

**POLICE AMENDMENT BILL 2010**

*Consideration in Detail*

Resumed from an earlier stage of the sitting.

**Clause 4: Part IVB inserted —**

Debate was interrupted after the clause, as amended, had been partly considered.

**Ms M.M. QUIRK:** Before I go to my question, I can probably answer a question the minister was unable to answer this morning; that is, how the regulations authorise the averaging-out process of the wages of police officers of different ranks. It is in fact authorised in the legislation under proposed section 39I(4).

**Mr R.F. Johnson:** We told the member that.

**Ms M.M. QUIRK:** I do not know when, minister. He did not refer me to it. He kept on playing at doing a Geoffrey Boycott, from my recollection.

**Mr R.F. Johnson:** It was what I read out this morning. You did not listen to me, obviously! That is the trouble with you; you're not listening!

**Ms M.M. QUIRK:** I said it three times. The minister did not say it such that I heard it; I apologise.

I refer to proposed section 39M, "Delegation by Commissioner of Police". What rank is that delegation going to be issued to if it is not to the police commissioner? It reads —

... an inspector or an officer of a rank more senior than an inspector ...

It is inspector and above, is that correct?

**Mr R.F. Johnson:** Exactly; superintendent, commander, assistant commissioner —

**Ms M.M. QUIRK:** I am just checking, minister.

In relation to the policy, is the minister able to provide an update on when it is anticipated that policy will be prepared?

**Mr R.F. Johnson:** I have already answered that.

**Ms M.M. QUIRK:** You do not know; it is currently —

**Mr R.F. Johnson:** I have already answered that. You're just wasting time again and filibustering! I know what your game is; that's fine.

**Ms M.M. QUIRK:** The sooner the minister answers the question, the sooner we can stop.

**Mr R.F. Johnson:** I have answered it. You don't like the answer, that's the problem.

**Ms M.M. QUIRK:** I had about 10 minutes to go but if the minister persists with this, I am sure I can find other questions to ask.

When will the policy be finished?

**Mr R.F. Johnson:** I do not know the exact date. Does the member expect me to tell her 15 November 2010?

**Ms M.M. QUIRK:** One month, three months, two years?

**Mr R.F. Johnson:** What a stupid question! It will be finished as soon as it possibly can be.

**Ms M.M. QUIRK:** In other words the minister does not know when the policy will be finished; is that correct?

**Mr R.F. Johnson:** I cannot give the member an answer to something that is impossible to answer. I cannot give an exact date.

**Ms M.M. QUIRK:** Is the minister able to tell me what process still needs to be undertaken before that policy can be published?

**Mr R.F. Johnson:** Before it is published?

**Ms M.M. QUIRK:** Yes; the bill says "Commissioner of Police to publish charging policy".

**Mr R.F. JOHNSON:** I think I have already answered this question as well. The policy, when it is finished, will be published in the police gazette and on the police intranet. I have already said that this morning, basically.

**Ms M.M. Quirk:** I actually asked the question, minister, by way of interjection: what process will be undertaken before the policy can be published; in other words, what is left to be done?

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**Mr R.F. JOHNSON:** What is left to be done will be some further consultation. Once that is finalised, the policy will be published and it will be there for everybody to see.

**Ms M.M. QUIRK:** I refer to proposed section 39L yet again. Will the minister outline the nature of the consultation, who he intends to consult, how that is going to be achieved and, again, whether there is any time frame in which that consultation will occur?

**Mr R.F. JOHNSON:** All those organisations and those individual sporting organisations that have already been consulted will be consulted again once the policy is almost ready to be published. What else does the member want to know?

**Ms M.M. Quirk:** So you are not consulting now; you are waiting for the draft policy and then you will go out and consult on that, and then you will publish it in the gazette?

**Mr R.F. JOHNSON:** No, I already said time and again this morning that we are waiting for the legislation to be finalised and go through both houses. In the meantime I am sure that the policy is being worked on in a draft form. It cannot be concluded until the legislation has passed both houses. Once the draft is completed, after the passage of this bill, there will be further consultation. Then the final policy will be printed, if I may put it that way, and it will be published for everybody to see. Does that answer the member's question?

**Ms M.M. Quirk:** Most of it.

**Mr R.F. JOHNSON:** What is the bit I have not answered, then?

**Ms M.M. Quirk:** What form is the consultation going to take?

**Mr R.F. JOHNSON:** It will be the same as the original consultation. The form will be that the commissioner, his delegates or his officers will be talking to the event organisers, the sporting associations that need to be consulted, and all those people.

**Ms M.M. Quirk:** Individually or will there be a consultative forum? Are they going to have advice? How is that going to be achieved?

**Mr R.F. JOHNSON:** It will be through industry associations predominantly and that type of forum. It will not be a town hall-type of forum to which anybody can come along. It will be specifically directed to take place between interested parties and the commissioner or his delegated people. Does that answer the question now?

**Ms M.M. QUIRK:** I thank the minister, yes. I refer the minister to proposed section 39I(3)(c). Will the minister outline what will be the overhead expenses that he would anticipate might be associated with events?

**Mr R.F. JOHNSON:** It will be the overhead costs of the department, such as IT costs, HR costs and the costs of those types of bodies within the police. All those areas that need to play a part in this will play a part. Does that answer the question?

**Ms M.M. Quirk:** Partially. So it is only staffing costs, or does it include deployment of equipment or specialist vehicles, lighting or any of those things?

**Mr R.F. JOHNSON:** No, of course not.

**Ms M.M. Quirk:** I do not know about "of course not". In any event, if it is overheads, is it \$90 an hour plus overheads? Is that correct?

**Mr R.F. JOHNSON:** No. It includes it.

**Ms M.M. Quirk:** So the \$90 an hour is factored in and it is (a), (b) and (c) combined.

**Mr R.F. JOHNSON:** It also includes goods and services tax, which, of course, organisers can claim back.

**Ms M.M. Quirk:** Okay, so the \$90 encompasses everything; there will not be any additional charges on top of that.

**Mr R.F. JOHNSON:** Correct.

**Mr W.J. JOHNSTON:** I just want to clarify a couple of questions here. The first one is whether event organisers who would otherwise meet the definitions in the bill at proposed section 39F but do not require the approval of the council are going to be caught by any of the provisions of this arrangement. Before we adjourned for lunch, the minister was explaining, as I understand it, that there is not a requirement in the bill. The requirement would be when a council is giving approval of an event —

**Mr R.F. Johnson:** If they do not request and they do not have to have the requirement, they will not be caught.

**Mr W.J. JOHNSTON:** It is therefore not every event that will be charged for police services even though police services may be allocated to that event. It will be only where they need some other approval and, therefore, need

to have police because of that other approval. That is my understanding of what the minister said. I just want that confirmed.

**Mr R.F. Johnson:** Or if they requested off their own bat.

**Mr W.J. JOHNSTON:** Okay. Another issue that we were dealing with before we adjourned for lunch was the question of accountability. We were talking about ensuring that there was openness and honesty in dealing with the government and the promoters. I just wonder whether the minister can give a commitment. If somebody wrote to him, would he, for example, publish the letter or would he prepare a question and give it outside —

**Mr R.F. Johnson:** I did not think you liked me doing that sort of thing.

**Mr W.J. JOHNSTON:** I am just asking what the minister is going to do. It is up to the minister.

**Mr R.F. Johnson:** I certainly would not publish a letter, no.

**Mr W.J. JOHNSTON:** So that would not be done. Would the minister write a question out and hand it to the member for Swan Hills behind the Chair before walking into the chamber for question time?

**Mr R.F. Johnson:** You are a disgrace. Do you know that? You really are. The accusations you have levied around this chamber today and last week —

**The ACTING SPEAKER (Mr J.M. Francis):** Thank you, minister, and thank you, member for Cannington. I do not need to take a point of order. Member for Cannington, I ask you to direct your questions to the minister specifically on this clause.

**Mr W.J. JOHNSTON:** I am. I am asking exactly that; I am asking in respect of proposed section 39H, which is the process by which the minister is allowed to exempt a promoter from the expenses that would otherwise be levied on the people of this state—the constituents in my electorate and in other electorates in the eastern suburbs who are going to events. It is about openness. Would the minister envisage giving part of the information provided to him to the member for Swan Hills outside the chamber and asking him to ask a question in the chamber?

**Mr R.F. Johnson:** Mr Acting Speaker, he is going off again. Sit him down.

**Mr W.J. JOHNSTON:** I just need to know whether that is what the minister is intending to do.

**Mr F.A. Alban:** You are a joke; that is what you are. You are wasting Parliament's time.

**Ms M.M. Quirk:** It is disorderly to speak when out of your seat.

**The ACTING SPEAKER:** Thank you. I was about to pick him up for that, but he has got the message loud and clear.

**Mr F.A. Alban:** He is still a joke.

**The ACTING SPEAKER:** That interjection is also disorderly. If I hear from you again, unless you ask a question, I will call you to order.

**Mr W.J. JOHNSTON:** Thank you very much, Mr Acting Speaker.

**The ACTING SPEAKER:** Does that conclude your question, member for Cannington?

**Mr W.J. JOHNSTON:** I am concluding my question. I have two minutes and three seconds to go on my question. I am just trying to get clarification. Would that be one of the ways that the minister would operate? Is that the sort of thing he would do? He might write out a question for the member for Swan Hills —

*Point of Order*

**Mrs L.M. HARVEY:** I refer to standing order 179, "Relevancy of debate", specifically with respect to the consideration in detail stage. The member's question has nothing to do with the clause under consideration.

**Mr W.J. JOHNSTON:** I am interested in the member for Scarborough's point of order, because what I am trying to do is elicit from the minister, in respect of proposed section 39H, what he will be doing with the accountability for the decision-making process.

**Mr R.F. Johnson:** It will be in the *Government Gazette*. I have already told you.

**Mr W.J. JOHNSTON:** I am trying to get the minister to outline for us what accountability there is. That is why I am raising this issue. It relates exactly to the issues that I raised with the minister before lunch.

**Mr J.E. McGRATH:** I move that the question be put.

Ms Margaret Quirk; Mr Rob Johnson; Mr Bill Johnston; Acting Speaker; Mrs Liza Harvey; Mr John McGrath

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**The ACTING SPEAKER (Mr J.M. Francis):** Before I can accept that, I do have to rule on the point of order. I am going to rule that there is no point of order. Having said that, if I did allow you, member for Cannington, to continue—but you have sat down now —

**Mr W.J. Johnston:** No. I sat down because you are ruling on this point of order.

**The ACTING SPEAKER:** I will take that then and allow you to continue. Before you do continue, I point out that you are drawing an extremely long bow and I ask you to direct your question to the minister.

*Debate Resumed*

**Mr W.J. JOHNSTON:** These are issues. What other opportunity is there for accountability? Would the minister think to have the decision, which is his responsibility, made by cabinet instead, so that all the documents related to the decision would then become cabinet in confidence? The reason I raise that, just so the minister does not think I am filibustering, is that that is exactly what the Minister for Regional Development did with the decisions he made about grants under the regional grants scheme.

**Mr W.J. Johnston:** You should be sat down for what you are doing now.

**The ACTING SPEAKER:** Thank you, minister!

**Mr W.J. JOHNSTON:** These are examples of this government hiding information. I want to know what the minister's position is on this outrageous behaviour by this government.

*Question to be Put*

**Mr J.E. McGRATH:** I move —

That the question be now put.

Question put and a division taken with the following result —

Ayes (26)

Mr P. Abetz	Mr J.H.D. Day	Mr R.F. Johnson	Mr D.T. Redman
Mr C.J. Barnett	Mr J.M. Francis	Mr A. Krsticevic	Mr A.J. Simpson
Mr I.C. Blayney	Mr B.J. Grylls	Mr W.R. Marmion	Mr M.W. Sutherland
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr J.E. McGrath ( <i>Teller</i> )
Dr E. Constable	Mr A.P. Jacob	Dr M.D. Nahan	
Mr M.J. Cowper	Dr G.G. Jacobs	Mr C.C. Porter	

Noes (21)

Ms A.S. Carles	Mr M.P. Murray	Mrs M.H. Roberts	Mr M.P. Whitely
Mr R.H. Cook	Mr A.P. O'Gorman	Ms R. Saffioti	Mr B.S. Wyatt
Ms J.M. Freeman	Mr P. Papalia	Mr T.G. Stephens	Mr D.A. Templeman ( <i>Teller</i> )
Mr W.J. Johnston	Mr J.R. Quigley	Mr C.J. Tallentire	
Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.C. Tinley	
Mr M. McGowan	Mr E.S. Ripper	Mr P.B. Watson	

Pairs

Mr I.M. Britza	Mr A.J. Waddell
Mr F.A. Alban	Mrs C.A. Martin

Question thus passed.

*Consideration in Detail Resumed*

Clause put and a division taken with the following result —

**Extract from Hansard**  
[ASSEMBLY - Thursday, 16 September 2010]  
p6840c-6845a

Ms Margaret Quirk; Mr Rob Johnson; Mr Bill Johnston; Acting Speaker; Mrs Liza Harvey; Mr John McGrath

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Ayes (26)

Mr P. Abetz	Mr J.H.D. Day	Mr R.F. Johnson	Mr D.T. Redman
Mr C.J. Barnett	Mr J.M. Francis	Mr A. Krsticevic	Mr A.J. Simpson
Mr I.C. Blayney	Mr B.J. Grylls	Mr W.R. Marmion	Mr M.W. Sutherland
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr J.E. McGrath ( <i>Teller</i> )
Dr E. Constable	Mr A.P. Jacob	Dr M.D. Nahan	
Mr M.J. Cowper	Dr G.G. Jacobs	Mr C.C. Porter	

Noes (22)

Ms L.L. Baker	Mr M. McGowan	Mr E.S. Ripper	Mr P.C. Tinley
Ms A.S. Carles	Mr M.P. Murray	Mrs M.H. Roberts	Mr P.B. Watson
Mr R.H. Cook	Mr A.P. O’Gorman	Ms R. Saffioti	Mr M.P. Whitely
Ms J.M. Freeman	Mr P. Papalia	Mr T.G. Stephens	Mr B.S. Wyatt
Mr W.J. Johnston	Mr J.R. Quigley	Mr C.J. Tallentire	Mr D.A. Templeman ( <i>Teller</i> )
Mr J.C. Kobelke	Ms M.M. Quirk		

Pairs

Mr I.M. Britza	Mr A.J. Waddell
Mr F.A. Alban	Mrs C.A. Martin

**Clause, as amended, thus passed.**

**Clause 5: Section 138AA inserted —**

**Ms M.M. QUIRK:** This clause deals with the Financial Management Act. In the context of financial management, it is my understanding that none of the officers who are deployed in this way will receive overtime.

**Mr R.F. JOHNSON:** That is not a correct assumption. Some may get overtime or they all may get overtime. We do not know exactly how many will get overtime. One cannot assume that no officers will receive any overtime for the work they are doing.

**Ms M.M. QUIRK:** Is it a correct assumption that no officers will be recalled from duty to do this work? As I understand it, the work will be done by officers already rostered on.

**Mr R.F. JOHNSON:** Primarily the roster will be planned. However, there may be occasions on which some officers may be called in to supplement the number of officers needed.

**Ms M.M. QUIRK:** I do not know whether the minister responded to the concerns of the stakeholders that recalling officers is unsatisfactory. The advice that I was given earlier was that officers would not be recalled to perform these duties.

**Mr R.F. JOHNSON:** That is not the case.

**Ms M.M. Quirk:** Which is it, minister?

**Mr R.F. JOHNSON:** It is what I have told the member.

**Ms M.M. Quirk:** So some officers may be recalled?

**Mr R.F. JOHNSON:** Some officers may be recalled to come on duty. The part in question that the member put to me, which was basically replicating what the events industry put to her, was the industry’s deep concern that some officers might be tired and might not be able to work because of occupational health and safety reasons. That is not its concern. That is the concern of the Commissioner of Police and the Commissioner of Police would not allow an officer who is not physically fit to come on duty.

**Ms M.M. QUIRK:** The minister has clearly got a legal opinion about the capacity to charge, which is that it is within the context of the Financial Management Act. Has the minister been able to ascertain the date of that opinion yet?

**Mr R.F. Johnson:** No.

**Ms M.M. QUIRK:** When will the minister be able to ascertain the date of that opinion?

**Mr R.F. JOHNSON:** I have already answered this question ad nauseam.

**Ms M.M. Quirk:** You have not told me what —

**Mr R.F. JOHNSON:** Yes, I have! I have told the member for Girrawheen that I would attempt to get the date when the legal opinion was given. I believe there was a legal opinion given during the member’s term in government, but I want to ascertain that, and, when I do, I will let the member know.

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**Ms M.M. QUIRK:** With all due respect to the minister, it is some hours since I asked that question and I want to know how long it is going to take to ascertain that.

**Mr R.F. Johnson:** However long it takes.

**Ms M.M. QUIRK:** Sorry, I do not think Hansard got that.

**Mr R.F. Johnson:** However long it takes. I am sure it did. The reporter is sitting next to me.

**Ms M.M. Quirk:** I hoped I had misheard —

**The ACTING SPEAKER (Mr J.M. Francis):** Member for Girrawheen, you resumed your seat. The minister has not sought the call.

**Mr W.J. JOHNSTON:** I am very interested in what the member for Girrawheen has to say.

**Ms M.M. QUIRK:** Finally, in relation to not only clause 5, but also the whole bill —

**Mr R.F. Johnson:** Clause 5 is the only thing we are talking to at the moment, so if we can address that, that would be rather refreshing.

**Ms M.M. QUIRK:** I said that my question relates to clause 5, and it also relates to the whole bill. Why has the government not considered putting in a sunset clause or at least some capacity to review the operation of the legislation after a period of two years, three years, five years or whatever? Did the government consider a review clause; and, if it rejected it, why?

**Mr R.F. Johnson:** The answer is no. I did not think it was necessary.

**The ACTING SPEAKER (Mr J.M. Francis):** The member for Girrawheen has taken her seat again. I am sorry; I am bound by the rules of the house.

**Mr W.J. JOHNSTON:** I am very interested in what the member for Girrawheen has to say.

**Ms M.M. QUIRK:** The minister has to agree that the policy is still to be drafted, the stakeholders are still to be consulted, the regulations are still to be drafted and there are a lot of unknowns about how this legislation will operate. Why is the government not prepared to have at least some form of statutory review of how effectively the legislation works? It may well be that the government wants to expand the capacity of police to charge; a review clause would give the government the capacity to do that.

**Mr R.F. JOHNSON:** Loads of legislation goes through this house that does not have a review period or a sunset clause and I believe that it is not necessary in this case. If the member for Girrawheen was standing in my position, she would be saying exactly the same thing. The answer is no and that is the reason why not.

**Ms M.M. QUIRK:** The minister will be very pleased to know that that concludes the remarks I wanted to make during the consideration in detail stage. I take the opportunity to thank the minister's advisers for being extremely helpful. I thank in particular Matthew Sampson, Moona Antoon and Inspector Dennis Collinson. I wish them good luck in pulling this all together.

**Clause put and passed.**

**Title put and passed.**