

**LOAN BILL 2009**

*Second Reading*

Resumed from 9 June.

**MR A.P. O’GORMAN (Joondalup)** [12.25 pm]: I rise to make a contribution to the debate on the Loan Bill 2009. I have great concerns with the \$8.3 billion for which approval is being sought. The government is seeking this Parliament’s approval to seek that sort of financing over the next four years. It is a record amount that is being sought. I think it is being sought on what I call a fraud of a budget. I call the budget a fraud because not all the projects in the budget have an amount committed to them. That is a great concern to me, because in the eight years that I have been in this place, my understanding has been that the government must put into its budget papers everything it intends to do over the next four years. Our previous Treasurer, the now Leader of the Opposition, was very diligent about making sure that all those things were in place. In fact, the budget process that we used to go through was a long and arduous one under which we put in our submissions, then we had to justify them to our ministers, and then the ministers took them to the expenditure review committee if they thought we had justified them sufficiently. Further scrutiny by the ERC then followed. Obviously, that process has gone out the window, because now we can have—this was reported in *The West Australian*—up to \$2 billion worth of unfunded projects which have been talked about around the state but which are not included in the budget. That is a great concern to me.

A set of figures were put out, and members on this side are expected to vote on them, yet we have scant information on those figures. Even for the capital works items that have been put in the budget, we get a global figure. We do not get a breakdown of what those particular items are. In my electorate, one such item is the Edgewater train station. I have read last year’s budget, and I understand that \$1 million was allocated—that amount was going to increase—to improve the Edgewater train station. Many members might be thinking that the Edgewater train station is relatively new and they might be wondering why we need a major refurbishment of that train station. The reason I put it forward, and have done for a number of years—I got the previous government to agree to fund it—is that a lot of seniors and people with disabilities use that train station, which is between Edgewater and Heathridge, and they have great difficulty accessing the platform. Access to the station is across a fairly long bridge across the freeway. We all recognise that that must be done. However, there is also a very long ramp that people must walk down to get to the platform. We have been pushing for some weather cover over that station so that people who have disabilities or who are partially mobility impaired because of their age do not have to be out in the weather, whether it is exceedingly hot weather or whether it is exceedingly wet weather. Therefore, we have been looking for extra weather cover over that station so that those people can be adequately catered for. Also, we were pushing to have an escalator or a lift installed at that station to take people from the bridge over the freeway down to the platform, so that, once again, they can get to the platform of the train station without having to go down an exceedingly long ramp. The funding for that escalator or lift did not appear anywhere in the budget. My great fear is that this government will let it slide off the radar and the northern suburbs will again be ignored. The residents who use the northern suburbs rail line are disadvantaged once again.

We have all seen the great work that the former Minister for Planning and Infrastructure did in getting the rail line down to Mandurah. There are many magnificent train stations on that line, and I applaud that. We also need to look at the infrastructure that has been there for many years. Edgewater train station in my electorate is an example. Some money has been spent on that train station, in particular, on the car park. The car park was funded by the previous government. The works were scheduled to start under the previous government. They were just about completed at the time of the election last September. On 26 May I read an article in my local newspaper entitled “New car bays on track”, which I found quite amusing. I will quote from this short article. It states —

Edgewater and Whitfords train stations will get a combined total of 370 new car parking bays.

Transport Minister Simon O’Brien made the announcement last week, with Edgewater nabbing 170 new bays and Whitfords 200.

Ocean Reef MLA Albert Jacob said the parking boost was part of an election commitment to deliver 3000 new car bays during the next four years.

Work on the new bays will begin this year, subject to planning and other approvals.

Once again, that is a fraud because those bays were in place at the time of the election. Members of the government—a minister and a backbencher—are now claiming credit for delivering those car bays. It is just

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outrageous that government members do this sort of thing. They do it continually. That is the calibre of the government members we have at the moment.

The budget papers were also a fraud because there were substantial increases in costs to families, including increases in charges on vehicle registrations, public transport, water and electricity. These charges are just outrageous. The Treasurer and the Premier say that they have not increased taxes, but they have hit the people of this state in the hip pocket by an estimated \$365 per household. They are not the only charges that have increased. We should take into account the other subsidies that have been withdrawn. A family with students at school has lost its \$100 subsidy for schooling. Families who happen to have children who are in year 11 and 12 have lost a further \$400. The cost to many families who have children in school in this state could be close to \$1 000 when it is all added up. On top of that, this government was not happy enough with that. It slugged the childcare industry with extra licensing fees. That will affect family day care really badly. Family day care, which usually operates out of people's own houses, provides care, from each house, for between four and six children. The government has attacked that as well. It is licensing family day care and adding a significant licence cost. The budget papers claim that the licensing cost will cover the cost of compliance. How have we managed to make these people compliant over the past number of years that family day care has been operational in this state? It is a very bad grab for money by this government. It is cynical. The government is providing the business sector with relief on its payroll tax but at the same time it is robbing families of that money to pay for the 12-month reprieve on payroll tax. We have to start to consider our taxation system and the fact that we are using household charges to tax people in this state.

I will move on to the government's election commitments. Arena Joondalup is in my electorate. It provides a fine service to the people in the northern suburbs. It provides sporting facilities. An organisation called Arena Community Sport and Recreation Association was formed in 2005. It was awarded large grants by this government and the previous government. Off the top of my head, I think it received about \$1.7 million in grants through the community sporting and recreation facilities fund and other funds to build some netball courts, bring rugby league and rugby union back to the Arena and have some clubrooms for those organisations, including Joondalup Little Athletics, which operates out of the Arena. Those four clubs came together to form the Arena Community Sport and Recreation Association. The money has been distributed. The netball courts have been built but the clubrooms have yet to be built. Prior to the election, I was approached and told that due to the rise in building costs, there was a shortfall of some \$200 000. I approached the then Minister for Sport and Recreation and asked him whether we could fund that. We went through a process of determining whether it was suitable to be funded and how we would fund it. We could go back through the CSRFF for a double dip and have a second go. We made an election commitment to provide that extra \$200 000. At the same time the Liberal Party candidate who opposed me in Joondalup also put out a media release pledging to commit \$200 000. Two hundred thousand dollars is not a huge amount of money in the scheme of this budget, yet the Arena Community Sport and Recreation Association is still hanging on by its fingernails to see whether it will get that extra \$200 000 to complete its clubrooms and get on with the day-to-day running of its sporting organisation.

When a group has something that it wants to get done so people have a place to meet, a place to store sporting equipment and a place to raise some funds but it cannot get it built because the government will not commit \$200 000, that is very disruptive. The government has committed to it but it has not delivered. We are now nearly 10 months into this new government. Surely it is a simple matter of the government recognising its commitments. When I approached the minister and told him about it, he was not aware of the commitment. It took a few months to sort that out. The members of these two different parties that make up this coalition—actually, it is not a coalition; that is only playing silly words—cannot even talk to each other to tell each other what they have committed in the election and get on the move so that these organisations can do the good job of volunteering in our neighbourhoods.

As I said, this budget is a fraud. Not everything was put into the budget properly. We are now starting to see projects come out of the woodwork that the Premier is saying are funded and the government will go ahead with them. What are we supposed to do? They are not in the budget papers. He says we should trust him. We should never trust a politician who says "Trust me", particularly if he is the Premier. Just because he is a Premier, that does not mean we can trust him. In fact, that is probably a reason why we would not trust him. When the budget papers are handed down next year, we should be able to go through them, make an assessment of what commitments are there and determine the full cost to us. If there is a need for a loan bill, we can determine the exact amount needed. I think the figure of \$8.3 billion has been pulled out of the air so that the government can cover anything and everything that may come up and try to be all things to all people.

We have many issues in this state, many of which have been dealt with over the past eight years. It has not been recognised that hospitals have been built by the former government right around the state, particularly in rural

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and regional areas. Last week I was in the north west and I visited Roebourne, Fitzroy Crossing and Halls Creek. Each of those places has a hospital that was built in the past eight years.

Among the other things we saw over the eight-year term of the former government was the building of many, many schools. One of them, the Craigie Heights primary school, is under construction in my electorate of Joondalup. I am glad to say that we fought hard in the northern suburbs to get that school up and running. I am glad to say also that the contract had been already let to build that school. I fear that if that contract had not been let, this government would have ripped out the funding for that northern suburbs school purely and simply on the basis it is a Labor electorate. I have that fear because this government has done exactly that with the Craigie community house we had proposed. The amount of \$890 000 was in the Labor government’s budget to build the Craigie community house. This lot got in, and one of the first things it did was cut out the funding for it. There was no looking into whether it was needed or the reason for it. It amounted to, “We’ll just cut its funding because it is in a Labor electorate and we don’t want to build it”. That is a disgraceful way to manage government business. In the northern suburbs, many people are homeless and many cannot access childcare or playgroups. Craigie is one of those suburbs. That proposed Craigie community house could have provided financial counselling and a facility for playgroups. An important part of our community is the playgroup. It allows mums, whether they are young or in their older years, to chat and watch their children play with other children and reach developmental targets. They can discuss with each other what their children should be doing at a particular stage in their lives. In doing that, they can pick up on the developmental needs of their children. We know that across the state we are not adequately meeting early childhood developmental needs. A committee of this Parliament, of which I am a member, is undertaking an inquiry into that. I am staggered at how paltry our services are for early childhood years. I urge this government to look at the budget properly next year and start to address some of the real needs of this community. It should stop worrying about giving the money back to the business community through, for example, payroll tax and robbing parents. It must look at the needs of the community and deliver on some of those needs.

Another one of those needs is school dental therapists, an issue brought to me about two and a half years ago. I took it to the then Minister for Health, who is no longer a member of this place, and we came up with a temporary solution. There are many issues for school dental therapists, but one of the major issues is that they are not paid appropriately. They are level 1 public sector workers.

[Member’s time extended.]

**Mr A.P. O’GORMAN:** These people are well qualified to deal with our children. They are in many, many primary schools throughout this state. Just about every child in this state at some stage visits a school dental therapy clinic. They have their teeth checked and various work done on their teeth, whether it be cleaning, extractions, fillings and all those sorts of things. If the work cannot be done at the school dental therapy clinic, the child is referred on. It is a vitally important health initiative that this state has been proud to run for many years. However, we are running the system, the school dental therapists and the dental clinic assistants into the ground. The school dental therapists tell me they are not getting proper consideration because the workforce is primarily female—primarily in their 50s. The state will run out of these workers in the near future. They feel that there is no commitment to school dental services in this state. The first thing that must be dealt with is the recognition of their qualification with appropriate pay for the job they do. We all know that they do a fantastic job. Every parent in this state will be up in arms if we do not support school dental therapy clinics properly. Another part of that is the equipment in the clinics. Some of the equipment has been in use since the 1970s. It is still operational but it is not up to modern-day standards. I ask that the Minister for Health—it is within his portfolio—undertake an urgent review of school dental therapy facilities and put some money in the budget immediately. From the way the government has been operating, we know that can be done because it has been done for Oakajee and the Esperance port and it is going to be done for the Northbridge Link. The minister needs to look at the school dental service and upgrade dental therapy clinics. One of the simple things female dental therapists need at the clinics is a second exit. At the moment most of the school dental therapy clinics have one opening that acts as an entrance and an exit. Lots of people might ask: what is the issue with that? The issue is safety in case of fire when an alternative exit is required and in case of an irate parent. People might ask: why would a parent become irate at a school dental therapy clinic? I do not know; there are many reasons. We all get irate people in our offices at times. We, as members of Parliament, have secondary exits out of our offices for our staff. We all have panic buttons, but we do not think it is good enough for school dental therapists to have that. It is a disgrace that we do not. I am glad to say that, at the Craigie Heights primary school, where a school dental therapy clinic is being included, we ensured that a second exit was added. However, that involved a fight, even with the architect, who did not want to do it because he could not see the purpose of it. But we kept fighting and we won because school dental therapists and their assistants felt they needed it.

**Extract from Hansard**

[ASSEMBLY - Wednesday, 10 June 2009]

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Other things they do not have in school dental therapy clinics are simple things such as answering machines, fax machines and photocopiers. Every one of our offices has all that equipment. School dental clinics do not have it. The answer to our request that I have received from the department is that the therapists can use the school equipment. When a clinic caters to 1 500 or 2 000 students, there is not enough time to run across to the school every time the therapist needs to photocopy or fax something. Another thing we all have in our offices—no doubt most of us and the school dental therapists have them in our homes—is a computer. School dental therapy clinics do not need state-of-the-art computers; they need basic computers with a program to manage the lists of clientele. As I said, there can be 1 500 or 2 000 children at a school, or even 2 500 in some of the bigger schools. At the moment all that work is handled on a Cardex system. It will assist our school dental therapy people greatly if they are given computers so that they can manage their workload. I plead with the Minister for Health to deal with this as a matter of urgency in the next six months of this government. I know he knows about it because the people who have come to me have told me that they have informed him as well. So far they have been pretty happy with his response, but it needs to be moved up and those clinics need to be properly looked after.

I refer for a minute to parking at train stations. My colleague the member for Gosnells will also talk about this. When he mentioned it to me this morning, I thought, “What a great idea”. In the early 1970s when I started my apprenticeship, a way of life was the use of the car pool. Yes, I did my apprenticeship in a different country, but, for some reason, it was a natural event there. One person with a car did not drive 10, 12 or 15 kilometres to work alone; that person picked up two, three, or four other people and filled up his car. That system has three benefits: it keeps running costs down—it is actually very economical; it helps our environment; and it reduces the need for car parking at our places of work. I urge this government to consider the issue of making provision for car pooling at our public transport nodes. It is not that hard to do. We can make provision for car pooling and maybe even double the number of patrons using our train service without increasing the number of motor cars. I know that is a bit adventurous, but it would be a good thing to do. Even if people picked up only one other person in their suburb and got them to their transport node, it would actually double the number of patrons that we could get on our public transport system.

My local hospital, Joondalup Health Campus, has taken a lead role, in my view, on this issue of getting people in and out of the health campus. Parking has been a huge issue at Joondalup Health Campus, and it has recently introduced pay parking. I get a lot of complaints from patients and visitors who object to paying for parking there, but when I query them, they always say that they can actually get a spot to park their car. What used to happen was people going to the city would park their cars at Joondalup Health Campus and walk to the train station, which is not that far away, and take up a car park bay for the day. Now that there is actually a charge for parking, people are not parking at the health campus all day, and parking is available for patients and visitors. However, it has not been left just at that. The health campus has also provided free off-site parking, and so that parked cars do not clog the roads to the health campus, a free bus service runs from that off-site car park to the health campus. The health campus has also introduced car pooling. Everybody still buys their staff parking permit and there are car park bays for staff that are quite cheap or free for the day, but the car needs to display two parking permits—one for the driver and one for the second person, the passenger, who uses that car. It is a very simple way to police the system: the parking inspectors simply look for two permits displayed on the dashboard, one for each person in that car pool car. Therefore, it is a very simple way to do that.

The health campus has also gone a step further. I am very proud of how Joondalup Health Campus has jumped in with assisting us with the environment and parking. It has provided bicycles on a trial basis to a number of its staff. It has provided trip-end facilities, such as showers, lockers and places for clothing and toiletries, so that people can cycle to the health campus. The health campus provides a bicycle on a temporary basis, as I said. It has six on site that are available to staff members who want to try cycling to work. Therefore, staff members do not need to purchase a bicycle and then discover for some reason that they cannot make the cycle ride to the health campus. It is a great initiative and I commend Joondalup Health Campus for doing that.

I will move on to the matter of tax because, essentially, the budget is about tax and how the government raises money. Governments raise money through tax and family and household charges. I refer to the “Western Australian Government Submission to the Review of Australia’s Future Tax System” document. I would like to put on record one of the things in that government submission. Again, this is an attack on families. I will read it so that it is properly on record and that there can be no ambiguity about it. The submission states —

- Land tax could be converted from an unimproved value basis to gross rental value basis and amalgamated with local government rates. In so doing, the land tax base could be broadened to align with the rating base (facilitating reduced tax rates), and progressive land tax scales replaced by proportional rates (albeit potentially differentiated by property type according to local government practice).

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I have read that part of the submission into the record so that people in this state are put on guard about what is in this government's mind. This is something that the government thinks might work. I know the Premier brushed it off yesterday by saying that it is part of the global thought, it is a discussion and all those sorts of things, but often we see the seed planted many, many years before it eventually comes to fruition. That proposal for a land tax, in my mind, is nothing other than another attack on families in this state and an attack on the principal place of residence of families in this state. We have to be very careful and very diligent to ensure that this government does not progress this thought any further. This Liberal Barnett government cannot progress this thought any further; it is in the submission document and that is where it should stay. I know that on my side I will continue to fight to make sure that proposal never comes to fruition.

We have also had, and I will mention it again, discussion about retail trading hours. It is a bugbear of mine and I know that I am probably hitting home because I keep getting people ringing me up saying that they have to talk to me about it to try to convince me to change my mind. I will not change my mind; retail trading hours are an issue for this state. It is an issue for the other side of the chamber, because I know many members opposite have objected to extending trading hours to 9.00 pm. I know that because in *The West Australian* last week the Premier was reported as saying that he may come back from 9.00 pm to 8.00 pm. I assume that is because of pressure from the government side, and the fact that he has not got the National Party behind him and he needs members on this side to support him. I for one simply cannot support deregulating trading hours; we have to do something urgently, regardless of trading hours, about commercial tenancies. We have to make that process more transparent and more equitable.

**MS A.J.G. MacTIERNAN (Armadale)** [12.56 pm]: Like all my colleagues, I have been astounded by this budget, its sheer fraudulent nature and the failure to really address the very real economic issues that are facing this state. I have been astounded that such a budget could be put out that does not contain a single item of expenditure for so many projects for which commitments had already been made, such as Oakajee, the Northbridge Link and the Esperance nickel circuit. To pontificate, as the Premier does, on those three projects and not put a single cent into those projects is completely unacceptable. The claims that these commitments were only made subsequent to the closing of the budget papers is clearly not true. For a start, the Esperance nickel circuit contracts had already been let, so quite clearly decisions were made. Perhaps they were not formally documented in order to continue this scam, but quite clearly decisions had already been made. The contribution of the state government to Oakajee was never predicated on the federal government; it was expressed as something that the state government was going to do and, of course, it was seeking federal government support for it, but, again, there was nothing in the budget. We uncovered numerous scams during the estimates process.

It is good that the Treasurer is in the chamber because he perhaps could help us with this. While the Treasurer is in the chamber, there are two issues that we would like some enlightenment on, the first of which is the central area transit bus system, whereby the government has introduced an expanded Perth parking levy. The government will collect some \$16 million-plus extra each year from the Perth parking levy, and the \$68 million that it will get under that expanded levy has been included in the income to the budget. However, on the opposite side of the ledger, the government has not included any of the expenses that line up against that. The only expense included is the expense from the levy at its existing rate; therefore, there is a \$68 million imbalance. We have a budget that is presuming an income but not actually acknowledging the \$68 million worth of expenditure that will be necessary to expend. I will be interested in the Treasurer's response to that. The second issue is one that really does concern me because I think it goes to the wafer-thin budget surplus that we see in 2010-11—a surplus of some \$23 million. I was quite puzzled by an allocation in the royalties for regions program. We see \$216 million in royalties for regions—this is one of the unallocated expenditures—that is called royalties for regions regional and statewide initiatives. There is a big issue about how this money can be prioritised. There are no projects to spend it on as yet but it has been put into the budget.

The other query that I raised was why is it, very strangely, that this fund in its first two years of operation is listed as a recurrent item and yet in 2010-11 is then changed to a capital item. This big lump of money in the first two years is a recurrent item. I am sad to see that the Treasurer is leaving the chamber. The Treasurer may go away but this issue will not go away. This fund is all unallocated money. We were trying in the estimates procedure to find out what secret projects the government might have in mind. It very oddly changes from recurrent to capital in the last two years. I therefore asked the agency why it was so. I would have thought that the department had some idea of what the projects were and why there would be the fundamental change from the project being recurrent to being capital. The departmental people said that they did not know and that is just what Treasury had told them to do.

I asked by way of supplementary information if the department could provide the answer to why we are getting this one fund treated firstly as recurrent and subsequently as capital. I got the answer that the Department of Treasury and Finance had advised that the regional and statewide initiatives provision in the budget is predicated

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on estimated expenditure of 2008-09 and 2009-10 being expended for recurrent purposes and for capital purposes in subsequent years; that is, the department did it because the Treasury did it. We need to know whether there is a really different vision for this program and what sorts of things will be spent in the first couple of years that will be so different in the second couple of years. The reality is that this is another fraudulent mechanism to hide the reality of this budget. Of course, if an item is capital it does not go on to the operating costs and, therefore, the illusion can be preserved that there will be a surplus in the year 2010-11. As I say, no explanation has been given for that switch.

At some point the government will have to come to terms with all the scams that it has pulled. The Premier hopes that there will be a massive revival—of course, we all hope that there will be—and that his bacon will be saved in the out years because there will be a lot more revenue. The government cooks the books for the first couple of years, crosses its fingers and hopes for an economic miracle that will save it. However, I would imagine that at least by the midyear review there will have to be some confrontation with the reality of all these projects that have been committed to and that have not proceeded. I suspect that one of the devices that will be used is that there will be an extraordinary go slow on a whole lot of capital projects, just as this government did in its first nine months in government, when basically capital works projects ground to a halt and that money was then rolled over into 2009-10 to improve the appearance of the budget.

The member for Perth spent some time in his presentation talking about good and bad performances. I must say that in the estimates we had some very uneven performances. We had some very unsatisfactory answers coming back from various agencies. I had some good, and I think helpful, answers come back from some agencies. I thought that Horizon Power provided some comprehensive answers. The Kimberley Development Commission provided some interesting information and answered questions appropriately. I think there were some very poor performances from the Department for Planning. Although the parliamentary secretary was obviously quite helpful and not in any way seeking to block questions being properly answered, there was a gentleman who did look as though he might have been potentially one of those victims of dob in a bokie, who was acting as a minder, and I gather may have put the fear of God into some of the public servants who were answering.

I will give an example of just how appalling the evasion is. I was asking questions about James Point port. The government has put out many releases saying that it is very much in favour of James Point port, that it is advancing with all the planning and that it is a step closer. We therefore asked the department, via the parliamentary secretary, questions about the road and rail infrastructure, because under the James Point operating agreement there is a requirement for there to be road and rail infrastructure provided by the state. It is a highly questionable and dubious undertaking, but nevertheless it is in the agreement. When I queried why there was no allocation, the departmental people said that they had no discussions with James Point Pty Ltd at all about that infrastructure. I find it absolutely incredible that here we have a government that on coming into government made statements that it was supporting James Point port and progressing it. The parliamentary secretary was not in the chamber when I said that I thought he conducted himself extremely well in that he did not in any sense seek to block questions being answered but that I thought there might have been other people in the room about whom one could not have said the same thing. When we asked about James Point port, the answer came back that there had been no discussion. For the whole nine months of this government, notwithstanding all those media releases and speeches about how the government was going forward with James Point port, there had not been one single discussion between the department and James Point Pty Ltd people about how they were going to build the roads and rail, which is just extraordinary. They said that they might be able to come up with another solution. They said that they thought there were existing roads that they could utilise so that they might not have to build those new roads and rail that they are required to build under the agreement, and that there might be another plan. We said that it was really interesting, but did not expect too much. I asked if by way of supplementary information they could tell us what those alternatives were. They said that the operating agreement also provided for the parties to negotiate; that depending on the initial volumes it might be possible to service the port by a number of other routes; that it was premature to detail exactly where those might be until further work and consultation was undertaken. They obviously do not have hundreds of roads going into James Point, but they cannot nominate what they could use. They were saying that they had a clear contractual obligation to build those roads and that rail, but that they did not think they would need to build them because they could use existing roads. We asked them to tell us what the existing roads were, because they had been nine months into it. They said that it would be premature to detail exactly where those might be until further work and consultation was undertaken. I know that the wheels of government grind very slowly, but this is a joke. The Minister for Transport pontificates about how the government is going ahead with the James Point port, but apparently in nine months there has not been a single discussion between the department and the port, if we are being told the truth. There is no money in the budget to build the roads and rail, because the government thinks it can use existing roads. But can the minister tell us what the existing roads are? No, he cannot because he says it would be premature. It is absolutely disgraceful, and an appalling performance.

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I have raised the issue of the central area transit buses. It is another fraud to put \$68 million worth of income into the budget and not acquit it against any expense item, when the government knows that it is bound by legislation to do so. The Perth Parking Management Act 1999 requires that this money be spent only on these particular items, and there is no provision for those items. A clear indicator that this is completely and utterly a device to boost the budget and make it look better than it actually is is the very fact that there is not even a plan about what the money will be spent on. Mr Deputy Speaker, you must be horrified about this. There has been no dialogue with the Perth city council, and there is not even a plan. Normally, a business case would be produced. There would be a plan for the CAT system and the free transit zone to be extended, and there would be an estimate of the operational and capital costs. To meet those costs, the vehicle levy would have to be raised. The government did not do that. It simply said that it needed another \$68 million, so it was included in the budget, and the government would later work out what it wanted to do. I asked for an outline of what the additional \$16.4 million per annum would be spent on. The answer was that areas of potential funding include improvements to be the central area transit system, improving public access, enhancing the pedestrian environment, supporting the bicycle network and other initiatives that support a balanced transport system for the city. The reply stated that the growing demand for CAT and free transit zone services would also require substantial operating and capital funding. The Public Transport Authority estimated that the CAT response would require an extra seven buses and increased operating expenses. The government does not have a plan that has been costed out. I do not personally have any problem with an extra \$16.4 million being raised from the Perth parking levy. It is great—at least the government is going to do one thing in public transport—but that is not what has motivated this.

[Member's time extended.]

**Ms A.J.G. MacTIERNAN:** That is not what has motivated this increase. The fact that the government does not even have a plan, apart from the general list of the kinds of things that money could be spent on, but it has increased the levy is not a commitment to public transport. It is trying to patch together a budget that is deeply and utterly flawed.

Another answer I got back as supplementary information shows that the level of secrecy of this government is quite appalling. As members know, the opposition has been consistently raising its concerns about the complete lack of accountability that surrounds the use of the Country Age Pension Fuel Card. We support the notion of assisting our country pensioners, but we have pointed out that the checks and balances on the scheme are completely inadequate to prevent the scheme from being diverted for improper purposes. When the government is spending \$80 million of taxpayers' money, it has an obligation to ensure that checks and balances are in place. The material we received back as supplementary information takes the matter no further. Quite clearly, there is no legal impediment to anyone going to their grandmother, picking up her fuel card and using it to fill up their own car for their own purposes, if the grandmother says she does not need to drive, does not have a car or lives in a nursing home and therefore is going nowhere. It is not even illegal for that to happen. There are no controls and no way of auditing which vehicles are getting this fuel. Something in the order of \$80 million worth of fuel will be going into vehicles, but we will have no way of tracing which vehicles the fuel is going into and who the recipients are.

The minister made much of the obligations on Retail Decisions Pty Ltd. We asked for the Retail Decisions contract to be provided with all the financial details deleted, including the rate at which Retail Decisions was to be remunerated. We said we were not interested in any of the issues that were subject to commercial confidentiality. We were interested only to know how the system works. The government cannot use commercial confidentiality as an excuse. The minister said that he would provide that information. He said he would provide the contract with all the commercial details deleted. Of course, when he went back to his office he had second thoughts. He said that the contract would be provided on advice from the Information Commissioner, and after consultation with Retail Decisions about commercially confidential information. The answer stated that a time line was unclear at this point, and that negotiations may take several weeks. This is disgraceful. When the previous government entered into the Perth rail contract, which was valued at \$320 million, I tabled seven boxes of documents. The only thing that we deleted were the subcontract rates, because the contractor would need to subcontract work, and it was not fair that its planned rates were to be made available to people who would potentially be subcontracting. However, every other bit of it—all the commercial responsibilities, risks and so on—was tabled. The then opposition demanded that it be tabled, and the government agreed that it should be tabled. Seven boxes of documents were tabled. We asked to view this little agreement, worth \$2.5 million, but under which \$80 million will be spent. We tell the government to take out all the commercially sensitive information. It might be a dodge—we know the price was four times the amount of the other tender—but that is not the issue we want to pursue today. I expressly asked that the minister provide the Retail Decisions contract with all financial material deleted, including the rates at which Retail Decisions is to be remunerated. What

**Extract from Hansard**

[ASSEMBLY - Wednesday, 10 June 2009]

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possible issue of commercial confidentiality remains? It is an issue about the Minister for Regional Development not wanting proper scrutiny to take place.

This is exactly the same concern we have seen with the Premier. He has committed—although not in the budget—state taxpayers' funds of some \$350 million to the Oakajee development. He has signed an agreement, but it is a secret agreement, just like the James Point agreement was a secret agreement. The taxpayers were never told about the full extent of responsibilities, such as that the state would have to pick up all the road and rail infrastructure costs. That was never mentioned in public. We came into government and we were completely horrified that those obligations were there. It was never mentioned in the agreement or the public information that the developer was to get hundreds of hectares of seabed for \$10. We asked the Premier to give us, at the very least, access to information on the state's obligations under the Oakajee port agreement. Take out all of the commercial stuff, but at least table the part of the document that will tell us the state's obligations. The answer came back: no. The Minister for Regional Development has just entered the chamber. I tell him that I have expressed my extreme disappointment—more than disappointment—in the fact that the minister made an undertaking during estimates that he has not delivered. When I asked the minister whether he would provide the Retail Decisions contract with all of the financial material deleted, including the rates at which Retail Decisions was remunerated, he said he would. Now he has come back with yet another pathetic excuse for delays—that he has to speak to the Information Commissioner. The Information Commissioner has got nothing to do with parliamentary estimates hearings. It is self-evident that if all the commercial information about remuneration to this company is to be deleted, there cannot be any legitimate issue of commercial confidentiality. The only person who is being protected is the minister, and the only one who has anything to hide is the minister, who has developed a scheme that has manifestly inadequate checks and balances. This government has the same level of secrecy as the last Liberal government. The opposition cannot get information on the Oakajee agreement or the Retail Decisions agreement. Last time the Labor Party got into government, we uncovered the reality of the James Point agreement, which had previously been hidden from the public.

During the Labor Party's time in government, we released an unprecedented number of contract documents. The conservative side of politics used to jump up and down and demand that we release draft contracts which, of course, would be ridiculous, and it is not something that we have ever done. We understand that there needs to be confidentiality while agreements are being negotiated. Negotiations cannot take place in a public environment. However, if the state has committed to an obligation, the obligation should be made public, including the commercial data. There should be a very limited range of exceptions to matters that affect the relationship between the private sector and its third party competitors. It is not about protecting the government; the commercial confidentiality of the government is not the issue here. Taxpayers should always be able to find out how much they are paying a company and the obligations of that company. It is equally important for taxpayers to know the obligations of the state under an agreement. The government has not been prepared to stand and provide that very basic level of accountability.

I pick up on some comments made by the member for Joondalup. I asked questions of the Minister for Education on the issue of early childhood education. I received an answer that was somewhat nonsensical, in which the minister claimed that the Department of Education and Training did not fund any programs for supported playgroups for children aged zero to three, but that it had provided \$135 000 to Challis Primary School. We know that the \$135 000 is being used in part to fund this particular program. My concern, in common with the member for Joondalup, is about many of these little pilot projects that have been set up around the state. They are doing really well and doing great work, and they receive many accolades, including accolades from the minister, but there is nothing in this budget to match the rhetoric of the government's press release announcing the appointment of the Minister for Education as the minister responsible for early childhood development. There is no program; there is nothing other than a bureaucratic office. There are no consequences on the ground following that decision. It was a good decision; the opposition supported the idea that the Minister for Education should become the minister responsible for early childhood development. However, it will have meaning only if we are prepared to support those programs. I am of the view that the programs that are making the most difference are the programs that we see in our schools. If the minister responsible for early childhood development is to be someone who merely oversees press releases about federal funding, we are falling well short of our obligations in this area. I know that the minister says that she believes in and supports the sorts of principles that are enshrined in dealing with developmentally vulnerable children before they get to school age. It is not good enough for her to say that she really believes in these principles and that something has to be done, if when she takes the driver's seat she does not do anything to apply them. I am disappointed that no action has followed upon the landmark appointment of the minister as minister responsible for early childhood development, but I hope that this may change in the future.

**MR J.R. QUIGLEY (Mindarie)** [1.26 pm]: I have previously referred to the fact that the budget provides \$657 million to build extra prison accommodation. I have noted earlier that this is to meet increased demand for prison beds due to the sentencing policy of the incoming Attorney General of the Liberal-National government, which can only be described as penal populism. It is the sort of policy that was in favour during the nineteenth century and the early part of the twentieth century, and it has been revived in recent times. It is about jailing more people for longer. The learned Chief Justice of Western Australia pointed out in an article published in *The West Australian* last Wednesday that there is a misconception in the community that sentences are weak and that crime statistics are bad in Western Australia. The learned Chief Justice pointed out that this is a misconception driven by people with venal political interests, who would have the community believe that judges are not doing the right thing, and that not enough people are in jail. In fact, crime rates in Western Australia are lower than those of the other states of Australia, but the rates of imprisonment are higher. Both of these facts give a lie to the Attorney General's philosophy.

I rise to address some of the elements of penal populism. There are a number of areas; one is mandatory sentencing, and another is the Attorney General's recent proposal to sentence to a three-month jail term any Aboriginal person bringing liquor into remote communities. Some of these people will be minors; some will be children, and they will be plucked out of the desert and taken to jail for three months simply for doing what 18-year-olds in Perth do—smuggle a bit of liquor around. It is absolutely appalling. Of course, through amendments to the parole regime, more prisoners will be denied parole and more people will be held in prisons.

Given that one of the next matters on the notice paper is the Criminal Code Amendment Bill 2008, which deals with mandatory sentencing, it is germane for me to deal with that aspect of it. I am very concerned. I pointed out in speeches given in this chamber on 21 May 2008 and 17 March 2009 that I would oppose mandatory sentencing for the reason that the case has not been adequately made by the Attorney General to demonstrate that judges are failing in their duty to regularly impose terms of imprisonment upon anyone who assaults and inflicts injury upon a police officer. However, I stand in trepidation and some fear for what I am about to say—fear for myself, my family and my children. I have today expressed my concerns to the Commissioner of Police. The background of my concern and fear for my wife and children is this: when this mandatory sentencing bill was brought on for debate on 17 March, there was a demonstration —

**The DEPUTY SPEAKER:** Order, member for Mindarie! I ask the member for Armadale to please have her meeting outside. The member for Mindarie is being put off.

**Mr J.R. QUIGLEY:** I did not call that.

On 17 March there was a demonstration outside Parliament when the executive of the WA Police Union attended, and when the honourable Minister for Police, the Premier and the Attorney General were all in attendance, and when the crowd was incited against any Labor politician or any parliamentarian—I include the new Greens (WA) member—who comes into this chamber and speaks against mandatory sentencing. In fact they said that if we voted against mandatory sentencing, this aberrant union—it has lost its way—would make our lives hell. I take offence at that, Mr Deputy Speaker. I take offence at the fact that members of the police union came here to this Parliament and said that they knew where we lived and that they would make our lives hell.

People do know where I live, and ever since I have been involved in advocating for Andrew Mallard, the police have made my life hell. People know that the windows of my home and parliamentary office have been smashed. People know that the police tried to arrest me on a false charge and leaked that corrupt action to *The West Australian* so that my political career and my family would be ruined by false allegations published in *The West Australian*. Everyone knows that because of my strong advocacy for Andrew Mallard, the police know where I live; it was written large in graffiti all over my front wall. Of course they know where I live and of course I take offence and of course I am scared. Am I going to take a backward step? No—not a half-step backwards in the face of Mr Dean's attack upon my family and in the face of this police union's attack upon my family. I am worried, and I am looking to this Parliament and to the Speaker of this Parliament to do something about it—to refer this to the Procedure and Privileges Committee to have an inquiry as to what happened out the front of Parliament and why Ms Carles, the new member for Fremantle, should herself when she rises, if she chooses to speak, have to go home to her family carrying the same fear.

I am glad that the Attorney General has entered the chamber, as he will deal in due course with the parties to the offence who have created the fear that I have. I have a wife who is about the same age as the Attorney General's wife. My wife has a little two-and-a-half year old baby at home. She is at home, 24 weeks pregnant and is facing a threat by the police union that if I speak against mandatory sentencing, the Quigleys' lives will be made hell, as anyone else's life will be.

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I will tell the house what I will do. I will speak vehemently against the bill. However, because the members for Kalgoorlie and Alfred Cove have already indicated that they will vote with the government and the legislation will go through Parliament, I will not put my wife's safety at risk by staying in this chamber to vote against it and have my name recorded in *Hansard* as one of the members who, incited by Mr Dean, has to be targeted by corrupt police. The Attorney General was outside; he saw the incitement. The crowd was also incited by a very irresponsible Minister for Police. If something happens to me, the Attorney General will be able to advise the Minister for Police who the parties were to the offence. The parties to the offence would be anyone who incited the police to make my life hell. This is absolutely terrible.

I have written to the Commissioner of Police today. The Commissioner of Police has, of course, written on a previous occasion to re-assure me. I seek once again to lay on the table the commissioner's letter. Is leave granted?

**The DEPUTY SPEAKER:** The member for Mindarie can lay it on the table for the duration of today's sitting.

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

**Mr J.R. QUIGLEY:** The letter states, in part —

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'.

The Commissioner of Police gives the lie to the Premier's allegation made in this chamber yesterday that anyone who does not support mandatory sentencing is antipolice. The Commissioner of Police's letter exposes the untruthfulness peddled in this chamber by the Premier and by the Minister for Police. It exposes it, and the commissioner wrote that to Quigley. I want this letter published. I want it to get wide publicity so that the public will know what the commissioner thinks. He does not hold the same opinion of me as the Premier holds, or the same opinion that the Minister for Police holds, who comes along here dressed up like the pox doctor's clerk peddling his nonsense! It is absolutely appalling. I have therefore written to the Commissioner of Police this morning pointing out to him that I intend to speak against mandatory sentencing and I intend to make a vehement speech against mandatory sentencing. I realise I have only 30 minutes today plus 15 minutes at the third reading stage, which will be ample. I have therefore written a letter to the Commissioner of Police today pointing out that there were police—his police; his serving officers—seeking to incite police. We know there are corrupt police. We know already what they have done and what they have practised against Quigley for speaking up for the weak, for speaking up for the innocent and for speaking up for the people who have been set upon by police. We know that. We know that they are out there. The president of the police union must go to the Procedure and Privileges Committee and explain the conduct of this police union on your reference, Mr Deputy Speaker. It has to be on your reference, Mr Deputy Speaker, because there are members of this chamber who are intimidated by their conduct. One thing that having cancer did for me was that it undid the shackles. I am not going to be scared of these people any more. I am not going to be intimidated by them, because jack the dancer is bigger and jack the dancer has bigger muscles and is more threatening than "Mr Bean" and his mates.

I have therefore written to the Commissioner of Police pointing out the appalling conduct of his personnel and how, after I make this speech, I am going to go home concerned for the welfare of my young wife and concerned for the welfare of my four children, who all live with me in Trigg. As I said, people know where I live; it was written large in graffiti on my wall. I ask the Commissioner of Police to do his duty as the Commissioner of Police and to do what the Premier of Western Australia would not do—that is, send out an email today to all police personnel repeating to all police personnel what he has put in his letter to me, which is that the commissioner does not regard my opposition to the principles of mandatory sentencing as in any way evidence of a lack of support for the police. The police commissioner should first point that out to all police personnel so that one of these crooks—some weird policeman who is doing the police union's bidding to make my life hell—will be put off.

The other thing I have asked the Commissioner of Police to do before the bill comes on for the third reading, which is in the hands of my friend the Attorney General, is remind all police that if they act in response to Mr Dean and the union's instruction—that is, make life hell for anyone who opposes this police legislation—it will constitute not only a serious disciplinary offence, but also a very serious criminal offence, and that the Commissioner of Police will organise a serious investigation into those responsible and see them prosecuted.

I have put on the table my family's fears. I have asked you, Mr Deputy Speaker, to refer to the Procedure and Privileges Committee the disgraceful episode outside this Parliament when members of the police union said, "We know where you live. We'll make your life hell. We'll be your worst nightmare." I got elected to this place to represent families. I got elected here to advocate for the families of Mindarie, and I am privileged and

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humbled to do so. I never envisaged that this would bring this reign of terror down on my wife, Michelle, and my four children just because I oppose this extreme police legislation.

I turn now to the legislation itself.

*Point of Order*

**Mr J.E. McGRATH:** I understand what the member for Mindarie is trying to say, but I think he is making his speech in the wrong debating area.

**Mr P. PAPALIA:** It is a general debate. He can speak.

**The DEPUTY SPEAKER:** He can speak on anything, member for South Perth.

*Debate Resumed*

**Mr J.R. QUIGLEY:** I can understand why members of the Liberal Party want to silence me. While they are supporting this extreme position, I can understand why they want to do that. When this bill was introduced on 21 March, as I said, the Attorney General did not come into this place and cite any particular failure by the judiciary to properly sentence. He said that it happened regularly. On 21 March I said that before he brought the bill back into the chamber, he should for all Western Australians tell us the cases in which the judiciary is failing. However, the bill came back onto the notice paper, of course, without any response from the Attorney General.

**Mr C.C. Porter:** Why don't you ask me that question in question time?

**Mr J.R. QUIGLEY:** The Attorney General had his chance.

I therefore wrote to the Attorney General on 27 May asking these questions and asking him to name the cases. I sent the same letter to the Director of Public Prosecutions and the Commissioner of Police. Tell us the cases where the judiciary is failing. The Attorney General said on 21 May and agreed with me that he has a different philosophical approach to these matters and a different ideological approach to law reform from me. I am middle of the road on these matters. I think these things should be done carefully and slowly. The Attorney General, on the other hand, is an extreme right-wing populist. He says that he will introduce mandatory sentencing. He told us that he had been to some Aboriginal camps at which liquor got into the camps and that he will jail everyone there for three months, he will crack down on parole and he will borrow, borrow, borrow to build more prisons in the pursuit of penal populism. I wrote to the Attorney General, the Commissioner of Police and the Director of Public Prosecutions to find out from the judiciary the cases that have failed since Labor doubled the penalties or increased them by between 140 per cent and 200 per cent in the law that became operative on 27 April 2008. I begged the Attorney General to name the cases in which the judiciary has failed since that time. He has not responded to my letter.

**Mr C.C. Porter:** It is on its way.

**Mr J.R. QUIGLEY:** It is on its way. The cheque is in the mail. He will pass the legislation and tell us afterwards. The Commissioner of Police did not respond to the letter, but thank God we have an honest and courteous DPP because he did reply. The Director of Public Prosecutions said —

I am not aware of any assaults on police officers since 27 April 2008 and prosecuted in the District Court in which bodily harm or worse has been caused which had been finalised by a conviction without a sentence of imprisonment.

There were no cases. They were hiding it from us and the Attorney General tells us that the cheque is in the mail and that he will tell us the truth after he has passed the legislation. It is outrageous. Then the Director of Public Prosecution's letter goes on to deal with summary cases. We all know that the DPP has now seconded one of his own officers to the prosecutor's office at the courts into the police prosecution branch. The DPP informs me that that DPP officer has liaised with the police prosecutor on summary cases. The DPP then named five cases that have not resulted in terms of imprisonment since 27 April 2008. On closer inspection, and after having discussions with him—these are in the DPP's letter—of the five cases named, three of them occurred before 27 April 2008, so they are irrelevant. We now get down to two cases. I am still running those two cases to ground. However, one of them is after the given date and the offender was given a term of imprisonment for causing a swelling to an officer's head. The offender threw a stubbie that hit the back of the officer's head, which swelled. The skin was not broken; it swelled. The offender received a suspended term of imprisonment because he was employed, as I understand it. We get down to just two cases. We will change the whole democratic structure and the separation of powers based on just two cases. There may be more cases but the Attorney General will not tell us before he brings on the bill. It is disgraceful!

**Mr C.C. Porter:** Why don't you ask me?

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**Mr J.R. QUIGLEY:** I did ask the Attorney General. I wrote to him and asked him to reply before I got to my feet to give this speech and now the Attorney General wants to reply by interjection. This is the Attorney General who would not write back in a timely manner to correspondence but who says that he will proceed with law reform in a studious and careful manner.

**Mr C.C. Porter:** Why not ask me in question time?

**Mr J.R. QUIGLEY:** The Attorney General can raise this later with me either by correspondence or in the third reading debate. I will not have any more of his misleading statements, half-truths and untruths peddled in Parliament without being met. What we do know, Mr Deputy Speaker —

**Mr C.C. Porter** interjected.

**Mr J.R. QUIGLEY:** Mr Deputy Speaker, I do not want to have to shout across the Attorney General. Would you call him to order please, Mr Deputy Speaker?

**The DEPUTY SPEAKER:** Attorney General, the member for Mindarie does not want to shout over the Attorney General.

[Member’s time extended.]

**Mr J.R. QUIGLEY:** I will now address some of the other things about mandatory sentencing. The Attorney General boasted in the paper that when we get this law through, we will be the only state in Australia with the law. Well, der! That is obvious because Australia—not under a Labor government, but the nation of Australia—entered into an international covenant to tell the people of the world who we are. That international covenant is called the International Covenant on Civil and Political Rights. That covenant was distributed to all the states to see whether they would agree with it before it was signed off. That is one of the things that tells the world what sort of people we are. In that national treaty, it is covenanted that we will not legislate for arbitrary imprisonment—that is, mandatory sentencing—and that anyone who suffers a term of imprisonment will always have a right of appeal. The government wants to throw that overboard. No other state has violated our international treaties like the Attorney General wants to without bringing even one case into Parliament to justify why he is doing it—none. The government has brought on the member for Kalgoorlie to vote for it, too. He is caught like a rabbit on the road in the spotlight, knowing that the Corruption and Crime Commission truck is just about to hit him. He will do anything in his craven attitude to suck up to the government. The National Party at the time of the last CCC report and the Liberals when he last got an adverse finding against him said that he should be not suspended from Parliament but dismissed from Parliament. That is what they said. Now they rely on him. When I spoke to the member for Kalgoorlie, Hon John Bowler—I think he is honourable because he was a minister—I said, “Do you realise that this mandatory sentencing will put in children as well?” He said, “No, it will not.” I said, “They’ve signed you up and you haven’t even read the fine print, sunshine. You are a father of five. You know what it’s like to raise young children. You know the mistakes that they can make, and you don’t care; you’re going to mandatorily imprison children.” Shame on you, Bowler! Shame on you! He said he didn’t know that they were going to do it. This great nation of ours tells the world through its treaties what sort of people we are. The Convention on the Rights of the Child says that when sentencing a child, the interests and rehabilitation of the child must always come first.

I like the Attorney General as a bloke, but I do not like his politics. I like his family but I do not like their politics. Some people probably think I have something in for him. No-one would know that his dear father “Chilla” used to teach me high jump—I was one of his failures—at College Park in Claremont in the springs of 1962-64. That is where “Chilla” used to train me. I have nothing against the Porter family or household but I have everything against their stinking, extreme right-wing politics. It is fascism in a smart tie. I have everything against fascism in a smart tie. The Attorney General said, bearing in mind the Convention on the Rights of the Child, that we will mandatorily imprison children. If a child is approached by a police officer and pushes the police officer away, and in the course of pushing the police officer away the palm of the child’s hand clips the lip of the officer and the officer gets a small scratch, the child will be taken out of school and sent to jail straightaway. If a university student happened to make a single mistake as a child—I am not talking about caving in a police officer’s head; obviously an offender would be imprisoned for that—this extreme right-wing Attorney General says that that university student should be taken out of university and sent straight to jail. After his visit to remote communities, the Attorney General says that if a young Aboriginal child brings two cans of liquor into a community, the child should be given three months’ imprisonment. We will all be crushed under the jackboot of this extreme legislation. The Attorney General prides himself on being a DPP prosecutor. I agree that he did a couple of cases, but he could not hack it and that is why he resigned and went to another employer.

I am not as learned as the Attorney General, but in 25 years of continuous legal practice at the bar doing bench work, the wash of extraordinary circumstances that I saw go through the court was greater than members in this chamber could ever imagine. I am looking the Attorney General in the eye across the chamber and I am humbly

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begging him, on behalf of the judiciary, to relent. We have cast upon the judiciary the heavy and melancholy task of sentencing people to prison day after day. That is not a pleasant task. These judges do not go around looking like comedians. They go around looking solemn. That is not because of their worries in the world. It is because they are carrying the heavy burden of having to send people to prison on a daily basis. They do this magnificently in the service of the community. As the Chief Justice has said, in over 100 000 cases a year, the judges sentence correctly. However, when one of these judges who is burdened with this task of sending people to jail sees a deserving case—a person who should be given a second chance—the Attorney General says to him, “Even though you have done good work in 100 000 cases, and even though I have installed you as a justice, you are not allowed to dispense justice in this case; you have to impose a mandatory term.” This is the wicked unfairness that is being foisted upon the members of the judiciary, when they are doing their utmost to dispense justice. As I have said, it was only last week that the Chief Justice of Western Australia had an article published in *The West Australian*. Did the Attorney read that article?

**Mr C.C. Porter:** Yes.

**Mr J.R. QUIGLEY:** Is there any part of that article that the Attorney wishes to disagree with?

**Mr C.C. Porter:** There are some parts that I think are less accurate than others.

**Mr J.R. QUIGLEY:** Then I hope we will hear from the Attorney General about those issues that he would take the Chief Justice to task on. We know that many people are going to prison every day because the judges are doing their duty. I will give members an example—not a silly shopping trolley example, but a good example—to illustrate my point. A father has thrown a party for his 18-year-old son. During the party, the father hears some people scuffling, so he turns around and sees a person dressed in a T-shirt and board shorts wrestling with his son, so he goes over and punches the bloke. It turns out that the bloke who is dressed in the T-shirt and board shorts was an invitee to the party and is an off-duty police officer. The reason he had tackled the son is that he had seen the son do something unlawful, so he had moved in to arrest him. The father did not know that, so he had punched him. That father will then be sent to jail for six months, because the judge is not allowed to listen to the circumstances of the case —

**Mr M.J. Cowper:** Rubbish!

**Mr J.R. QUIGLEY:** “Sergeant Plod” from Pinjarra has said rubbish! “Sergeant Plod” knows that these laws are so badly drafted that they do not apply only in the circumstances as detailed by the Premier of Western Australia; that is, when an officer is in uniform and on duty —

**Mr M.J. Cowper** interjected.

**Mr J.R. QUIGLEY:** Mr Deputy Speaker, I have only five minutes left. Can you please deal with “Sergeant Plod”?

**The DEPUTY SPEAKER:** Order, member for Murray-Wellington and member for Mindarie!

**Mr M.J. Cowper:** I am not sure who he is referring to.

**Mr J.R. QUIGLEY:** I am referring to you, “Sergeant Plod”!

**The DEPUTY SPEAKER:** Order! Would the member for Mindarie please refer to members by their given constituencies and not by any other name.

**Mr J.R. QUIGLEY:** I plead section 247—provocation.

The Attorney General knows that what the Premier has said is wrong. These laws do not apply only when a police officer is on duty and in uniform. That is misleading this Parliament. Any person who hits a police officer who is on duty and in uniform and injures that officer will go to jail. We know that from the letter that has been supplied to us by the Director of Public Prosecutions. However, what happens when a police officer is off duty and in casual clothing and observes an offence being committed and moves to intervene? The law says that the officer must be acting in the execution of his duty as a public officer. A police officer has brought himself back on duty to effect an arrest, and he is punched. The person who punched that officer must be sent to jail. The court is not allowed to consider the circumstances of the case.

Mr Deputy Speaker, I realise I have four minutes left to speak on this bill in the second reading debate and I will have 15 minutes in the third reading debate. No doubt we will hear the Attorney General’s response in the media and elsewhere to this incendiary speech today. Any truth in this speech will be regarded by some people as incendiary. I have three minutes to go and I have to go home to my wife and child tonight after this speech, which will, no doubt, get a little bit of publicity. I know that there are dozens and dozens of police who do not give a rats about the law. Did members see the way they parked all over the lawns of this Parliament? Any constituents who came to visit a member in this place and parked their vehicles like the coppers parked their

Mr Tony O'Gorman; Ms Alannah MacTiernan; Mr John Quigley; Mr John McGrath; Mr Paul Papalia; Deputy Speaker; Mr Chris Tallentire

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vehicles around this Parliament would be charged. I know that there are offenders among the police and I know that the WA Police Union sought to incite them. I do not know how the Procedure and Privileges Committee works, but I know that they have intimidated me and they have intimidated my wife and they have said that should I oppose these laws they will become my worst nightmare. I put my hand up in good conscience and on good legal grounds; I totally oppose these proposed laws. I know that that now leaves me open to retaliation by corrupt police, who could visit my home on the instructions of the police union to make my life hell. They know where I live. We saw it written large in graffiti on my wall.

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

**Mr J.R. QUIGLEY:** Mr Deputy Speaker, would you deal with the Treasurer for me?

**The DEPUTY SPEAKER:** I advise the Treasurer that the member for Mindarie cannot shout over him.

**Mr J.R. QUIGLEY:** Thank you, Mr Deputy Speaker. We know from the Commissioner of Police's letter that the Commissioner of Police gives the lie to the statements of the Premier and the Minister for Police, who say that anyone who does not support these laws does not support the police. No, I will not vote against these laws. I will speak against them. I am not mad. I do not want my name recorded in *Hansard* so that some corrupt police can come out to my house and make my life hell.

**Mr R.F. Johnson:** Don't be so stupid.

**Mr J.R. QUIGLEY:** Did I hear the pox doctor's clerk somewhere?

I am looking to the Chair to protect me and my family by dealing with the police and I am looking to the police commissioner to email every police officer in Western Australia this afternoon to warn them off taking retaliatory action for my strident opposition to these laws.

So it is, with the Speaker of the Parliament returning to the chamber, that I trust that the Chair will take the appropriate action through the privileges committee to extend me protection.

**MR C.J. TALLENTIRE (Gosnells)** [1.58 pm]: I rise to address the Loan Bill 2009. I realise this debate is about to be adjourned for question time. Before that occurs, I will quickly outline the issues I will raise when debate is resumed on this bill.

The Loan Bill is seeking approval for expenditure of \$8.3 billion and we are to assume that this massive loan can be repaid. Other members have addressed the lack of certainty about the government's ability to repay this massive loan. When we debated the Treasurer's Advance Authorisation Bill 2009, we were repeatedly told that we were not to worry about the detail of the financial arrangements of the state. In fact, we were told that we would have a wonderful process called estimates that would give us the opportunity to go line by line into the detail of the funding of state agencies. I was filled with optimism. As a new member I thought it would be a wonderful opportunity to put questions through ministers to the heads of various government departments to find out exactly what was being spent on various programs. I report that I found the process rather disappointing. The opportunity to scrutinise and to get decent answers just was not there. Obviously, some ministers did better than others. I commend the Parliamentary Secretary to the Minister for Transport, the member for Nedlands, who I think did a good job as a parliamentary secretary. He certainly did not obstruct our line of questioning. However, I must say that the Minister for Agriculture and Food gave appallingly long, waffling answers to questions from his own side as well as from our side.

Debate interrupted, pursuant to standing orders.

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