office cannot belong to the person who sent it to them; it can only belong to the person who received it. I will give you an example, Madam Deputy Speaker. If you sent a letter to me, it would be my decision what I did with that letter, not your decision. If the government says there was some secret legal agreement that meant that the documents provided by the Liberal Party to the government—even though they are in the possession of the government—did not belong to the government, the agreement itself would be open to FOI and would need to be disclosed. Clearly, *The West Australian* is right to continue to pursue this matter because there is clearly something to be answered here. Either the Liberal Party did not tell the truth at the time of the election, or there is some other scandal that we will have to investigate. Clearly, it would be entirely improper for any member of cabinet to have given cabinet documents to the Liberal Party. Perhaps this is a matter that the Public Sector Commissioner could investigate, because clearly there is something smelly here and it needs to be resolved.

In Estimates Committee A on 20 August, I asked the Premier, in his capacity as Minister for State Development, some questions about the James Price Point site that he properly answered. I asked —

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I heard the Minister for Transport on the radio today saying that he thought that James Price Point would be a good spot for an onshore service base for the floating liquefied natural gas proposals in Browse and Prelude. Is the government's current position that it wants to use the James Price Point precinct as that service base?

The Premier replied —

I still regard James Price Point as a site for liquefied natural gas. It is very clear that the Woodside project will not and does not intend to do that, so there are some issues there. I have made public comments over the last month or so that if LNG does not come there, at least we would hope to see the supply base located there, which could service that and other projects in the future.

That is reasonable—I am not saying that is something that should not occur—but the Labor Party would have to examine that if it went forward. We would have to have consultation with stakeholders and we would be guided principally by the views of the native title holders in the Kimberley, as we were when we voted on the Browse (Land) Agreement Act 2012, and I want to turn to that act right now.

I turn to clause 3(a)(i) of schedule 1, “Permitted use of LNG Precinct”, which states —

the LNG Precinct will be used only for the receipt of Petroleum, pre-treatment and processing of Petroleum into LNG and other products (excluding downstream processing), the storage, loading and transporting of LNG and all things necessary and incidental thereto, including the Precinct Supply Base and purposes associated with the administration and management of the Port by the Port Authority (the *Permitted Precinct Use*);

That obviously refers to a precinct supply base, and members might think that means that this act authorises the use of James Price Point for a supply base. However, to fully understand what is here, we need to go back in schedule 1 to the definitions. “Precinct supply base” is a defined term in the act, which reads —

*Precinct Supply Base* means an area within the LNG Precinct used by a Proponent to supply that Proponent's (including a joint venture in which a Proponent has a participating interest) offshore facilities that are supplying or intended to supply Petroleum to the LNG Precinct or that Proponent's activities relating to the exploration for or production of Petroleum intended for supply to the LNG Precinct.

That means that although a precinct supply base is a permitted use for James Price Point, it is only a permitted use when that supply base is supporting offshore facilities that are providing petroleum, which includes gas, to an LNG facility on shore. That means the James Price Point precinct cannot be used as a supply base for floating LNG without amending the Browse (Land) Agreement Act 2012, and let us understand what that would require. For the Parliament to amend that agreement, the government of Western Australia would have to get an agreement from the native title parties in the Kimberley. So, when the minister says that would be a good spot for a supply base and the Premier speculates that it is a possibility—I am not trying to say he went any further than that—I make the point that it will only be a possibility if the Indigenous people of the Kimberley agree.

The Premier made strong comments during debate on the Browse (Land) Agreement Act about having involved the Indigenous community in coming to the final decision. Some other people will comment about that in a different way; they might say that the many Indigenous people in the Kimberley felt that they had no choice but to agree to the terms proposed to them by the government, because the government said that if they did not agree, it would compulsorily acquire the land.

**The DEPUTY SPEAKER:** Member, relate your comments to the bill before us, please.

**Mr W.J. JOHNSTON:** I am. I can find the line item in volume 2 of the budget papers. There is a series of commentary under the state development portfolio, and this is a major part of the operations of the Department of State Development. I do not think anyone in the chamber has any doubt about the importance of the Browse project, which is why I asked those questions during the Assembly Estimates Committee A hearing. That is why I am saying that if that is the intention of government, there is no clear pathway forward for the government, because it will require agreement of the native title parties in the Kimberley and the consent of this Parliament. It would, of course, be a repudiation of the commitments made by the Premier when he said that that precinct would be used only for that liquefied natural gas purpose.

I now turn to the Estimates Committee A hearing on 20 August 2013. I asked the Premier questions about the Albany pipeline. The Albany pipeline is not funded in the budget, even though it was a promise made to the people of Albany at the time of the election. There is also no mention in the budget of what the government will do about building a power station in Albany. The Premier said that Verve might build a power station in Albany, if a pipeline were ever to be built. I am sure that the Premier would not tell the people of Albany that without

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having done some sort of plan or business case, so it will be interesting to see that plan or business case. We learnt today from the KPMG report about the Muja AB project, which of course is referred to in volume 2 of the budget papers, that one of the big mistakes made by the government was that there appeared to be no methodical approach to applying a typical investment decision framework to this project. That blew up on the taxpayers of Western Australia and it has cost us \$330 million. According to KPMG, it will never return its investment to the people of Western Australia. I would hate to think that the Premier made a commitment for a power station in Albany, because a gas-fired power station in Albany could blow up in the same way that the Muja project blew up. We would not want to have to go through the same drama in three or four years for a power station in Albany as we have gone through to try to get to the bottom of what happened with the Muja project. I trust that the government is doing the right thing by the people of Western Australia and has a solid business case.

I also point out that the Premier was quite boastful when he said —

I am pretty good on pipelines actually; it is one of my strong suits.

It is interesting to consider the Albany pipeline when we look at the budget and whether we should support it. The Premier, as the Minister for State Development, was also responsible for the Windimurra pipeline. He made the state take all the risks for the spur line to the Windimurra project. When the Windimurra project closed down, there was no off-take to justify the pipeline, but the government still had the debt from building the pipeline. I hope we will not go through that same sort of situation again.

The final issue I want to cover in my contribution on the recurrent expenditure in the budget is about the Public Sector Commissioner. The member for Girrawheen asked quite detailed questions about the Public Sector Commissioner changing the terms of reference of an inquiry into the Minister for Energy, and they can be found on page E92 of the Estimates Committee A *Hansard*. There still has been no proper accounting from the Public Sector Commissioner. I also asked why the Leader of the Opposition's office was refused documents under the freedom of information process on the basis that they would disclose a criminal investigation in respect of the complaint about the Minister for Energy. After asking questions for two years, we still do not know what illegal conduct was being investigated.

**DR A.D. BUTI (Armadale)** [5.35 pm]: I have two or three issues that I want to traverse in my 15-minute contribution to the third reading debate of the Appropriation (Consolidated Account) Capital 2013–14 Bill 2013 and the Appropriation (Consolidated Account) Recurrent 2013–14 Bill 2013. The first relates to transport. As we know from the budget papers, transport is always a high-expenditure commitment that governments have to make. Of course, rail transport is incredibly important for those who live in the Armadale area. It is a shame that the Minister for Transport is not in the chamber at the moment. In the last Parliament, I asked him a series of questions on notice about the number of carriages per journey and passenger numbers. He failed to answer those questions. I put those questions on notice to him in this Parliament and he has refused to answer them. The number of carriages being utilised on the Armadale lines vis-a-vis other lines is an important issue. It was brought into stark reality today when I received an email from a constituent who copied to me a complaint he has made to the Public Transport Authority. It states —

*“As a regular train commuter from Kelmscott to Midland, I would like to bring to your attention the following:-*

*This week's train service that left Kelmscott station at about 6.15am has been a TWO CAR SERVICE where over the last year or so it has been a FOUR CAR SERVICE. One morning this week the train driver apologised, for only having two cars, not four. On the four car train there are a number a passengers standing by the time it reaches Perth, this week with just two cars it was extremely overcrowded and uncomfortable. I normally alight at Claisebrook to transfer to the Midland line but this week I had difficulty alighting in the time allowed and thus had to carry on to the next station, missing the connecting train to Midland.*

*When reaching Claisebrook, it is apparent that the PTA cares little about the Armadale line as I noticed several Two Car Trains idle, at the Depot.*

*It may be time for a senior officer from the PTA or the Minister for Transport to travel on peak hour trains to witness the overcrowding.*

I have experienced the same congestion travelling on the Armadale line during peak hour when there are only two carriages. Some mornings I have picked up a three or four-carriage train from Fremantle during peak hour. The patronage on the Fremantle line is nowhere near as dense as the patronage on the Armadale line. It is confusing why there seem to be regular two-car services on the Armadale line during peak hour, but more cars service the Fremantle line when it has nowhere near the same volume of passengers. It will be interesting to get a response from the Minister for Transport, because we know that the amount spent on transport infrastructure is a

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large proportion of the budget. The Minister for Transport agreed to visit the Armadale electorate to discuss particular transport issues; that offer is still open and I hope he agrees to do that.

Education has been at the forefront of much of the debate this week. It looks as though the member for Forrestfield is the acting Premier. He has been the star defender of the education cuts. I congratulate the member for Forrestfield for his quick promotion! He may take over from the current hopeless Minister for Education by the end of this parliamentary term. At least the member for Forrestfield knows something about education, even though I do not necessarily agree with what he has said this week.

The area on which I want to spend most of my remaining 11 minutes is health, particularly with regard to an experience I was fortunate to have had in the last couple of weeks. However, before I do that, I want to talk about Armadale Health Service. It is good that the Deputy Premier is sitting next to the Premier-elect, the member for Forrestfield. As the Minister for Health very well knows, there is incredible stress and demand on the Armadale Health Service. It is a major regional hospital. There is no doubt that funding has been put into that hospital, but it is not keeping up with the demand. I am sure that the member for Darling Range and Minister for Local Government can attest to the demand on the Armadale Health Service as a regional hospital. A decision was recently made to close all eye surgery at that hospital. That is a major concern. One can argue that patients can go to another hospital, but the overwhelming demographic of people who require eye surgery and eye treatment is the elderly. Often they have eye problems, so they cannot drive. They will now have to get to Bentley Hospital. The problem with trying to get to Bentley Hospital by public transport is that the bus service is rather infrequent and there is some distance to walk, which can be difficult for elderly people. People could take the train to Bentley, but the problem is that they cannot go direct from the Armadale, Sherwood, Challis or Kelmscott stations but would have to get off at Cannington and then get on another train and get off at one of the stations just before Welshpool. It is asking a lot to expect people—usually elderly people—who require eye surgery to catch public transport to Bentley. The problem with Bentley Hospital is that the waiting list is enormous. We have been told that before the closure of the Armadale eye facilities, there was a one-year waiting list for operations at the Bentley Hospital. Many people are choosing to go to other hospitals that are further afield.

I had a discussion yesterday with the Minister for Health and wish to compliment the government on spending some of its health budget on training health professionals in Tanzania. Also, some of our trainee doctors and nurses travel to Tanzania. The Minister for Health mentioned to me yesterday that he has also established a program under which our health professionals can take time off their work in Western Australia to spend two weeks in various Third World countries. That was very encouraging. I would very much like some of our health professionals to consider spending some time in Zambia, and I will tell members why. During the last two-week parliamentary recess I was fortunate to spend some time in Zambia. While there, I was fortunate to have a discussion with Zambia's health minister and minister for child development and also various medical professionals. I was in Zambia as part of a charity called Health Hope Zambia, which was established by a local constituent of mine, Brendan Clark. Brendan Clark is a very successful young businessman who has his business office in Kelmscott. He has established this fantastic charity called Health Hope Zambia. We did a charity bike ride called ride4life from Livingstone to Lusaka, which was a distance of roughly 500 kilometres, with over 100 of those kilometres on dirt tracks. It was a quite demanding exercise. Eleven Western Australians were involved in the charity bike ride, and they should be acknowledged. I believe the Premier sponsored one of the riders, Dr Neale Fong, whom many members would know is a former director general of Health. The member for Bassendean sponsored another one of the riders, Jules Tripodi, and the other riders from Western Australia were John Elliott, Michael Longman, Rachael Clark, Reid Smith, Melissa MacNish, Rachael Thomas, Charles Kamwi, Brendan Clark and my good self.

What became quite obvious from this bike ride is that Western Australia is such a rich state, and we must look at how we can help developing countries. As we know, the soon-to-be Abbott government has decided to slash \$4.5 billion in foreign aid. When a private charity that has been set up by a young Western Australian from Kelmscott can hold a bike ride that can raise over \$260 000, we must wonder how the federal government can decide to slash \$4.5 billion from our foreign aid budget. The bike ride went through a number of villages. The charity has an ambulance service—there is no ambulance service in Zambia—and as we travelled through the various villages, HIV testing was undertaken. Unfortunately, a number of positive results were taken from mothers with young infants, which was very alarming. Even though the challenge of the ride in very hot weather over dusty, corrugated dirt tracks was very demanding, nothing was as demanding as our visit to the malnutrition ward at the University Teaching Hospital in Lusaka. The money raised by the bike ride—over \$260 000—will be used to refurbish the malnutrition ward at the University Teaching Hospital. We visited that ward —

**The DEPUTY SPEAKER:** Member for Armadale, it is a great story, but please relate it to the bill.



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**Dr A.D. BUTI:** It is related to the health budget and the services in Tanzania. I am encouraging the Minister for Health to look at other countries in Africa such as Zambia. I am relating to him a personal experience that I hope may convince him to consider these countries in next year's budget process.

When we visited that malnutrition ward, we saw starving babies, two or three to a cot. One day we visited, and the next day when we went back we found that one of the babies we had cared for had died half an hour before we arrived, and another baby died half an hour after we left. We also had a tour of the other sections of the hospital, and the conditions were absolutely appalling. Up to 47 per cent of children in Zambia have suffered from malnutrition. I urge the Minister for Health, who has shown an interest in improving the health of Tanzanians and using Tanzania as a training ground for our medical professionals, to branch out and consider helping other countries such as Zambia. Zambia can also provide a commercial spin-off; its resource potential for Western Australia is untapped, with copper being that country's main mineral resource. At this stage, the connection between Australia and Zambia in terms of commercial opportunities is in its infancy. I encourage the government to consider commercial opportunities in Zambia, and I urge the Minister for Health to branch out from delivering services and training facilities in Tanzania and to perhaps look at other countries such as Zambia. If he wants to visit Zambia with me at some stage, I am more than happy to do so. I am sure he would be moved and impressed by the work done in Zambia by the Health Hope Zambia charity, which was set up by a Kelmscott resident, and the way in which that charity is refurbishing this malnutrition ward at the University Teaching Hospital. Of course, it is the main teaching hospital in Lusaka, but the conditions there are deplorable. While I continue to advocate for better health facilities at Armadale-Kelmscott Memorial Hospital, it is all comparative, and one cannot help but be moved by what one sees in countries like Zambia. The people and their spirit are fantastic. The work of the 11 riders I have mentioned was outstanding. I could not have spent six or seven days with a better bunch of people than those I had the pleasure of spending time with in Zambia. Unfortunately, I then had to come back and spend time in the presence of certain people who can be very challenging at times. I am not looking at the Minister for Corrective Services at all! I do compliment the Minister for Health.

**MR P. PAPALIA (Warnbro)** [5.50 pm]: In the time available, I want to return to a matter I have already covered in what seems like a long time ago, long before the many broken promises that have become clear after the budget process and long before it became clear how significant were the cuts to the education portfolio and education jobs which were not mentioned in the budget process. At the time of the budget, I was focusing on the broken promises in my electorate that had become clear since the election. There is a cavalcade of broken promises right across the entire spectrum of state government activity. There is no doubt that in every single electorate there would be evidence of broken promises, and they are certainly evident in the electorates of opposition members. I can easily locate a major broken promise in the electorate of Warnbro. It is one I brought to the attention of the house during the second reading debate and I revisit it now. It is an undeniable promise of the Barnett government, which was delivered via its endorsed candidate before the election campaign and the caretaker period.

When the Liberal candidate for Warnbro had been fully endorsed and was, I assume, under the guidance and leadership of the Liberal Party of Western Australia, he made a commitment on behalf of his party, in November 2012, to deliver a train station at the Paganoni Road site of the southern suburbs rail line. We know that it was no small promise but a significant promise, because the Barnett government promised during the election campaign another train station and, fortunately for the people of Aubin Grove, that promise has not yet been broken. That promise was included in the budget and amounts to \$57 million to provide essentially the same facility promised in the electorate of Warnbro at Paganoni Road.

I want the house to know how we became aware of this promise. People in the electorate and those paying attention at the time noticed a report by Mr Brian Oliver, entitled "Paganoni road station pledge" in the *Southern Telegraph* on 26 November 2012. That article is accompanied by a photograph of a gentleman in a suit and floppy sun hat, leaning comfortably against the big sign at Paganoni Road which points left to Bunbury via Forrest Highway and ahead to Mandurah. The story reads —

Joel Marks claims the electorate of Warnbro has been neglected by Labor for more than two decades and has committed to a train station at Paganoni Road in his quest to unseat Paul Papalia at the State election.

The Warnbro Liberal candidate said public transport was high on the agenda for the electorate.

Mr Marks said a train station at Paganoni Road was needed to reduce travel time for commuters and ease the pressure on neighbouring stations at Rockingham, Kwinana and Wellard.

He said it took Singleton residents up to 40 minutes by bus just to reach Warnbro train station.

There is then a quote from Mr Marks —

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“There are a lot of people there that want to be accessible to public transport (because) they work in the city,” he said.

The story continues —

Warnbro MLA Paul Papalia said he had been an advocate for a train station at Karnup (Paganoni Road) since 2008 and rejected Mr Marks’ claim Labor had neglected the electorate.

The story concludes with a quote from me —

“The reason we have congestion on our trains is the Government of the day has failed to invest in public transport in the past four and a half years,” he said.

That Paganoni Road station pledge was a very clear statement by the Liberal party. Prior to the formal election campaign and prior to the caretaker mode before the election, the Premier was still the Premier; the Deputy Premier was still the Deputy Premier; the Treasurer and Minister for Transport was still the Treasurer and Minister for Transport—all those people were still in place—and Ben Morton was still the guy who was running the Liberal Party campaign. That would have been brought to the attention of all those people. We know that the government’s media monitors monitor all sorts of contributions from anyone in a political sense, and certainly they would have brought to the attention of the Treasurer and transport minister, the Premier and the Liberal Party hierarchy in the Parliament of Western Australia that their candidate in the electorate of Warnbro had promised a \$57 million railway station for the Paganoni Road site.

But there was no retraction. There was no public statement by the Minister for Transport and Treasurer. There was no public statement by the Premier. There was no acknowledgment or claim that their candidate had gone rogue and had made a promise without their knowledge, without their consent and without their support. There was no statement from Mr Morton—not Mr Morton the member for Forrestfield, but his offsider in Menzies House. There was no statement from that chap. There was no statement from the Liberal Party campaign. There was no statement from the government of the day, which at that time was still the government of the day, because this was well prior to the caretaker mode. So it was assumed by the people in the electorate of Warnbro that yet another significant commitment had been made by Premier Barnett through his candidate for the electorate of Warnbro.

In case anyone had still been in any sense concerned that perhaps this was a candidate-alone promise that had not been endorsed by the Liberal Party and was not backed up by the government of the day, not backed up by the Premier and not backed up by the Treasurer and Minister for Transport, their concerns would have been allayed on election day, because at every booth in the electorate there were signs like the one that I am holding up now. These signs were displayed for people to read as they queued to vote in the March state election. The sign reads, for the benefit of Hansard —

We NEED a Train Station at Paganoni Rd NOW!

Not in 6 years.

That is a not very subtle reference to the state Labor Party promise for a train station at Paganoni Road, with a set time frame. The Liberal Party—the government of the day—was suggesting that was not soon enough and it was criticising, by virtue of this sign, that promise. The sign went on to say —

A voice in a Liberal Government will deliver it SOONER.

At the bottom of that sign were the words, “Joel Marks, Your Liberal for Warnbro”, and the Liberal logo, “Making Decisions; Getting Things Done”, and a photo of the candidate.

It is clear that a promise had been made to the people of the electorate of Warnbro, on behalf of the Liberal Party and on behalf of the government. That is the same government that is sitting over there now, the same government that has broken so many other promises around this state, and the same government that has disappointed so many people in such a short time frame since the election. It is clear that a promise had been made to the people of the electorate of Warnbro on behalf of the Liberal Party and the government, the same government sitting over there now, the same government that has broken so many other promises around the state and the same government that has disappointed so many people in such a short time frame since the election. It is clear that promises were made by the government to the people of the electorate of Warnbro. Not included on the sign and in the report in the *Southern Telegraph* of 26 November 2012 was an unspoken caveat that appears to be appended to just about every single promise of any magnitude made by the Barnett government at any time prior to any election and enforced only post-election when it has achieved its objective of getting elected. That is the caveat that says, “This is not a real promise; it is only for the purposes of the election.” It does not matter whether it is a candidate, the Premier, the Treasurer, the transport minister or the Deputy Premier, all of them apply that caveat to any promise they make to the people of Western Australia and

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the people of Western Australia are getting tired of it. They say it to us wherever we go and they said it to us on the booths in Brand on the federal election day. They said, “Can you believe this Barnett character? In such a short time he has broken so many promises, he has backflipped on so many commitments and he has let so many people down. Can you believe it?” I am sure, were those people given the opportunity to vote today, there might well be a significant turnaround. During the short period of three days of sunshine after the federal election that the Premier enjoyed, I lost count of the number of times he spoke about the primary vote for federal Labor in WA. Were the people of Western Australia to be given the opportunity today to reject the people who deceived them, the government who misled them, the Premier who engaged in a complete fraud at the time of the state election in March, they would grasp it with both hands. I am sure that we would see, were there such an election today, a number of members of this Parliament rejected and replaced with people from the Labor Party. Fortunately for the Premier, and for a lot of members in Parliament on anything below about a 15 per cent margin, we have four-year fixed terms.

**Mr F.A. Alban** interjected.

**Mr P. PAPALIA:** As a consequence of the four-year fixed terms we can continue to look at the smiling face of the member for Swan Hills for another three years. We can continue to listen to the bluster and loyalty to the government, despite its fraudulent behaviour, from member for Forrestfield when he gets on his feet so frequently to demonstrate in question time that he is still there. We can look forward to all those sorts of things. We can look forward to the grumpiness and the miserable attitude of the Premier who so clearly does not enjoy the job and continues to impose his moodiness upon the rest of us. We can look forward to that for another three years because the state has four-year fixed terms now and they could not have come soon enough for the Premier—only just in time. As has been observed by many journalists and observers of politics in this state over the last couple of months, the Premier in many respects was saved by the ability to hold out, to keep up the deception, and to continue to maintain the mirage and the veiled impression of honesty for just long enough. He was fortunate enough to maintain that for just long enough so that he was able to get through to the state election in March and then stumble over the line to where the truth was revealed. Immediately after the election the promises began to be broken one after the other—one after the other they fell. The fully costed, fully funded joke was revealed in its entirety. The nastiness and the meanness became evident in the way he treated people who had engaged in a moral, if not legal, contract for the solar panel rebate; the 457 visa fiasco; the broken promise regarding forced amalgamations in local government; and the most savage cuts to education in 39 years, according to the president of the Western Australian Primary Principals’ Association. All these things have come into stark clarity since the election, in such a short time; it has been almost six months. Were the people of Western Australia to have seen that prior to March, we know what the result would have been. I am sure that the people on the other side of the chamber are just counting their lucky stars and are very, very thankful.

Debate adjourned, on motion by **Dr K.D. Hames (Minister for Health)**.