

**PETROLEUM AND GEOTHERMAL ENERGY SAFETY LEVIES BILL 2011**

*Third Reading*

**MR W.R. MARMION (Nedlands — Minister for Environment)** [12.17 pm]: I move —

That the bill be now read a third time.

**MR P. PAPALIA (Warnbro)** [12.17 pm]: I want to take the opportunity to very briefly make an observation on this bill. The Petroleum and Geothermal Energy Safety Levies Bill 2011 is a serious bill. The second reading speech that the minister read in the house confirms that. The minister said —

Petroleum is a high-risk industry that requires complex technical safety assessments, inspections and audits to ensure the safety and health of workers. Indirectly, safety requirements also protect the community and help ensure continuity of supply.

This is a serious bill. As a result, as one would expect, the bill has serious implications and there are serious penalties for people who do not comply with it. The bill empowers the authorities to demand certain things and one of those things is information. Clause 18(4) of the bill reads —

(4) A person to whom a direction is given under subsection (1) —

Which is the one empowering the CEO of the department to require information and records —

must not, without reasonable excuse, fail to comply with the direction.

The provision reads “reasonable excuse”; that is a reasonable word. I want to draw to the attention of the house the comparison of this bill, which is a serious bill that deals with a serious matter, and another bill recently introduced by the government relating to the management of moggies and domestic cats.

**The SPEAKER:** Member, you are confined to the material in the bill. That is simply the only way in which your contribution to the third reading can be conducted. I will provide you with that opportunity, but it is not an opportunity to introduce and discuss other bills. The focus is simply on the bill in front of us at the moment.

**Mr P. PAPALIA:** Thank you, Mr Speaker, for that guidance. I was referring to the bill itself. To go on from that particular subclause to clause 19 of the bill, that too relates to information that has been demanded. This clause is very interesting because it has been included in the bill to protect individuals who are subject to demands for information. It provides for an individual to be not excused from giving information but protected once the individual has given the information. It states that the information is not admissible in evidence against the individual in any civil proceedings, or in any criminal proceedings other than proceedings for perjury or an offence against section 20. It is interesting to make the observation that this is a serious bill about a serious matter with serious implications for the state and for the individuals who are subject to the powers of the bill, yet it contains protections that far exceed protections that have been considered worthwhile in the Cat Bill. That is the only observation I wanted to make.

It is sad that the minister responsible for that other bill, the Cat Bill, has left the house and it is sad that the Attorney General is not here. It is something of a travesty that during debate on the other bill, the observation was drawn to the minister’s attention, but he refused to consider changing the clause in his bill that states “must not refuse without lawful excuse” to another set of words that might have been far more acceptable, such as “without reasonable cause”, which is the set of words used in the Petroleum and Geothermal Energy Safety Levies Bill. The Cat Bill does not contain a clause that protects people from incriminating themselves. The incredible powers given to authorities under the Cat Bill mean that they can demand information from someone without providing protection against self-incrimination or from that information being subsequently used in civil or criminal proceedings. That is the point I wanted to make. Thank you, Mr Speaker.

**MR M. McGOWAN (Rockingham)** [12.21 pm]: I want to talk briefly on the Petroleum and Geothermal Energy Safety Levies Bill. Obviously, the opposition is supportive of the levies legislation. We expressed that in the house yesterday. We acknowledge that this will assist in paying for the safety services provided by the state to the petroleum industry, so we are supportive of that. It is a different arrangement from that which is in place at the moment, whereby the state meets the cost of providing those occupational health and safety services without any recompense by the petroleum gas and geothermal industries onshore. We therefore understand that it is sensible to put in place a measure that recoups that cost for the taxpayer.

But it must be said that once again a levy, which is a tax, is being imposed by the government on a section of Western Australia. That is a fact—another tax is being imposed on a section of Western Australia by the government. When I hear the language that implies that other levels of government should not impose taxes or there should not be levies imposed by other entities, it highlights the hypocrisy of that position. I wanted to make it plain to the house that this is a tax and that, potentially, it will have an impact on the cost of living of Western

Australians, who will have this cost passed on to them by industry, albeit perhaps indirectly. There potentially will be impacts on Western Australians as a consequence.

In the debate, I raised those points with the minister in light of the Premier's statements recently when he indicated that he is opposed to a carbon tax, for instance. I pointed out that I have written evidence of the Premier vigorously supporting, on three separate occasions, an emissions trading scheme. I challenge the Premier to come into the house and explain to us why he had a position of quite forcefully supporting an emissions trading scheme in 2008–09, but he is now taking an opposite approach to that issue. In fact, the Premier said earlier that an emissions trading scheme should be in place in 2012. The commonwealth government is saying that it will be in place in 2015. I will read out an article I have here so that people get a flavour of what the Premier had to say in July 2009, reported in the business section of *The Weekend Australian*. The Premier said —

I believe we should have an ETS. The world is going that way. The US is doing it. Europe has got it. I believe we should just proceed very cautiously, start at a very modest level and gradually let it build up. Let people get used to the system before we opt in high rates of effective carbon taxes. A little bit like Europe did. We are not going to change the world or levels of emissions by giving an internal shock to the economy. (An ETS) has a role and therefore I support it. But we will get far better results by taking direct measures such as retrofitting power stations, using more of our natural gas in Australia versus the world buying it and have the courage to have a nuclear program.

That is just one taste of what the Premier had to say a couple of years ago. He was totally supportive of putting a price on carbon; now he is saying the opposite. I think he needs to be held to account for the different position he held then from his present position and what might have caused him to change his position. When he goes out as a commentator on these issues, in the national press I might add, members should get a copy of that article and various other articles and hold him to account for why he had a different view historically—not even that long ago—from what he has now and for why he supported a price on carbon back then and why he says that he does not support it now. People who get to senior positions of leadership in this state, and in this nation generally, should be held to account when hypocrisy is present.

**MR W.R. MARMION (Nedlands — Minister for Environment)** [12.26 pm] — in reply: I thank the member for Warnbro and the member for Rockingham for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.