

APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2009-10 BILL 2009
APPROPRIATION (CONSOLIDATED ACCOUNT) CAPITAL 2009-10 BILL 2009

Second Reading — Cognate Debate

Resumed from 20 May.

MR J.M. FRANCIS (Jandakot) [11.03 am]: I rise to make a brief contribution to the debate on the 2009-10 state budget, which was handed down by the Treasurer last Thursday. It was a prudent, sensible and very conscientious budget. With a surplus of \$647 million, it is by any measure commendable. Given the present economic environment, it is the right budget for the times. Like Labor, this side of the house did not create the economic challenges we face today, but we do relish the opportunity it gives us to better position Western Australia when prosperity next arrives at our shores.

I will make reference to a couple of particular points that are extremely notable. This budget finances the implementation of the free travel commitment for seniors, age pensioners and disability pensioners on Transperth buses and trains. This free off-peak public transport travel for seniors, with an annual cost-of-living rebate for Seniors Card holders of \$100 for single people and \$150 for couples, will make a significant difference to their weekly household budgets.

Everywhere I go in my electorate, people ask me what happened with the dividends from the boom. Why did people not participate fully in the fruits of this state's wealth? What did Labor do on its watch with all of the surpluses? How could it have been possible to blow the boom? From one year to the next, the former government presided over record levels of taxation, and this will be the legacy of the former Treasurer, now the Leader of the Opposition. His footnote in history will be that taxes on his watch went from \$2.9 billion in 2001 to a whopping \$6.5 billion in 2008. I concede that there will always be pressure to increase the state's revenue base. We have a growing population and growing industry.

Mr P. Papalia: If you are going to make outrageous claims, be careful that you're not reading from your outrageous claims script.

Mr J.M. FRANCIS: Speaking of outrageous claims, the member for Warnbro would be very disappointed if I did not do some research before I stood up here today.

Several members interjected.

Mr J.M. FRANCIS: It is like throwing hot chips to the seagulls, is it not? Members opposite just cannot help it—give me more, give me more!

When I was doing my research, I thought I would have a look at some of the responses to the budget that came from the other side. I came across a website that has now become my home page: www.westernpatriot.com.au. What a humdinger this one is! I will refer to one particular story on this page. I had to have a laugh, because I thought, if it is on the internet, it must be true! The article reads —

Now, a small coterie of disaffected ALP Caucus members are agitating for the end of Eric Ripper and a new age of leadership hopeful Alanah MacTiernan. *The Western Patriot* is sure that MacTiernan can count, even if her supporters cannot; she will never have the numbers in Caucus, —

Just like the member for Rockingham and the member for Armadale and —

Mr P. Papalia: You've forgotten my electorate, haven't you?

Mr J.M. FRANCIS: The odds are shortening for the member for Warnbro. He should not worry; he is looking good! The article continues —

she will never have the numbers in Caucus, not for as long as Shopworkers Union Secretary Joe Bullock and Janitors Union Boss Dave Kelly still have breath in their lungs.

But if MacTiernan's appeal within Labor is zero, within the general community it is only limited. There is a small demographic which finds her appealing, roughly correlating to the same group of middle aged divorced blue collar blokes who took to Pauline Hanson with such fervor. Of course, the comparison ends there; MacTiernan is smart and has the capacity to get things done. But she simply will not translate to broad appeal in the middle ground.

Labor must back Ripper for the time being. But Ripper must prove he is up to the job.

This brings me to my budget reference. The article continues —

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To his credit, he fronted the media today and his front bench bombarded newsrooms with six responses to the Liberal-National Government's Budget 2009 (including a few recycled press releases).

For the Leader of the Opposition to say that he looked at the budget and came up with serious reasons to object to it is absolute rubbish. He has recycled old press releases. The article continues —

They had no chance of controlling the media agenda, but at least they're trying.

For Labor, history has a nasty habit of repeating. For the pious among the flock, —

I am disappointed that the member for Pilbara is not here —

an answer can be found in Proverb 26:11: "As a dog returneth to his vomit, so a fool returneth to his folly."

I will move on to how the budget actually affects the people of Jandakot. Last year's budget was obviously touted by the then government as building Western Australia, and some may indeed argue that it did. In fact, all non-essential services grew while essential services like education, police and health declined or were ignored. Government expense growth reached unparalleled levels in the last term alone: in 2004-05, a seven per cent increase; in 2005-06, an 8.9 per cent increase; in 2006-07, a 9.2 per cent increase; and in the past year, a 7.7 per cent increase. Rather than tackle the serious issue of public sector reform, the former Treasurer led the charge of rapidly increasing the size of the public service to amazing levels. There were 28 000 public servants added to the payroll under the watch of the previous government. This was an explosion of big government that would surely have held Sir Humphrey in nirvana! The icing on the cake for many Western Australians was the news that during the first six months of 2008, the former Labor government spent \$16.5 million refitting and refurbishing its ministerial offices. It is no wonder that many Western Australians did not get to enjoy the harvest of the boom.

Mr M. McGowan: No wonder no-one takes you seriously, because that is absolutely wrong.

Mr J.M. FRANCIS: There are more than nine people who take me seriously, member for Rockingham.

All that my electorate has to show for seven years of the previous Labor government is 70 kilometres of railway line, and people still cannot park at the railway stations, unless they get there at some ungodly hour.

Mr P. Papalia: Are you going to fix that?

Mr J.M. FRANCIS: Absolutely, and we went to the election with a black-and-white —

Mr P. Papalia: Will you give me a commitment that you will fix that problem in Warnbro?

Mr J.M. FRANCIS: I am talking about my electorate, not the member for Warnbro's.

The Liberal Party went to the election with a black-and-white commitment to address the issue of parking at train stations. When journalists rang the member for Cockburn during the election to ask about parking at the stations, they got the sound of crickets—he was absolutely silent on the issue. Why? Because this train station was built under his watch, commendable though that is, with inadequate parking. The residents of Jandakot welcome the commitment to build up to 560 —

Mr P. Papalia: It opened on 23 December 2007!

Mr J.M. FRANCIS: It was planned and built when the Labor Party was in government.

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Members, there are several conversations happening across the chamber, and I cannot hear the member for Jandakot, who has the call.

Mr J.M. FRANCIS: This is like feeding the animals at the zoo; they just cannot help themselves. The government recognised a very serious issue and made the commitment to build more parking space at the station, and this budget will deliver the money to do that.

I turn now to two smaller issues that are extremely important to the electorate of Jandakot. I warmly welcome the \$15 million to build a new primary school at Auburn Grove, which is one of the fastest growing suburbs in the southern corridor. I expect approximately 7 000 people to move into that suburb over the next six years. The primary school will be desperately needed. Even though there were only 351 people on the electoral roll in that area at the last state election, it is a booming suburb, and that school will go down very well with that community.

I also welcome the \$33 million to finally finish Atwell Community College. It is well worth noting that when Atwell Community College was opened this year, it only went to year 10. This is a typical example of the way in

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which the Labor Party failed the people of Jandakot. It built this great school that only had adequate facilities for year 10 and below. Kids would have started at primary school level at the community college, gone through years 7, 8, 9 and 10, and would then have had to move somewhere else for years 11 and 12. The Labor Party never finished the school. Potential students would have been in a unique situation in which, unless facilities were built for year 11 by 2011, and year 12 by 2012, they would have to relocate to another school. I absolutely welcome the commitment of \$33 million to finally finish this new school, which should have been completed by the previous government. Nevertheless, it will be completed by this government, because the previous government failed to do so.

I commend the budget to the house. It is a responsible budget, and it is about time that a government in this country made a priority of the economic principle of not running into deficit. I congratulate the Treasurer.

MR J.R. QUIGLEY (Mindarie) [11.14 am]: I note that \$657 million was provided in the budget for the provision of 1 650 extra prison places. My speech will mainly touch upon mandatory sentencing and its effect on prisons, and the law of unintended consequence—that very powerful principle of both metaphysics and law—that catches out so many lawyers. It was referred to by Australia's former Chief Justice and the first Australian to occupy the position of Governor General, Sir Isaac Isaacs. He cautioned that when one uses the law to administer medicine to cure an ailment in another, it often has the unintended consequence of inducing in that person a condition more serious than the ailment that was originally intended to be fixed.

In this regard, I refer to a decision that was handed down yesterday by the Court of Appeal in *The State of Western Australia v BLM*, respondent. I will refer to him as BLM throughout my speech; his surname is Mallard, but I do not want him confused with Andrew Mallard and be misreported. The case touched upon the proper interpretation of the Sentencing Legislation (Transitional Provisions) Amendment Act 2008, passed by this Parliament as recently as last November. We were told by the Attorney General at the time it was passed that the legislation was necessary to make good a deficiency in the sentencing regime identified by the Court of Appeal in the case of *Yates*, and for the application of the truth-in-sentencing laws and whether they applied only to old offences or also to new offences. The legislation was to fix all those inadequacies, and, in so doing, have the effect, in cases that were dealt with under the legislation, of not radically increasing lengths of imprisonment, but bringing upward pressure to bear on minimum terms. The Attorney General's aspiration found expression in the reasons given by the minority in that case, as expressed principally by Mr Justice Buss. He concluded that the amendment act gave effect to the legislature's intention that there should be, in general, some increase in the length of sentences in most cases falling between the worst cases and the less serious cases. That is, there should be some linear increase between the less serious cases and the worst cases. However, the majority took a different approach and said that the legislation passed by this Parliament would not have that effect at all, and would only have effect in the worst cases that came before the court. The construction preferred by the majority was that the effect of the amendment act would be to require the sentencing judge, where there is an established sentencing range for a particular offence prior to the enactment of the amendment act, to have regard to the minimum custodial sentences established by that range for the purpose of ensuring that comparable minimum custodial sentences are established.

Mr Justice Miller, also dissenting, noted that the practical effect of the Court of Appeal's decision would be to perpetuate the myth of truth in sentencing, which the amendment act was intended to dispel. He said that sentencing would continue to be artificially low in all but the worst cases. He said that there would be a substantial and unacceptable gap between sentences imposed in all but the worst categories of cases and those imposed in the worst categories of cases, and that there would effectively be two sentencing regimes—one for the majority of cases and the other for those that fall into the worst category of cases.

Mr C.C. Porter: Do you think that is a fair criticism of that decision?

Mr J.R. QUIGLEY: It could be a fair criticism. This impressive judgement of 104 pages is very logical, and although the Attorney General was reported on the front page of *The West Australian* as saying that he is contemplating appealing to another place—obviously the High Court—I can see that this would be a very hard judgement to displace on an application for special leave. I am not knocking the Attorney General for his academic dissertations; he is a very decent and conscientious man who is applying himself most diligently and conscientiously to the task at hand, even though we come from slightly different ideological viewpoints. His viewpoint is to apply more upward pressure on sentencing, whereas I say that this state has the highest sentences in Australia and some of the highest sentences in the western world, and that we have to look at some alternative resolutions to some of the problems that face the community.

That having been said, I make the point that what the Attorney General was seeking to produce was not reflected in the judgement. I make that additional minor point—not a severe criticism or mocking of the Attorney General, because I do not come here to do that today—because at the time he said that it was necessary to remedy

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shortcomings in the Labor legislation that was introduced in 2003, and deficiencies thrown up in *Yates v The State of Western Australia*, and some other comments. As we go about our business here—and perhaps the Attorney has learnt on this occasion—it does not always bring about the best result when, in matters of law reform, the Attorney criticises his opponents on the basis that they are getting it all wrong, when there is still the opportunity for the Court of Appeal, and perhaps the High Court, not to second-guess this place, but to interpret the law in the full context of the law of Australia. When I say that, the Court of Appeal in this case alluded to the fact that permissive language was used in the legislation saying that sentencing judges can have regard to minimum sentences both before and after the legislation was passed, and then looked at the rest of the law in Australia citing High Court cases saying that in fixing sentences they should go for like sentences for like offences for a like offender. Therefore, when they interpret this legislation in terms of all the law of Australia, we can see that the outcome was not what the Attorney predicted. I do not criticise the Attorney for it, but he cannot always criticise his opponent in the areas of law reform on such ideological bases.

From this impressive judgement, two other things can be gleaned. Firstly, to those members in this Parliament who say there is a disconnect between the legislators, the community and the sentencing judges, that is put to bed by this judgement, for in the course of this judgement they refer not only to the Attorney General's second reading speech but also to the speeches of other members of this chamber and in the other place, and to their contributions. What I glean from that—and what the Attorney now knows from what is being said here today and what others will say—is what is being said in this place is being read by Their Honours at the other end of St Georges Terrace, and they are taking careful note. They took careful note of the Parker report, the Hammond report, and the report of Mr Justice Michael Murray, and of all the reports that have been tabled in this place. They sifted through those reports very carefully in the preparation of this judgement. That is the first thing that we should take from this.

The second thing is the actual remedy to the sentence imposed. In this case, BLM was charged with assault occasioning bodily harm, having intended to cause the bodily harm, and the sentencing judge sentenced him, for the injuries he caused to Constable Marklew, to three years' jail with a one year minimum. The Court of Appeal in this case, where the mandatory sentencing legislation did not apply—because that does not apply to this offence—at least doubled the penalty, taking it out to six years. As I am sure the Attorney General would agree, this was no finetuning of the sentence or slight adjustment of the sentence, this was a doubling of the sentence. This was the Court of Appeal saying, “We are setting our face against the conduct by which a police constable in the course of his duty is inflicted these injuries”. Members might remember that during the campaign for mandatory sentencing Constable Marklew's swollen and battered face was depicted in several articles. He had a fractured eye socket, fractured jawbone, lacerations to his lips and to other parts of his body.

The Court of Appeal had little hesitation in doubling the offender's sentence. If there was any hesitation in doubling the sentence, it was to be found in the judgement of Mr Justice Buss, who would have more than doubled his sentence and taken it out to seven years. I think I can understand the rationale for that because he was saying that this was one of the worst possible cases, so it is taken up into the high end of the bracket. What we get from the courts in this judgement is a debunking of the theory that the courts are deaf to the community's calls for severe terms of imprisonment for those who bash police officers. That notion is clearly debunked in this judgement. What we also see debunked in this judgement is the concerns of people within this chamber, within this Parliament, that the judges are not listening to us. We find that not only are they listening to the specific speeches that members are making in this place, more than just listening to the Attorney General—I am not having a go at him saying they should look elsewhere for wisdom—but they are looking at all the speeches for what was intended and meant by our collective decision to pass the legislation, and to listen to the community's call that serious injuries to police must be punished severely.

Having doubled the sentence in BLM, one is left only to ponder what the outcome would have been had the McLeods been convicted of grievous bodily harm on the officer. One could easily forecast that it would have been a sentence more severe than six years, and more severe than the seven years contemplated by Mr Justice Buss, and for paralysing a police officer it could have been in the order of 10 years.

Mr C.C. Porter interjected.

Mr J.R. QUIGLEY: I want to come back to mandatory sentencing; it is very important. I do not want to get stuck on BLM.

We see there is a law of unintended consequence. The Attorney General went about this conscientiously with a particular objective in mind that did not pass muster in the court. This is not the only piece of amending legislation that Labor brought in, of course, because it is passed amendments to section 318 of the Criminal Code, relating to serious assaults on public officers by increasing the penalties from 10 to 14 years, and to

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section 297, increasing the penalty even above that for grievous bodily harm. I have previously spoken on this legislation, and wish to return to it today.

I do not come here in a raucous mood to criticise the Attorney General or the government, but in a very sincere way to make a humble plea in the name of sweet justice that the government, the Attorney General and the Premier particularly, rethink their approach to the mandatory sentencing legislation. I will give my reasons now for making that plea. Firstly, just over 12 months ago the serious assaults on police officers amending legislation increased the penalties. At the time the penalties were increased both the Director of Public Prosecutions and the Commissioner of Police said they did not believe that mandatory sentencing was necessary and that this increase of maximum penalty should send a message to the courts that the situation should be monitored, and that the police commissioner would monitor and report on it in due course. The Director of Public Prosecutions said words to the same effect. However, because I stood here not long ago—in March—and spoke against mandatory sentencing, I was met with howls of interjections that I failed to support police: because in good conscience I opposed mandatory sentencing, I failed to support police.

Mr C.C. Porter: Not from me.

Mr J.R. QUIGLEY: I agree with the Attorney General, but I did hear that from the Minister for Police. I was concerned at the circumstances under which this important law reform was conducted.

There is one criticism I will make of the Attorney General—I cannot let him go unscathed, but it is capable of redemption. When I was being criticised for being anti-police, a rally was taking place outside of the Parliament, which was really a police reaction to the circumstances that Constable Butcher found himself in, having been assaulted and paralysed. It was put to me that I did not support police. I wrote my concerns to the Commissioner of Police, and he wrote back stating —

Dear John

Thank you for your letter dated 23 March 2009 raising your conscientious objection to Mandatory Sentencing for assaults on police.

Notwithstanding the views of the President of the Western Australia Police Union, I respect your right as a Member of Parliament to either speak for, or against, any Bill before you. In the case of the Bill for Mandatory Sentencing, I do not regard that your opposition to the principle reflects a failure on your part to support working police or that you are, in any way, ‘anti-police’.

I am also happy to confirm in writing that since my appointment as Commissioner of Police we have had a number of constructive discussions about improving policing in Western Australia.

I hope this clarifies my position on the issue.

KARL J O’CALLAGHAN

I seek leave to lay the letter on the table for the balance of today.

Leave granted.

[The paper was tabled for the information of members.]

Mr J.R. QUIGLEY: I have some sympathy for the Attorney General because he inherited this problem. It came up during a police union campaign for mandatory sentencing, which was launched during the state conference last year when all the union delegates came to Perth. At that time a couple of cases were being heard, principally coming out of the Armadale court—Fleskens was one and I think Jones was another. In these cases officers were injured during an arrest. The judges came under strident criticism in the pages of *The West Australian* for having failed to imprison. During my speech on the second reading I highlighted the fact that those cases referred to by the Minister for Police—he introduced a private member’s bill for mandatory sentencing, citing these two cases of Sergeants Fleskens and Jones; the offenders were certainly sentenced by Magistrate Jones—were prime examples of why we had to have mandatory sentencing, because officers were being injured and the courts that were punishing for these assaults were not imprisoning. As it turned out, for reasons known to the prosecutor, the prosecutor withdrew those charges. Magistrate Jones could not imprison for those assaults because he could not convict and he could not convict because the police withdrew the charge. That is how far off the rails the Minister for Police was.

Then we had an election. There was a mandate given to the government, although obtained in spurious circumstances. The government was swept to power through a law of unintended consequence. I do not think it was the intended consequence of the early election that we would end up sitting on this side of the chamber but that is the power of the law of unintended consequence. The Attorney General then had the problem of the mandate that the incoming government had achieved. I admire the Attorney General, for in this regard he is

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prosecuting a brief for mandatory sentencing, but if we look in his eye, we can see that he does not really believe in it. The Director of Public Prosecutions, for whom he worked, does not believe in it and the Commissioner of Police did not believe in it when our legislation was passed. The Attorney General has been required by his party room—I have no problem with that—to prosecute this case.

[Member's time extended.]

Mr J.R. QUIGLEY: In changing this important balance between the legislature which prescribes crimes and the judges who sentence the crimes, to make out the case, the Attorney General came into the chamber and said in his second reading speech —

Far too frequently offenders charged under the existing terms of section 318 have received minimal sentences for assaulting police officers and avoided imprisonment when general community sentiment would require that this occur.

At that point the Attorney General was referring to section 318, as amended, with its very heavily increased penalties. He was really just repeating the mistaken assertion that was made the year before by the Minister for Police that far too frequently offenders being charged under the existing terms of section 318 receive minimal sentences. The Attorney General does not bring into this chamber one case under amended section 318 in which offenders should have been imprisoned and the courts failed to imprison them. He does not name one. I suspect that there is not one. There is not one in the appeal cases. On a previous occasion we have asked the Attorney General to name these cases. Since his second reading speech and since media inquiries that have been made by the press gallery, the government has still not named one of these cases.

I refer further to the law of unintended consequence. The case of *The State of Western Australia v BLM* shows that when given their full chance, the courts—this is not just when a judge might arrive at a sentence that we could call an aberration, like in the original sentence struck by District Court Judge O'Brien when she initially sentenced BLM, but when the courts are given their full run and it is taken right through to the appeal courts and there is full review within the court systems—are not shy at doing two things. They are not shy at correcting error in first instance. This case proves that they are not shy at handing out a very tough sentence for a serious assault on police. I am sure that my friend Michael Dean will not be offended in any way because after the judgement was handed down on BLM, I spoke to him and he said, “That is right, there is a realistic term of imprisonment that we were aspiring to and we see.” Even the police union now recognises that given the full run through the court system, courts will impose heavy sentences when officers are injured. After having gone through the full process of appeals, the Attorney General has not brought to the chamber one case in which this has failed to happen.

Mr Speaker, I make a very sincere and humble appeal to the Attorney General to rethink this issue. Before this legislation is reintroduced to the Parliament, I ask him to do two things. First, by reference to case law, set the examples of cases that have been prosecuted under amended section 318 that justify his statement —

Far too frequently offenders charged under the existing terms of section 318 have received minimal sentences for assaulting police officers and avoided imprisonment when general community sentiment would require that this occur.

I ask the Attorney General to name those cases. Before the legislation is reintroduced to the Parliament, I plead with the Attorney General to have regard to one more thing; that is, the law of unintended consequence. Under the mandatory sentencing laws, depending on whether the offender is a minor and whether it is a section 297 assault prosecution or a section 318 assault prosecution, minimum sentences range between three months, six months, nine months and 12 months. There is a range of sentencing in place. With courts in the first instance perhaps imposing these mandatory sentences, over time the unintended consequence might be that the mandatory sentencing laws have the opposite effect of bringing downward pressure on the sentences. The courts could say, “Well, the first instance imposed the statutory minimum; there was no appeal, so I will impose the statutory minimum because there will be no appeal”. In that way law of unintended consequence could be that the mandatory sentencing, as has been shown by the Court of Appeal in *BLM*, would have the direct opposite effect of what was intended by the government and the Attorney General. We saw this with the labour laws originally in 2003. I know that the Attorney General will rise in due course to give an academic dissertation on why this will not happen. Whilst I defer to the academic hierarchy of him being the possessor of more degrees and learning than I in the area of law—I am just a humble solicitor practitioner—I am sure that in equal measure my learned friend would defer to the collective knowledge of the Court of Appeal, which came up with a different analysis of his legislation from what the Attorney General did. There is this law of unintended consequence. I make a humble and sincere plea in the name of justice that before this legislation is reintroduced to Parliament, the government give the public of Western Australia a cast-iron guarantee that the mandatory sentencing laws,

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by reason of their low prescribed minimums, will not have as an unintended consequence a pushing down of the minimum sentence.

Having regard to the way in which minimum sentences in Western Australia are structured by law under the regime, as explained by the judgement handed down yesterday in the Court of Appeal regarding *The State of Western Australia v BLM*, the government must be able to say to the community of Western Australia that there will not be a pushing down of the sentences. It is no good coming back at the end of the three-year review of the legislation and saying that the unintended consequence was that there was a lessening of the minimum sentences as one judge after the other had regard to the minimum sentences imposed by the next court and the next court was only imposing the minimum sentence. This could be an unintended consequence. This is not a case of Quigley trying to protect offenders from receiving their just deserts or Quigley standing up for criminals; this is Quigley the legislator, the shadow Attorney General, not in a raucous way, attacking the government. I accept that the Attorney General is a decent person who goes about his task conscientiously and that he did not anticipate the judgement in the case of BLM or the Court of Appeal's approach to BLM. He may not yet appreciate the full consequences of the mandatory sentencing legislation. The legislation was introduced and talked up, as I have said, on a false claim that judges were failing to imprison offenders when a serious injury occurred. We now know from the research that Colleen Egan and I did that those cases were not sentenced on that basis at all, because the prosecutor had withdrawn the charge. The Attorney General talked up this legislation on an inaccurate basis and it was swept up in a circumstance whereby the debate was conducted—this is where I come to my gentle criticism of the Attorney General—in the most appalling circumstances in which to conduct law reform. A crowd of policemen was on the steps of Parliament House protesting the circumstances of Constable Butcher while the bill on mandatory sentencing was introduced in here. The Attorney General went outside with the crowd but when he returned to the chamber, he had to concede during the course of the debate that the bill that he and the government had before the chamber—the mandatory sentencing bill—had nothing to do with the McLeod case.

Mr C.C. Porter: I did not concede that; I volunteered it.

Mr J.R. QUIGLEY: The Attorney General volunteered it. I thank him. It was volunteered in a timely way because it was at the time when I was making that very point. I apologise to the Attorney General; I did not mean to slight him by saying that he was forced to do it. The Attorney General volunteered that information. It was not a point that the Minister for Police agreed with, by the way, because he kept making that linkage, but the Attorney General volunteered that the protest outside Parliament and the McLeod case had nothing at all to do with the mandatory sentencing bill, and the Attorney General still stands by that.

When the mandatory sentencing bill was introduced—here comes my criticism—the minister responsible, the Attorney General, was not in the chamber; he was outside helping to whip up a crowd that was protesting and having things to say about nothing to do with what was happening in this chamber. That can be described in no way other than populism. It is a populist approach to law reform. In this case, because it makes it mandatory to take away a person's freedom, it is extreme populism. Although some government members might tell the Attorney General to not worry about Quigley, the Attorney General is too early in his career to not worry about either his reputation or about being seen by the judges of the Court of Appeal, as well others in the community, as an extreme populist.

I was threatened that some people would go to Mindarie and explain to my community that I was against mandatory sentencing. The Community Newspaper Group—the members for Ocean Reef and Wanneroo can confirm this—editorialised that the mandatory sentencing bill was just another example of populist political tactics. I urge the government to rethink this.

MR R.F. JOHNSON (Hillarys — Leader of the House) [11.45 am]: I will make a five-minute contribution to the budget debate. I would not normally do this but it is important for me as Leader of the House to put on the record the disgraceful stunt that was played out in Parliament this morning by the Labor Party. I want to put on the record the fact that this morning the Labor Party left a lone member in the chamber, the member for Mandurah, the Labor Party's Whip, and put all its heavies on every door into this chamber to keep out other Labor Party members so that the member for Mandurah could call a quorum. However, that backfired because 19 members are needed for a quorum, and there were enough committed members on this side of the house to gather more than the required 19 members.

The point I am making is that the contempt of the Labor Party under the directions of the opposition manager of business—he does more stunts than Evel Knievel —

Several members interjected.

The ACTING SPEAKER (Mr J.M. Francis): Order!

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Mr R.F. JOHNSON: The Labor Party should be absolutely ashamed of this contempt of Parliament. For the sake of the record, let it be known that all the other Labor members were outside the doors in the corridor. They were not allowed to come into this chamber. They were told by the Labor heavies to not come in here. They showed contempt for not only this Parliament, but also their electorates.

Mr P. Papalia interjected.

The ACTING SPEAKER: Member for Warnbro! I need not say anything else.

Mr R.F. JOHNSON: This is one of the most important debates in Parliament. It is absolutely essential for the financial running of this state for this budget to pass and for the budget debate to take place. We have been staying here late at night this week to get the members' budget speeches finished, because we have to. Let me explain to members opposite what the consequences of their folly, arrogance and lack of commitment to democracy and parliamentary procedure would have been had they achieved their stunt.

Several members interjected.

Mr R.F. JOHNSON: What would have happened? I will tell members why they did it and why the manager of opposition business pulled this stunt this morning.

Several members interjected.

The ACTING SPEAKER: Member for Warnbro, I call you for the first time.

Mr R.F. JOHNSON: It is most unusual and almost unprecedented for the Premier of the state to not be granted a pair to travel to a very important project in this state—with the Prime Minister, no less. The Labor Party refused to grant the Premier a pair, even though he was travelling with the Labor Prime Minister. Members opposite knew that another member was away and they were relying on the adverse weather conditions today in the hope that some of our members might not have made it in here in time. If that had been the case and the quorum that was called by the member for Mandurah, the opposition Whip, with all the other Labor members outside the chamber being held back by the heavies, and if there had not been 19 members on this side of the house —

Ms R. Saffioti interjected.

Mr R.F. JOHNSON: I will not go down that road.

If there had not been an absolute commitment by members on this side of the house—whom I compliment for their staying power day after day—to ensure that we had a quorum, the bells would have been rung again. If the Labor heavies had succeeded in keeping out the Labor Party members and again there was not a quorum, this house would have had no option but to adjourn until the next sitting day. The next sitting day is in June and we would not have been able to hold the budget estimates hearings next week. The budget estimates are an opportunity for opposition members, and any other member, to scrutinise the budget. That is the sort of absolute and utter contempt that the Labor Party has for Parliament. It is on the record that members opposite have shown contempt for not only Parliament, but also their constituents, who expect them to come in here and do their job. Their constituents do not expect cheap, dirty political tricks, although they should do because I have seen members opposite in action. That is the way they work. They should hang their heads in shame because they are an absolute disgrace. It did not work this morning and it will not work again. We await with great anticipation the next cheap political stunt that the opposition manager of business wants to come up with.

MR I.M. BRITZA (Morley) [11.50 am]: I was about to commend the member for Mindarie for his honourable contribution to this morning's chamber proceedings. It was a slight contrast from what we have just received and what we have been receiving over the past few days in this budget debate. My compliments stand. I heard his arguments without any missiles flying across the chamber. I commend that, because I heard it and learnt some things today.

Last week the Treasurer, Hon Troy Buswell, delivered his first budget for the Liberal-National government. I was pleased to see that \$10 million of funding in the budget was directed towards the construction of an overpass, with on-ramps and off-ramps, on Reid Highway over Alexander Drive on the border of my electorate. I hasten to say that a lot of the work for this was done before I was elected. Nonetheless, the money has come. The overpass will ensure the safety and efficiency of the intersection, which has about 75 000 vehicles travelling through it each weekday. This intersection is one of the worst black spots in our state, with 358 reported crashes over the five years to December 2007, which is an average of more than 71 a year. The benefits from such road improvements are many and varied, including improved road safety and potential environmental benefits from the more efficient use of fuel as a direct result of the more effective road system that will be achieved. The initial plan for the overpass includes a 1.4 kilometre four-lane dual carriageway and ramps, two separate bridges, traffic

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signals, noise barriers, cycling and pedestrian facilities, public art, bus lanes on Alexander Drive, landscaping and lighting. I am pleased that we will finally have this on Alexander Drive. I am sure that the people who use it will also be delighted.

Although no major funding commitments were made to my electorate, there was concern about the Gordon Street-Alexander Drive intersection. The experience of many of my constituents when crossing Alexander Drive while taking their children to North Morley Primary School has sometimes been quite harrowing and dangerous, to say the least, and this is even with the lollypop person present. Drivers of vehicles coming around Alexander Drive sometimes have no regard for the speed limit. This has been very upsetting to the parents who need to use this intersection every morning, not to mention the likelihood of a serious accident soon occurring. I did commit to make this an important issue. I am pleased to say that North Morley Primary School meets the criteria for the installation of electronic 40-kilometre-an-hour school-zone signs, and Main Roads is in the process of installing this infrastructure. The poles for the signs have been sited on Alexander Drive. The installation of the sign panels will follow in the next few weeks. The cost of installing the electronic school-zone signs at this location is expected to be about \$40 000.

Many seniors are pleased and satisfied with the initiatives of this government. Some have already taken advantage of the cost-of-living rebates as well as looking forward to the implementation of the seniors SmartRider card. I think that, overall, they are content that they are finally being heard.

The 2009-10 state budget delivered by the Treasurer is a tough but responsible economic plan designed for the current economic downturn. Stimulating our economy through infrastructure spending will have an enduring economic effect of job creation and will help us put a floor under the current downturn. The Liberal-National government's first budget is designed to protect jobs and support the state's economy, secure the state's economic future, provide better services for families and communities and protect the state's finances. This budget has been framed in very challenging circumstances, characterised by the impact of the global economic downturn on the major sources of revenue for Western Australia. There are people in my electorate of Morley who will face the prospect of unemployment, but this budget includes a record asset investment program worth \$8.3 billion this coming year, which will provide facilities for the community, protect existing jobs and encourage job creation across Western Australia. Locally, the electorate of Morley will also benefit from the honouring of an election promise for an extra \$208.4 million to increase police numbers by 700 uniformed and support staff; \$32.1 million to fund road safety measures statewide; \$2.8 million to continue modifications at Royal Perth Hospital and the Shenton Park rehabilitation centre, which offers a key service to the seniors in my electorate; and \$2.5 million for the planning of the new Royal Perth Hospital.

As I have sat here listening to the budget debate speeches of the members of the opposition, I have been bewildered and disappointed to hear words and phrases coming from my parliamentary colleagues such as, "You are thieves", "You are stealing", "You are not telling the truth", "You don't care for families or children", "You don't care about the people of Western Australia", "You don't care about pensioners", "You have spent too much", "You haven't spent enough", "You have taxed too much", "You have taxed too little", and "You have left our precious children with a debt of \$19 billion", yet they have declined to acknowledge the \$300 billion debt left by their comrades in Canberra. All I can conclude is that they do not really believe what they are saying, or understand and comprehend how they are being viewed by the Western Australian public. Their statements simply lack veracity and sincerity. I guess it is true and accurate that all the opposition can do is criticise. I had noted that in my notes, until the member for Mindarie spoke. I thought that was how a debate should occur; that is, we are given constructive criticism without the personalisation of comments so that we cannot hear what is in a member's heart or what he is trying to say. I have been waiting to hear some strong arguments put forward. However, all that has been coming has been the bleating of those who are leaderless, like lambs without a shepherd.

This budget is a responsible and conscientious response to a very difficult economic environment. I acknowledge that people will experience difficulty; however, this does not mean that we do not care. Our responsibility as a government is to provide a budget that will bring our state back into surplus, which will cause us all once again to be liberated to expand our financial horizons without governmental and unnecessary bureaucratic interference. In closing, it is an honour to support this budget and I commend it to the house.

MRS M.H. ROBERTS (Midland) [11.59 am]: This state budget does very little for the electors of Midland or, indeed, for children's education in this state. In the Midland electorate it takes away from money that was allocated by the Labor government last year. In a couple of the projects that I want to speak about, allocations and timetables in last year's budget have now been put back by the new Liberal-National government.

I want to start with Governor Stirling Senior High School. It is a major school in my electorate. It is a school of long standing and it has a very good reputation. Sadly, it is a school in significant need of replacement. It is not

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capable of repair. It would be a waste of money to keep papering it over. Interestingly enough, I have taken up the case of the state of schools in the Midland electorate now for a full 12 years. Before anyone opposite asks what did we do and why did we not replace it, I will say this: in our seven and a half years in government we replaced three primary schools in the electorate of Midland. That was groundbreaking because it is really difficult, no matter who is in government, to get money set aside to replace existing schools. We had schools that were simply not fit for the purpose in the Midland electorate. The previous Liberal government acknowledged that, but each year it put those schools further and further down the list. That was done during the time Colin Barnett, the member for Cottesloe and now Premier, was Minister for Education and Training. I drew to his attention the deplorable state of the Bellevue, Koongamia and Midvale Primary Schools, and what was then known as West Midland Primary School but is now known as Woodbridge Primary School. These schools needed more than just repair. As a result of that, the Gallop Labor government, under the member for Willagee as Minister for Education and Training, committed the funds to rebuild those schools. During that time we also got some brand-new schools in the form of Woodbridge Primary School, and Clayton View Primary School, which is a combination of Bellevue and Koongamia Primary Schools. Midvale Primary School, which had long been acknowledged as one of the schools most in need of repair, was completely rebuilt. That was fantastic.

The problem is that Governor Stirling Senior High School in Midland also needs to be replaced. That is an issue that I took up with my colleagues Hon Ljiljana Ravlich and, later, the member for Rockingham, as the then Ministers for Education and Training. I certainly got a good hearing from those ministers. Indeed, it was during the member for Rockingham's time as Minister for Education and Training last year that we finally got a \$63 million commitment in last year's budget for a complete rebuild of Governor Stirling Senior High School. That was to honour an earlier commitment that had been made by former Premier Hon Geoff Gallop and Hon Ljiljana Ravlich, who had genuinely been looking at options for where the new school could be located. At the end of the day, there really was no other suitable location for that school, and it was determined that it should be rebuilt on its existing site. In the lead-up to last year's state budget —

Dr K.D. Hames: Election.

Mrs M.H. ROBERTS: — probably guessing; in fact, probably knowing full well—that I had been taking up the cause for Governor Stirling for a long period of time, Hon Donna Faragher and Hon Peter Collier went to visit Governor Stirling Senior High School. After their visit, they described the state of that school as deplorable and said that it was the number one priority of all the high schools in this state that need to be rebuilt. That is what they said then. Of course, when the budget came down and we committed that \$63 million, they said, “Well, yes, we would have done that; that was our idea”. The fact is that when they were in government, they did not do it. They built no new schools in the Midland electorate, and they committed very little funding to any upgrades of schools in the Midland electorate. They had their chance then, but they did not do it. They did not rebuild those primary schools. Therefore, in my view they really had no intention of doing anything at Governor Stirling.

Last year, at page 862 of the budget papers, the following comment was made about Governor Stirling Senior High School —

Planning will also commence on the \$663 million redevelopment of Governor Stirling Senior High School on its existing site. Work on this major project is expected to commence in December 2009 and be completed by December 2012.

What do we see in the budget this year? This project has been stalled—delayed. I point out also that \$2 million had been allocated to be spent in 2008-09. This year's budget notes that only \$550 000 has been spent. So, the best part of the \$1.5 million that was due to be spent at Governor Stirling Senior High School in this financial year has been taken out of the budget and not spent on the planning and preliminary works for that school. I will tell members why that money has not been spent. It is because there was a change of government. The new government has changed its priorities. It has patched up the education budget and has taken money out of it, and that \$1.5 million that the former government had allocated to Governor Stirling Senior High School has not been spent at that school this year. That is what the budget papers that were tabled last week point out.

I can see also, from looking at page 354 of this year's budget papers, that that funding of \$63 million has been spread right out. In fact, the money is so spread out that it is not even all in the forward estimates. The estimated total cost for that rebuild is \$63 million. The estimated expenditure to 30 June this year is only \$550 000. Last year's budget had an allocation for this year of \$2 million—a cut. The estimated expenditure for 2009-10 is only \$10 45 million, for 2010-11 is \$15 million, for 2011-12 is \$20 million, and for 2012-13 is \$7.5 million. That is about \$10 million short of the \$63 million that should have been spent. Therefore, I can assume only that in about 2013-14 we might get that final \$10 million for the rebuild of that school. The government's budget papers suggest that it is anticipating completing that school by 2014. I saw the Liberal government's attitude to Midland when it was in government last time. What worries me is that we will see more of the same. Although this year

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the rebuild of this school has been pushed back for just two more years—from completion in 2012 to completion in 2014—how can we trust this government? How can we know that the government will deliver even on that timetable?

I point out also that when we see the funding spread out like this, it seems to indicate that the government thinks that this rebuild can be done in bits. What will happen to the students at Governor Stirling Senior High School over the next few years while that rebuild is taking place? Some of the established schools that have been redeveloped have been located on larger sites, and that has provided the option of redeveloping those schools in stages. It is easier for budget purposes to spread out the money for a school rebuild over a long period and to do it block by block—perhaps the music block or the science block, or certain components of the school. There have been a number of examples in recent years of existing high schools that have been rebuilt block by block and the students have been able to remain on site. However, that is not an option at Governor Stirling Senior High School. That school is located on a very small and restricted site. The main teaching block is a three-storey building built around a central quadrangle. A multistorey building needs to be built there. The rebuild, therefore, cannot be done in a sprawled-out way, section by section. There is simply not the land available to do that. The Department of Education well knows, and the Department of Housing and Works, which has also been involved, well knows, that we cannot have a staged development on that site. The rebuild needs to be done in one hit.

I understand that the school community has been talking about options for the students at that school while that rebuild is taking place. One sensible option that has been put forward is that the lower secondary students could be housed temporarily at the old Midland primary school site, which is in reasonably close proximity to the Governor Stirling Senior High School site. Those school buildings are not ideal, but for a short, sharp build project at Governor Stirling, I think that is a great option. Hopefully that would be for less than two years—a rebuild of a major high school may take up to two years; I acknowledge that. The lower secondary students could be housed at that site on a temporary basis. At the same time, the years 11 and 12 students could be accommodated at Swan View Senior High School for a short period of time. It is simply not possible to build a new school around those students. If that were to occur, Governor Stirling Senior High School would deteriorate even further, and the enrolment numbers would be even lower. The enrolment numbers at that school have already declined because of the poor state of the buildings. If, and when, that new school is built, I am sure there will be a big increase in enrolment numbers. That was also the case at what is now Woodbridge Primary School. There is now a huge demand for enrolments at that school. When that school was known as West Midland Primary School, the former government, under the then Minister for Education and Training, Hon Norman Moore, had that school on its hit list for closure because of the low enrolment numbers. That school now has very strong enrolment numbers. The same will occur at Governor Stirling after the rebuild. The school has a strong academic program for gifted students. Many parents of students in that program have said to me that they would not have sent their children to the school had they known, when they accepted their place in the program acknowledging the special abilities of their children, that the physical structure of the school and its facilities were so poor. Had they known, they would have considered other options for their children's future. We have waited long enough for this project, and it needs to be brought forward, not spread out. Indeed, it cannot be spread out. Maybe this time next year the government will be saying that it could not carry out the project in the way that it planned when the budget papers were drawn up, so it is still thinking about it. That is plainly not acceptable. It shows the most amazing hypocrisy on the part of the then opposition spokesman for education, Hon Peter Collier, and another member for the East Metropolitan Region, Hon Donna Faragher, who said that Governor Stirling was the school in most need in the state. Now, their first act in government is to delay the project by two years, and put in place financing that will mean that things will not be able to proceed in any satisfactory manner. There have been examples of other high schools where the government has tried to rebuild the school with the students on site. Inevitably, in a school the age of the current structure of Governor Stirling Senior High School there are likely to be issues, such as asbestos and contaminants in the soil. I will not take too well to someone standing up somewhere in the next six months or year and saying that the government did not expect to find these things. I am putting it on record now that those things should be expected and appropriate arrangements made for the students at the high school.

In my remaining time I will raise a couple of other issues on which the Midland electorate has been put on the backburner by the new government. The money for the Midland train station that was in the budget has now been deferred, and there is no commitment to the train station from the new government. Midland is a major regional centre and deserves a much better train station. There have been delays because of potential redevelopment of the Centrepont shopping centre and the need to integrate the development with programs of the Midland Redevelopment Authority. I understand that the authority has a very strong plan for relocating the station by a short distance. If it were funded, that plan could go ahead promptly. However, no money for it has been provided in the budget.

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The other issue of course is the Midland hospital. The first act of this government in the area of health for the Midland electorate was to not fund the Midland hospital; at the very least it would be delayed by another couple of years. The government has other priorities, and it has stolen the money that should have been allocated to the Midland hospital to spend on other areas. Those other areas may well be worthwhile, but there was a commitment to Midland that should have been met. Thankfully, the Rudd federal government, through the lobbying of the federal member for Hasluck, Sharryn Jackson, has allocated \$180.1 million so that Midland hospital can proceed. The federal government has acknowledged that this should be a priority project for Western Australia, and for the eastern region particularly. This hospital will service not only my electorate, but also the electorates of Swan Hills, Kalamunda, West Swan, Forrestfield and others. Beyond that, electorates in the Agricultural Region are well served by the regional centre of Midland. People living in towns like York, Northam, Toodyay, Merredin and Cunderdin, in the wheatbelt, utilise the services in Midland. They tend not to go into the Perth central business district; they tend to do their major shopping and see doctors, specialists, accountants and lawyers in the regional centre of Midland. Likewise, they access health services in Midland. Perhaps when the National Party is contemplating appropriately servicing the hospital and health needs of its constituents, it might think about funding the Midland hospital.

[Member's time extended.]

Mrs M.H. ROBERTS: I said that this is not a great budget for education. I will have the opportunity to make some comments and ask some questions about that next week during the estimates committees. However, I will just make one simple statement now. A number of ministers have talked about the increases in their budgets. I think I heard Hon Robyn McSweeney talk about the increase in her budget. I hope that increase is not as illusory as the supposed increase touted by the Minister for Education and the Premier, when they were saying that there had been a \$419 million increase in the education budget. That is an 11.4 per cent increase that they are attempting to take credit for. But the government can take no credit for it. Page 357 of the *Budget Statements* shows that, in addition to all the embedded commonwealth money that already exists in the education budget, landmark projects of the federal government announced by Julia Gillard in the Building the Education Revolution program contribute the vast majority of any supposed increase in the education budget. I will quickly highlight those commonwealth-funded programs. They are special, new, additional programs offered through the Council of Australian Governments after the election of the Rudd Labor government. National partnership payments total \$173.1 million; Building the Education Revolution funding, \$114.9 million; schools specific purpose grants, \$21.2 million; schools specific purpose programs, \$10.3 million; and productivity places program, \$2.4 million. That alone adds up to well in excess of \$300 million. It is a simple bonus for the state government, which can take no credit for it. The state government cannot claim that amount as more state expenditure on education, because quite simply it is not. I will also draw the attention of members to the fact that the cost pressure of wage increases for teachers and TAFE lecturers across the forward estimates amounts to \$119 million. There is also a \$15.1 million cost pressure that must be met because of the enterprise bargaining agreement for cleaners, gardeners and the like. Factoring in these amounts results in an actual decrease in expenditure on education services by this government. This is able to be presented as something that it is not because of the massive injection of federal funding.

Courtesy of the Rudd Labor government, my electorate has received nearly \$1 million of that money in grants. Clayton View Primary School will receive \$7 000 for ceiling and roofing and \$68 000 for shade structure and resurfacing. Governor Stirling Senior High School has been allocated \$200 000 for metalwork, carpeting, printing and fencing. Middle Swan Primary School in Stratton will receive a total of \$200 000 for things such as smart boards, flooring, paving, painting, roofing, fencing, security screens and a new roller door. Midvale Primary School has received \$15 000 for a shade structure and \$110 000 for playground equipment and so forth. Greenmount Primary School has received \$150 000 for painting, carpeting, roofing and structural work. Guildford Primary School has received \$60 000 for its assembly area. Swan View Primary School has received \$32 000 for security screens and fencing. Swan View Senior High School has received a total of \$122 000 for painting, gardening, windows, roofing and so forth. That is nearly \$1 million being spent in the Midland electorate by the Rudd Labor government because of the priority it places on education and on keeping local people in work in Western Australia in difficult economic times.

MR J.E. McGRATH (South Perth) [12.19 pm]: I acknowledge the presence in the Speaker's gallery of a group of students and teachers from Como Secondary College in my electorate.

Mr M.P. Whitely: My old school!

Mr J.E. McGRATH: It is a very good school—where did they go wrong with the member for Bassendean?

Mr M.P. Whitely: Some of us went to jail, and a couple of us ended up here!

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Mr J.E. McGRATH: I also acknowledge the presence of Ellie Whittaker and her mother, Shelley. Ellie is the student parliamentary representative for the seat of Warnbro, and she attends Comet Bay College. I welcome Ellie.

I have to say something about the budget. Although my good friend the Treasurer has, I think, produced a very good surplus budget, I have to admit that the people of South Perth got nothing. I do not know whether it had anything to do with the fact that I had such a good result at the last state election that the Liberal Party thought it was a very safe seat, but all we got was \$2 million to carry out some work on the Department of Agriculture and Food building in Kensington. From my knowledge, I would not think that many people from the electorate of South Perth would ever visit the Department of Agriculture and Food; we got something for a facility that nobody in South Perth uses!

I am disappointed that the South Perth train station has disappeared from the forward estimates. I have discussed this matter with the Premier, and he agrees with me. He has assured me that the project will go ahead. Let me point out that not everyone in South Perth is totally supportive of building a train station there, because it is very close to the city. However, I think we all agree that because the Perth Zoo attracts some 600 000 visitors a year, many of them tourists, it is important to have a train station situated there so that people living north or south of the river, or tourists who do not want to make the trip by ferry, can jump on a train and get off close to the zoo.

I have been fighting over the issue of Manning Road for four years, and I brought the issue up with the previous Minister for Planning and Infrastructure. Students at Como Secondary College will be well aware of Manning Road. People driving west along Manning Road who want to travel to Murdoch cannot exit south onto the freeway; they have to turn right, go up to Canning Bridge, and then come back again. The Minister for Planning and Infrastructure in the previous government admitted that this needed to be looked at, but she said that it was not a priority. I have raised this matter with the present Minister for Transport. It was also raised as an issue before the last state election, but it did not become an election issue, and therefore it did not make it into the budget. However, I will continue to press the minister to do something about Manning Road, because I think it badly needs fixing.

The Coode Street ferry service is another issue that I raised with the former Minister for Planning and Infrastructure. Under the previous government, the Coode Street service was scrapped because the Department of Transport said that not enough people were using it. I was told by South Perth residents at the time that the service had not been well advertised, and that if it were to be brought back, they would use it. To test the water on that issue, I sent out more than 2 000 personally addressed letters to people living in and around Coode Street. I had a tremendous response; more than 250 people got back to me via email or letter to say that they would be prepared to use the Coode Street ferry if it came back. We want to get people out of their cars, to become fitter and to encourage them to walk to public transport. It would also be better for the environment. I would even commit to walking to the Coode Street ferry from where I live, which is probably more than a kilometre away; it would probably do me some good! I think it is something that we should press for, and I have spoken to the minister about it. The minister agrees that we should use ferry services more in Western Australia. I asked the minister—he agreed to do so—to consider an expanded ferry service in Perth. I refer to a letter that appeared in *The West Australian* on 18 May from someone called Ian McNaughton of Innaloo, which is a fair way away from the Swan River. The letter states —

To a certain extent, the Swan River, with such a vast amount of water, is a waste compared with Sydney Harbour. Ferries operate to all points in the harbour and we have just one, chugging back and forth from Barrack Street Jetty to South Perth.

Even the Brisbane River, a speck compared with the Swan, has water taxis and boats darting everywhere. Imagine the benefits if we had similar services on the Swan.

I think most people in Perth would agree that it would be a good thing to have a better ferry service. It was tried once under the Court government, but I think the mistake was to try to run it as a commuter service from the wrong section of the river; I think it went from Applecross to the University of Western Australia. It probably was not well enough thought out. I would prefer to see more tourist-type ferries for a start, and as the population grows around the river, we could perhaps have special ferry services like the CityCat ferries in Brisbane. In the short term, I would like to see ferries running to Burswood, perhaps Claisebrook Village in East Perth, and certainly to Coode Street and Mends Street. Getting people onto the water is certainly something that we should look at.

I turn now to Como Secondary College. As I said, some of the students of the college are here today. I think their stomachs will be starting to rumble, because I told them they would be having lunch at 12 o'clock and it is now 25 past 12, but they will be coming to the dining room with me soon, and I am sure that they will have an enjoyable day. I am putting in an early claim to the government for a new school at Como. This year Como

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Secondary College signed a memorandum of understanding with Curtin University and the Department of Education and Training for that school to become a school of excellence in mathematics, science and technology. I was there when the memorandum was signed, and the Minister for Education was also there. I refer members to the Trends in International Mathematics and Science Study report, which found that Australia is falling behind the rest of the world in maths and science. It is very important for us to get programs such as this going.

Mr M.P. Whitely: Are you looking at a rebuild of the whole school?

Mr J.E. McGRATH: Yes, a rebuild of the whole school. I think it needs it. In the short term there are a few things that might be happening; there are a few problems that need to be fixed. The school is 40 years old and is in a bad state of disrepair. Not very long ago, a rat was discovered in a classroom and the classroom had to be evacuated.

Mr M.P. Whitely: I left a long time ago!

Mr J.E. McGRATH: I know there has been talk of rodents in this chamber over the past few weeks, but this was a big rat!

There are other issues at the school, and I have brought some photos of splitting and cracking on internal and external walls. There is one classroom where the light actually comes through a split in the beam on the roof. The school is falling apart. I am told that when it rains in winter, water comes into some of the classrooms. In a state such as Western Australia that has experienced such prosperity over so many years, it is a poor reflection on governments, both past and present, that something has not been done about the state of deterioration of this high school and a number of other high schools. A lot of people think that students who attend Como Secondary College come from a high income area; that is not the case. People in my electorate from the higher income areas would normally send their children to Penrhos College, Aquinas College or Wesley College. Most students who go to Como Secondary College come from low to medium-income households.

Mr M.P. Whitely: Things have improved, then!

Mr J.E. McGRATH: This is a school that has achieved a lot, member for Bassendean, over the past few years, both scholastically and in the sporting field. The school has had 151 secondary assistance applications and 10 Abstudy applications. That means that 21 per cent of the students are receiving assistance. That is a more compelling reason than any other for looking at this school and giving it some support. I will work very hard to do that. The school has received \$200 000 towards improvements from the Rudd government, and I commend that. There is an application for another \$2 million to build some science laboratories. I know that the school is holding out desperately to get that funding, and it hopes that the Rudd government will see it as a school with a genuine need. I will make my final point so that the member for Rockingham has time for his speech.

St Mary's church is a magnificent old church in South Perth. It is a heritage-listed building, and a landmark in my electorate. Members might recognise it from the silver spire that they can see while driving down the Kwinana Freeway. A couple of years ago the school was struck by concrete cancer, which is eating away at the walls. Because it is a heritage-listed building, it cannot be knocked down and replaced but has to be fixed, and this requires a special type of building maintenance. The cost of the project is \$1.5 million. The Howard government in 2007 gave the church \$250 000, but as members can imagine that is a long way short of what is needed. I have spoken to the Minister for Heritage and also to the Treasurer. I hope that this government can come up with some funding. I would like to see the school get \$500 000, which will at least provide an argument for the church to take to the commonwealth government that the state government has given it \$500 000, and to ask the commonwealth to increase its grant to \$500 000; then the rest could be raised from parishioners. I was told by the minister at the church only a couple of weeks ago that pieces of concrete had already started falling from the building, and that creates an unsafe environment for parishioners. As a Parliament we have a duty to help this church.

In fact, it is an argument for the government to increase funding to the Heritage Council of Western Australia. I know from speaking to the minister that the council has a limited budget to cover all sorts of projects that it is asked to support around the state. Because so many heritage buildings are becoming older and are having problems, such as that experienced at St Mary's church in South Perth, the government should consider putting more money into the restoration and maintenance of heritage buildings.

All in all, it is a good budget for the state. The people of South Perth will be long-suffering on this occasion, and as their representative I am duty bound to keep reminding the government of the needs of my electorate; hopefully, in this first term some of those things can be put into the forward estimates.

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MR M. MCGOWAN (Rockingham) [12.31 pm]: I have a range of issues I want to raise during this budget reply. In particular, I want to talk about debt, specifically the scale and volume of debt that this budget is imposing on future generations of Western Australians—nearly \$20 billion worth. The other issue I want to talk about is government wages policy and the difference in the reality, as we have experienced it, versus the policy that is being implemented under the budget. I also want to touch on a few other issues concerning the development of the state.

I will deal quickly with the first issue. I saw the Premier on the television yesterday threatening the resources of the opposition. He said that he would consider dividing the resources of the Labor opposition with the Greens (WA) Party in the future. That sort of threat to the resources of the opposition in the Parliament smacks of a dictatorial style and it says that the opposition does not deserve resources to challenge the government in the Parliament. The reason I am angry about what the Premier said yesterday is that the historical record of the former government in dealing with the Liberal and National Parties is quite different. I will outline that record to the house.

In 2001 I became Parliamentary Secretary to the Premier. At that time, the Premier had to decide on the resources for the then opposition, led by the member for Cottesloe, now the Premier. It was decided that the resources that were provided to the former Labor opposition led by Dr Geoff Gallop would be given to the Liberal Party and the National Party. The National Party had full party status, five members; it was a fraternal party of the Liberal Party and they had always formed a coalition government—the Country Party, the National Country Party and now the National Party. The former government decided that the resources, which comprised as I recall roughly 17 staff, would be provided to those two parties. The National Party would have an allocation of five staff members, and the Liberal Party 11 or 12 staff members. Hon Hendy Cowan then resigned from the Parliament, and the member for Cottesloe saw that as his opportunity to remove party status from the National Party—that is, if the Liberal Party could win the seat of Merredin. The member for Cottesloe fielded a very good candidate in Merredin—she was a very impressive candidate—and the National Party secured Mr Brendon Grylls as its candidate. The Liberal Party lost the by-election, and the National Party kept its resources.

The central point I wish to make is that the former government provided to the opposition the resources for 17 staff—the National Party kept five and the Liberal Party 12. When we came to opposition seven or eight years later, the resources that were provided to the Labor Party were the equivalent of what the Liberal Party had received, which was 11 or 12 staff. The Labor Party was not given the entirety of what was given to the Liberal and National Parties, even though they had always formed a government together. So the opposition has already had a cut of five staff compared with the resources provided to the former Liberal and National Party opposition. We provided different resources and there was an agreement that the arrangement for the future opposition would be the entirety of 17 staff, or the full-time equivalent thereof. Despite the number of ministerial officers having increased in size under this government, the staffing for the Labor opposition was 11 staff versus 17 full-time ministerial officers and the entire public sector. We provided to the Liberal and National Parties a full complement of 17 staff.

There has already been a cut to the number of staff provided to the opposition, and yesterday the Premier said he may cut the number again. That is even though the Greens (WA) have never formed a coalition government with the Labor Party and we are not fraternal parties, whereas every single coalition government formed in this state, as far as I can recall, has been a Liberal-Country Party, Liberal-National Country Party or a Liberal-National coalition. The threat yesterday to reduce the resources of the opposition even further, following on from the threat to legislate to remove the requirement for the government to answer freedom of information applications, and not to answer grievances in this Parliament, and presumably other methods used by the opposition to make the Premier accountable, shows an attitude and style that is completely and utterly dictatorial.

I heard some commentary yesterday indicating that the former opposition was starved of resources. That is not true. They were provided with far more resources than this opposition has been provided with. I wanted to put that on the record.

The second issue I want to deal with is the record of the government on wages policy versus the reality of what it has indicated in the budget. Page 173 of budget paper No 3, *Economic and Fiscal Outlook*, indicates the government's wages policy —

Total wage increases will be capped at projected growth in the Western Australian Wage Price Index. Based on this budget's projections, the base wage increases for three-year agreements commencing on 1 July 2009 would be 2.5% in 2009-10, 2.5% in 2010-11 and 3.0% for 2011-12. For a three-year agreement this equates to a cumulative increase of 8.2%.

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That is what this government said will be its strategy. It has sent a letter to the Western Australian Police Union of Workers indicating that the agreement for wage increases for the police will be 9.8 per cent over the three-year period, which is slightly higher than the wages policy indicated in the budget.

Mr T.R. Buswell: The police union wage negotiations were outside the period at which the wage policy will apply. That may be the reason for the difference.

Mr M. McGOWAN: In any event, the government is setting a precedent consequent to the economic problems that engulfed the state and the world in October last year. It is slightly higher than what has been provided as the future wage provisions for nurses, doctors and public servants. The government has set a precedent for police officers that is slightly higher. I want to advise the police officers, nurses, doctors and all the other public sector workers in this state who will be negotiating enterprise bargaining agreements of the history of these matters. The Treasurer has said—I have seen it reported—that when agreement was reached with the teachers and the technical and further education lecturers, the economic circumstances were quite different from those that exist now and therefore the government is required to pay a much lower rate in future EBAs. If that were true, it would be a fair point. However, it is not true. The Treasurer can say that but the historical record is there for all to see.

The problems that engulfed Western Australia and, indeed, the world started to occur on 6 October last year. It was called the black week. Anyone reading newspapers around the world would know that on 6 October last year the Dow Jones industrial average started to decline, stock markets started to go into free fall and banking institutions in the United States, Europe and Iceland became vulnerable. On 24 October we saw some of the greatest Stock Exchange declines in the history of the world. It all began at the beginning of October.

Mr T.R. Buswell: Are you saying —

Mr M. McGOWAN: I am just stating the facts.

Mr T.R. Buswell: That's the stock market. The economic downturn started some time before then. You don't tie wages to movements in the stock market.

Mr M. McGOWAN: This is when we knew that the economic circumstances were significantly different from what they had been before. I am a student of history. We can often tie certain events to certain dates. It all started to come apart on 6 October. As the Treasurer indicates, there were some indicators that there would be significant problems with the world economy before that date. That was when we absolutely knew for a fact that there was a major problem. I will go through what happened consequent to that. On 14 October the federal government's first economic rescue plan came into effect.

Dr M.D. Nahan: It was announced.

Mr M. McGOWAN: That is when it was announced. A week or two before that, it was speculated that the Prime Minister would put this plan in place. As members would know, 14 October was after that event. Things went absolutely pear-shaped on 6 October. In any event, the Treasurer is helping my argument. Further problems occurred consequently. As we know, there have been two or three rescue packages since then—there may well be more—from the commonwealth government. The point I am making is that we knew in early October that there were significant issues with the world economy.

The government reached an agreement with the State School Teachers' Union of WA executive, not the workforce, on 3 November 2008, a full month after we knew there was a significant economic issue in this state. A pay rise was granted to the teachers. I support good pay for teachers. The Minister for Education's press release said that most teachers would receive a pay rise in excess of 20 per cent, with some receiving 22.5 per cent. The government removed productivity benefits from the deal being negotiated with the teachers before that date. The minister's press release said that the government would remove the requirement for teachers to participate in professional development outside of school time. Teachers have 13 weeks' holiday a year. I have always been of the view that some of their professional development should be undertaken during those 13 weeks. That is a reasonable proposition. A pay deal was reached with the executive in early November. An agreement was reached with TAFE lecturers—roughly, a 20 per cent pay rise—in late December. When the government argues that the economic circumstances now are different for police, nurses, doctors, public servants and the like compared with the economic circumstances when the teachers' deal was negotiated, that is not true. The government negotiated the teachers' deal after the world problems occurred and after we knew that there would be a drop in revenue for the state. It negotiated that deal anyway. What is more, the government removed any productivity from the deal. It should not say to police, civil servants and nurses that a different arrangement is in place now because the economic circumstances are different because they are not. If it wants to run the

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argument that the state cannot afford the pay rise, it should run that argument. It should not run the argument that teachers and TAFE lecturers were treated differently because circumstances have changed because that is a lie.

I have noted that the Premier regularly refers to the Inpex arrangement and says that very little happened with economic development in Western Australia under the former government. I will tell the house what happened with economic development in seven and a half years. I have a copy of a question I asked of the Minister for Mines and Petroleum. The number of new mining and petroleum related operations in Western Australia over the period of the last government was 170 new projects. They are just major ones. There are 170 major operations relating to iron ore, mineral sands, diamonds and gold. That is not all. We have seen 295 expansions of existing operations. In seven years the number of mining and petroleum operations in Western Australia has more than doubled. When arguments are run that no approvals took place and the former government failed in terms of approvals, the evidence is absolutely to the contrary. We presided over 170 new mining projects and 130 expansions on top of that, which points to the fact that anyone who runs that argument is not telling the truth.

I wanted to refer to the Premier's arguments about Inpex. He is good at simplifying things into a single word. Somehow the former government lost Inpex so the Premier went to Japan to apologise to the company. I have an article here dated 14 February 2009. How extraordinary that the Premier of Western Australia flew to Japan to apologise to the company. What sort of a person does that?

Dr M.D. Nahan interjected.

Mr M. McGOWAN: Does the member back the Premier going to Japan to apologise to a multinational? He will not back it.

Inpex demanded access to the Maret Islands. I expect that very few members in this place, apart from the member for Warnbro and me, have ever been to the islands in that part of the world. They are very sensitive and very beautiful. Inpex wanted access to those islands on a freehold title; it did not want to go through the government processes required. The former government said that it must meet the requirements. Then Inpex wanted a location that was not able to be used as a joint-use facility. The former government said, "No, if you are going to touch the Kimberley, you have one facility that meets the needs of anyone who will access the gas reserves in that area." What is wrong with that?

Dr M.D. Nahan interjected.

Mr M. McGOWAN: Did the member support Inpex going to the Maret Islands? He is shaking his head.

[Member's time extended.]

Mr M. McGOWAN: We stood up to them. The Premier went to Japan and, in the most cowardly and chicken-like fashion, apologised to a Japanese mining company. No other Premier in the history of this state has flown to Japan to apologise to a company for enforcing Western Australian law. Who does that? He seems to think that that is a reasonable thing to do. All I am saying to the world is that there were 170 major new projects and 130 expansions under our watch, and under this government there has been just one project and the company doing that project has refused to abide by the reasonable environmental and native title requirements, which are government requirements. We said that the company should abide by those requirements.

Debate interrupted until a later stage of the sitting, pursuant to standing orders.

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